

Tenn. Code Ann. § 68-102-108

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*** Current through the 2013 Regular Session ***

Title 68 Health, Safety and Environmental Protection
Safety
Chapter 102 Fire Prevention and Investigation
Part 1 General Provisions

Tenn. Code Ann. § 68-102-108 (2014)

68-102-108. Assistants to commissioner of commerce and insurance.

(a) The commissioner shall be aided in the performance of the commissioner's duties under this chapter by assistants designated in this section. Such assistants shall be subject to the duties and obligations imposed by this chapter, and shall be subject to the directions of the commissioner in the execution of those duties and obligations.

(b) The following persons shall be assistants to the commissioner:

(1) In an incorporated city or place having both a fire marshal and a fire department, either the fire marshal or the chief of the fire department, whomever such city or place appoints;

(2) In an incorporated city or place having either a fire marshal or a fire department, but not both, such fire marshal or the chief of such fire department;

(3) The chief of every private fire company organized within a municipality pursuant to title 7, chapter 38;

(4) The mayor of each incorporated place having no fire marshal, fire department, or private fire company;

(5) Within the bounds of any county, but outside any municipality contained in the county, the chief of any county-wide fire department authorized by title 5, chapter 17;

(6) Within the bounds of any county, but outside any municipality contained in the county, the chief of any incorporated fire department whose geographic fire response district has been established and approved by the county mayor of such county; and

(7) In an incorporated city or other place that has no fire marshal, a fire marshal from another local government.

(c) Every person who is or becomes an assistant pursuant to this section shall, within thirty (30) days after obtaining that status, submit to the commissioner the person's name, address and adequate documentation to establish the person's claim of office. Upon receipt of such information, the commissioner shall issue to the officer a certificate that evidences the officer's status as an assistant. On or after June 20, 2006, and within one (1) year from the date of the certificate, the assistant must complete a sixteen-hour course presented by the Tennessee fire service and codes enforcement academy. The Tennessee fire service and codes enforcement academy shall instruct new assistants on fire incident reporting, fire cause determination, legal requirements for fire chiefs, basic management skills, fire service agencies and associations, and fire service requirements in the state of Tennessee. The recipient shall surrender the certificate to the commissioner within ten (10) days after vacating the office by virtue of which this section designates such person as an assistant.

HISTORY: Acts 1915, ch. 131, § 4; Shan., § 3079a267; Code 1932, § 5684; modified; Acts 1975, ch. 166, § 1; 1978, ch. 674, § 2; T.C.A. (orig. ed.), §§ 53-2408, 68-17-108; Acts 1995, ch. 58, § 1; 2000, ch. 626, § 1; 2003, ch. 90, § 2; 2003, ch. 312, § 9; 2006, ch. 922, § 1.

Tenn. Code Ann. § 68-102-109

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Tenn. Code Ann. § 68-102-109 (2014)

68-102-109. Assistant appointed -- Removal of subordinate officers.

(a) If there is no officer as provided for in § 68-102-108 in any city or place, or in case such officer declines to serve, the commissioner may appoint an assistant instead.

(b) All subordinate officers working under the commissioner, including the commissioner's deputies and assistants, may be removed for cause, and their successors appointed by the commissioner.

HISTORY: Acts 1915, ch. 131, § 4; Shan., § 3079a268; impl. am. Acts 1923, ch. 7, § 55; Code 1932, § 5685; T.C.A. (orig. ed.), §§ 53-2409, 68-17-109.

Tenn. Code Ann. § 68-102-110

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Tenn. Code Ann. § 68-102-110 (2014)

68-102-110. Instructions and forms to be furnished to assistants.

The commissioner of commerce and insurance shall prepare instructions to the assistants designated in this chapter and forms for their use in the reports required by this chapter and cause them to be printed and sent, together with a copy of this chapter, to each such officer located within the state.

HISTORY: Acts 1915, ch. 131, § 4; Shan., § 3079a269; impl. am. Acts 1923, ch. 7, § 55; mod. Code 1932, § 5686; impl. am. Acts 1937, ch. 33, § 67; C. Supp. 1950, § 5686; impl. am. Acts 1971, ch. 137, § 2; T.C.A. (orig. ed.), §§ 53-2410, 68-17-110.

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Tenn. Code Ann. § 68-102-111 (2014)

68-102-111. Assistants to investigate every fire -- Reports -- Demolition of structures beyond repair.

(a) The assistants to the commissioner, as provided in §§ 68-102-101 -- 68-102-110, shall investigate the cause, origin, and circumstance of every fire occurring in any city or place in this state by which property has been destroyed or damaged, and so far as it is possible, determine whether the fire was the result of carelessness or design. The investigation shall be begun immediately upon the occurrence of the fire by the assistant in whose territory the fire has occurred, and if it appears to the officer making the investigation that the fire is of suspicious origin, the commissioner shall be immediately notified of the fact. Every fire so occurring shall be reported, in writing, to the commissioner, within ten (10) days after the occurrence of the fire, by the officer so designated, in whose jurisdiction the fire has occurred. The report shall be in the form prescribed by the commissioner and shall contain a statement of all facts relating to the cause and origin of the fire that can be ascertained, the extent of damages and the amount of insurance on the property, and such other information as may be required. A person or entity that reports information in accordance with this section is immune from civil liability for reporting such information; provided, that the person or entity acted in good faith and without malice.

(b) Whenever any assistant determines, in the course of an investigation required by subsection (a), that a building or other structure has been damaged so extensively that repair is not a feasible alternative, the assistant shall order the remains of the building or structure demolished, materials removed, and all dangerous conditions remedied. The order shall be delivered with written notice to the person responsible for the building or structure and shall state that the person must comply with the order within six (6) months or, if an insurance claim is pending on such building or structure, then the person must comply with the order within six (6) months after settlement of such claim. The person responsible for the building or structure may appeal the order, for which purpose §§ 68-102-118 -- 68-102-120 shall apply. If the person fails to comply with the order, or with the modified order if applicable, the assistant shall cause the building or structure to be demolished, materials removed and all dangerous conditions remedied, the expense to be borne by the person.

Should the person fail or neglect to repay the expenses within thirty (30) days after all dangerous conditions are so remedied, §§ 68-102-122 -- 68-102-125 shall apply.

(c) For purposes of subsection (b) only, "assistant" means:

(1) Within the boundaries of an incorporated place, a person appointed under the authority of § 68-102-108 or § 68-102-109; or

(2) Outside the boundaries of an incorporated place but within a county, a person appointed by the legislative body of the county, under the authority hereby extended, to perform the duties established by subsection (b). Any such legislative body that so appoints a person may fix the person's rate of compensation, which shall be paid from the county general fund.

HISTORY: Acts 1915, ch. 131, § 5; Shan., § 3079a270; impl. am. Acts 1923, ch. 7, § 55; Code 1932, § 5687; Acts 1978, ch. 827, § 1; T.C.A. (orig. ed.), §§ 53-2411, 68-17-111; Acts 2004, ch. 644, § 1.