



State of Tennessee

PUBLIC CHAPTER NO. 390

HOUSE BILL NO. 814

By Representatives Davis, Reedy, Alexander, Lynn, Burkhart, Butler, McCalmon, Terry, Grills, Doggett

Substituted for: Senate Bill No. 907

By Senators Niceley, Lowe, Stevens, Walley

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 102, relative to fire safety for mobile food units.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 102, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Mobile food unit" means a food service establishment designed to be readily moveable;

(2) "NFPA 10" means the National Fire Protection Association publication entitled "Standard for Portable Fire Extinguishers," 2022 edition or a subsequent edition that has been adopted by the state fire marshal by rule; and

(3) "NFPA 96" means the National Fire Protection Association publication entitled "Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations," 2021 edition or a subsequent edition that has been adopted by the state fire marshal by rule.

(b) The state fire marshal shall create a state fire permit that mobile food units may obtain annually to demonstrate fire safety and electrical code compliance to local governments.

(c) A local government shall recognize the state fire permit in its jurisdiction and shall not require a mobile food unit with a state fire permit to hold a local fire permit or pass a local fire inspection.

(d) The state fire marshal may charge a reasonable fee for the permit.

(e) The state fire marshal shall issue a state fire permit if a mobile food unit meets the following standards, as applicable:

(1) Cooking equipment that produces grease-laden vapors that may be a source of ignition of grease in the hood, grease removal device, or duct area protected with fire-extinguishing equipment in accordance with NFPA 96, or portable fire extinguishers are selected and installed in kitchen areas and comply with the NFPA 10, as adopted by reference by the state fire marshal;

(2) The fire extinguishing systems, exhaust hoods, and exhaust systems have been regularly maintained at least every six (6) months in accordance with NFPA 96;

(3) The exhaust system is not contaminated with deposits of grease-laden vapors exceeding the amount permitted by NFPA 96;

(4) Records for commercial kitchen hood cleanings are maintained in accordance with the the the International Fire Code, as adopted by the state fire marshal;

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(5) Solid fuel cooking appliances are protected by listed fire extinguishing equipment and comply with NFPA 96;

(6) All electrical appliances, equipment, and wiring comply with the National Electric Code, as adopted by the state fire marshal; and

(7) The main shutoff valve of each gas container is readily accessible, so that no fire hazards or defects have developed after the initial inspection.

(f) The state fire marshal may inspect a mobile food unit once per calendar year to ensure compliance with the standards set forth in subsection (e). The state fire marshal shall provide written notice to the mobile food unit of code violations identified in the mobile food unit and order the unit to correct the violations within a thirty-day period following the issuance of the notice. If the code violations have not been corrected within the thirty-day period, then such unit shall discontinue service until the violations have been corrected. The state fire marshal or a local government that has obtained the exemption authorized by § 68-120-101(b)(2) may conduct additional inspections if necessary to address code violations or an observation of unlawful conditions in violation of the standards in subsection (e). A mobile food unit failing to comply with such order is liable for the penalties provided in this chapter.

(g) A mobile food unit may appeal an order to the commissioner. The mobile food unit may, within forty-eight (48) hours of receipt of the order, appeal to the commissioner, who shall, within ten (10) days, review the order and file the commissioner's decision on the appeal, and, unless by the commissioner's authority the order is revoked or modified, the order must remain in full force and be complied with within the time fixed in the order or decision of the commissioner.

(h) A mobile food unit aggrieved by the order or affirmed order under subsection (g) of this section may, within five (5) days after the making or affirming of the order by the commissioner, file a petition for certiorari and supersedeas with the circuit court of the county in which the mobile food unit is located, praying for a review of the order. The court shall hear the petition as soon as practicable and issue an order or judgment as right and justice may require. A mobile food unit aggrieved by the order or judgment of the circuit court may file a petition for certiorari and supersedeas in the appellate court to review the order or judgment.

(i) This section does not:

(1) Prevent a local government from requiring a mobile food unit that does not hold a state fire permit to submit to local fire inspections and to obtain local fire permits; or

(2) Require a mobile food unit to obtain a state fire permit.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

