



**STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
STATE FIRE MARSHAL'S OFFICE  
CODES ENFORCEMENT SECTION**

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<http://tn.gov/commerce/sfm/modindex.shtml>

## **MODULAR MEMORANDUM 2009-06**

**RE: Inspection Work on Tennessee Modular Building Units Done on Site**

**DATE: August 29, 2009**

It has been brought to the attention of this office that there may be some confusion as to who inspects what concerning **Tennessee Modular Building Units**.

**Tennessee Code Annotated, Chapter 126, Part 3, Section 68-126-302(b)** states:

“(b) Because of the nature of the construction of modular building units, which arrive at the site of installation with some or all of the electrical, mechanical, plumbing and other systems already built into the unit and not able to be inspected at the site without disassembly or destruction, it is the purpose of this part to provide for the inspection of modular building units for compliance with building codes at the place of manufacture.”

**Tennessee Code Annotated, Chapter 126, Part 3, Section 68-126-304(b)** states:

“(b) (1) No local standard relating to the construction or installation of modular building units shall be applicable to any modular building unit subject to this part unless such standard is identical to that set by the commissioner pursuant to 68-126-302.”

“(b) (2) Any modular building unit bearing an insignia of approval issued by the commissioner, the commissioner's designee, or an approved inspection agency pursuant to this part shall be deemed to comply with any local standard relating to the construction of modular building units.”

“(b) (3) Subject to the provisions of subdivision (b)(1), a local government may make, and charge a fee for, an inspection of the installation of a modular building unit. Such fee shall be equal to the amount charged for a similar inspection on conventionally built housing.”

The **Modular Building Unit Manufacturer** is responsible for constructing the Modular Building Unit in compliance with the **Tennessee Modular Building Act, Tennessee Code Annotated, Chapter 126, Part 3**, and the rules promulgated thereunder **Chapter 0780-2-13**, and for providing adequate installation instructions and procedures.

The **Modular Building Unit Construction Inspection Agency** is responsible for providing the necessary monitoring and inspections to assure that the Modular Building Unit Manufacturer is constructing the Modular Building Units in compliance with the **Tennessee Modular Building Act, Tennessee Code Annotated, Chapter 126, Part 3**, and the rules promulgated thereunder **Chapter 0780-2-13**.

The **Modular Building Unit Installer** is responsible for the assembly of Modular Building Units on-site or the process of affixing components to land, a foundation, footings, utilities, or an existing building. The **Modular Building Unit Installer** must install the Modular Building Unit in compliance with the **Modular Building Unit Manufacturer's** installation instructions, if such installation instructions are not available, then in compliance with the **Standards** adopted pursuant to the **Tennessee Modular Building Act, Tennessee Code Annotated, Chapter 126, Part 3**, and the rules promulgated thereunder **Chapter 0780-2-13**.

The **Local Government** may make and charge a fee for an inspection of the installation of a Modular Building Unit. This inspection should assure compliance with the **Modular Building Unit Manufacturer's** installation instruction if available and if they are not available the installation should be in compliance with the **Standards** adopted pursuant to the **Tennessee Modular Building Act, Tennessee Code Annotated, Chapter 126, Part 3**, and the rules promulgated thereunder **Chapter 0780-2-13**.

The **Local Government** may inspect the structural, mechanical, plumbing, and electrical connections among Modular Building Units, for compliance with applicable law. Again the **Modular Building Unit Manufacturer's** installation instructions should be followed if they are available.

Although the **Local Government** is not required by the **Tennessee Modular Building Act, Tennessee Code Annotated, Chapter 126, Part 3**, and the rules promulgated thereunder **Chapter 0780-2-13**, to inspect any aspect of Modular Building Units, they are encouraged by this office to visually inspect any and all portions of the Modular Building Units and to advise this office of any violations to the **Standards** adopted pursuant to the **Tennessee Modular Building Act, Tennessee Code Annotated, Chapter 126, Part 3**, and the rules promulgated thereunder **Chapter 0780-2-13**.

**This office will require the Modular Building Unit Manufacturer to make the necessary corrections.**

The **Local Government** should inspect the installation of on-site installed equipment, structures, etc., as they would if the equipment, structures, etc., were being installed on conventionally built structures.

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**Date: August 29, 2009**

If you have any questions regarding this matter, please contact the Tennessee Modular Building Program at (615) 741-7190 or [modular.buildings@tn.gov](mailto:modular.buildings@tn.gov)

**This memorandum supersedes and replaces Modular Memorandum No. 2004-04, dated August 24, 2004.**