

Georgia Rules and Regulations

Administrative Bulletin for January 2022

OFFICE OF SECRETARY OF STATE ADMINISTRATIVE PROCEDURE DIVISION

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Final rules filed with the Georgia Secretary of State during the month of *January 2022*:

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	295-2-.16	amended	May 13, 2020	Jan. 1
300. RULES OF GEORGIA DEPARTMENT OF LABOR	300-2-4-.08	amended	Dec. 28, 2021	Jan. 1
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Department	Rules List	Action	Filed	Effective
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672. STATE DEPARTMENT OF TRANSPORTATION	672-9-.01 , 672-9-.03 , 672-9-.04	amended	Dec. 14, 2021	Jan. 3
	672-9-.05	repealed	Dec. 14, 2021	Jan. 3

Department 40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE

Chapter 40-32. HEMP GROWERS AND PROCESSORS

Subject 40-32-1. GENERAL PROVISIONS

40-32-1-.02 Definitions

Words used in these Rules in the singular form will be deemed to impart the plural, and vice versa, as the case may demand. For the purposes of these Rules, unless the context otherwise requires, the following terms will be construed, respectively, to mean:

- (1) "Acceptable hemp THC level" - when a laboratory tests a sample, it must report the total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis and the measurement of uncertainty. The acceptable hemp THC level is when the application of the measurement of uncertainty to the reported total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range that includes 0.3% or less. For example, if the reported total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis is 0.35% and the measurement of uncertainty is +/- 0.06%, the measured total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis for this sample ranges from 0.29% to 0.41%. Because 0.3% is within the distribution or range, the sample is within the acceptable hemp THC level for the purpose of compliance.
- (2) "Agricultural Marketing Service" or "AMS" - the Agricultural Marketing Service of the United States Department of Agriculture.
- (3) "Applicant" - a person or entity that submits an application for a Hemp Grower License or a Hemp Processor Permit. An application for an entity may be submitted by a person serving in an official capacity for the entity or by an agent who is authorized to sign for the entity.
- (4) "Application" - the necessary and required written request which must be submitted to the Department by an applicant, as required by the Department, and which includes, but may not be limited to, all requirements of O.C.G.A. §§ [2-5-1](#) through [2-5-4.1](#) as stated therein.
- (5) "Cannabis" - A genus of flowering plants in the family Cannabaceae of which Cannabis sativa is a species, and Cannabis indica and Cannabis ruderalis are subspecies thereof. Cannabis refers to any form of the plant in which the total delta-9 tetrahydrocannabinol concentration on a dry weight basis has not yet been determined.
- (6) "Commercial sale" - the sale of a product in the stream of commerce at retail, at wholesale, and online.
- (7) "Commissioner" - the Georgia Commissioner of Agriculture.
- (8) "Controlled Substances Act" or "CSA" - the federal Controlled Substances Act as codified in [21 U.S.C. 801](#) et seq.
- (9) "Conviction" - a final judgment of conviction entered upon a verdict or finding of guilty of a crime or upon a plea of guilty.
- (10) "Corrective Action Plan" - a plan established by the Department for a Licensee or Permittee to correct negligent violations of or non-compliance with the Georgia Hemp Farming Act or these Rules.
- (11) "Covered growing facility" - a greenhouse, building or other structure identified by a licensee as a grow site and not used for residential purposes.

- (12) "Culpable mental state greater than negligence" - to act intentionally, knowingly, willfully, or recklessly.
- (13) "Cultivate" - means to plant, water, grow, and harvest a plant or crop for commercial use.
- (14) "Decarboxylated" - the completion of the chemical reaction that converts THC-acid (THC-A) into delta-9-THC, the intoxicating component of cannabis. The decarboxylated value is also calculated using a molecular mass conversion ratio that sums delta-9 THC and eighty-seven and seven tenths (87.7) percent of THC-acid ((delta-9 THC) + (0.877 * THCA)).
- (15) "Decarboxylation" - the removal or elimination of carboxyl group from a molecule or organic compound.
- (16) "Delta-9 tetrahydrocannabinol" or "Delta-9 THC" - the primary psychoactive component of cannabis. For the purposes of this part, delta-9 THC and THC are interchangeable.
- (17) "Department" - the Georgia Department of Agriculture, its agent(s), or its designee(s).
- (18) "Dispose" or "Disposal" - an activity that transitions the non-compliant cannabis or cannabis product into a non-retrievable or non-ingestible form. Such activities include plowing, tilling, or disking plant material into the soil; mulching, composting, chopping, or bush mowing plant material into green manure; burning plant material; and burying plant material into the earth and covering with soil.
- (19) "Drug Enforcement Administration" or "DEA" - the United States Drug Enforcement Administration.
- (20) "Dry weight basis" - the ratio of the amount of moisture in a sample to the amount of dry solid in a sample. A basis for expressing the percentage of a chemical in a substance after removing the moisture from the substance. Percentage of THC on a dry weight basis means the percentage of THC, by weight, in a cannabis item (plant, extract, or other derivative), after excluding moisture from the item.
- (21) "Entity" - a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable organization, or other similar organization, including any such organization participating in the hemp production as a partner in a general partnership, a participant in a joint venture, or a participant in a similar organization.
- (22) "Farm Service Agency" or "FSA" - the Farm Service Agency of the United States Department of Agriculture.
- (23) "Federal Criminal History Report" - the Federal Bureau of Investigation's Identity History Summary.
- (24) "Federally defined THC level for hemp" - a delta-9-THC concentration of not more than 0.3 percent on a dry weight basis, or as defined in [7 U.S.C. Section 1639o](#), whichever is greater.
- (25) "Gas chromatography" or "GC" - a type of chromatography in analytical chemistry used to separate, identify, and quantify each component in a mixture. GC relies on heat for separating and analyzing compounds that can be vaporized without decomposition.
- (26) "Georgia Hemp Farming Act" - the Georgia law authorizing the Department to regulate hemp growers and processors, as provided in O.C.G.A. § [2-23-1](#) et. seq.
- (27) "Geospatial location" or "GPS coordinates" - a location designated through a global system of navigational satellites used to determine the precise ground position of a place or object.
- (28) "Grow site" - a contiguous lot, parcel, or tract of land identified in an approved Hemp Grower License on which a Licensee cultivates or intends to cultivate hemp. A Grow Site may include fields or covered growing facilities, as well as land and buildings that are not used to cultivate hemp. Each lot, parcel, or tract of land separated by a barrier or buffer of at least twelve feet (12') in width will be considered a separate Grow Site.

(29) "Handle" - to possess, dry, or store hemp plants for any period of time on premises owned, operated, or controlled by a person licensed to cultivate or permitted to process hemp, or to possess or store hemp plants in a vehicle for any period of time other than during the actual transport of such plants from the premises of a person licensed to cultivate or permitted to process hemp or a college or university authorized to conduct research pursuant to Code Section [2-23-4](#) to the premises of another licensed or permitted person or to a college or university authorized to conduct research pursuant to Code Section [2-23-4](#); provided, however, that this term does not include possessing or storing finished hemp products.

(30) "Harvest" - means the process of cutting, collecting, or otherwise removing, by hand or machinery, all or part of a live hemp plant, including but not limited to cuttings, flowers, foliage, or seeds, from their habitat in a field or covered growing facility.

(31) "Hemp" - the Cannabis sativa L. plant and any part of such plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with the federally defined THC level for hemp or a lower level.

(32) "Hemp Crop" - one (1) or more unprocessed hemp plant(s) or plant parts.

(33) "Hemp Grower License" or "Grower License" - a license issued by the Department under the authority of the Georgia Hemp Farming Act authorizing a person to handle and cultivate hemp in the State of Georgia

(34) "Hemp Processor Permit" or "Processor Permit" - a permit issued by the Department under the authority of the Georgia Hemp Farming Act authorizing a person to handle and process hemp in the State of Georgia.

(35) "Hemp Product" - all products with the federally defined THC level for hemp derived from, or made by, processing hemp plants or plant parts that are prepared in a form available for commercial sale, but not including food products infused with THC unless approved by the United States Food and Drug Administration.

(36) "Information sharing system" - the database that allows USDA to share information collected under State, Tribal, and USDA plans with Federal, State, Tribal, and local law enforcement.

(37) "Key participant" - a sole proprietor, a partner in partnership, a person with executive managerial control in any entity, or persons who have a direct financial interest in the entity producing hemp. A person with executive managerial control includes, but is not limited to, persons such as a chief executive officer, chief operating officer, and chief financial officer. This definition does not include non-executive managers such as farm, field, or shift managers.

(38) "Law enforcement" or "Law enforcement agency" - any Federal, State, or local law enforcement agency.

(39) "Licensee" - an individual or business entity possessing a Hemp Grower License issued by the Department under the authority of the Georgia Hemp Farming Act to handle and cultivate hemp for commercial purposes in the State of Georgia.

(40) "Live Hemp Plant" - for purposes of these Rules, any whole or propagative part of the cannabis plant capable or intended for propagation or growth, including living cannabis flowers and plants, immature plants, and vegetative stage plants, but excluding cannabis seeds.

(41) "Lot" - a contiguous area in a field or covered growing facility containing the same variety or strain of cannabis throughout the area.

(42) "Measurement of Uncertainty" or "MU" - the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.

(43) "Negligence" - failure to exercise the level of care that a reasonably prudent person would exercise in complying with the Georgia Hemp Farming Act and these Rules.

(44) "Permittee" - an individual or business entity possessing a Hemp Processor Permit issued by the Department under the authority of the Georgia Hemp Farming Act to handle and process hemp in the State of Georgia.

(45) "Person" - a natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association, or other form of legal business entity, as well as a state or local government entity.

(46) "Phytocannabinoid" - cannabinoid chemical compounds found in the cannabis plant, two of which are Delta-9 tetrahydrocannabinol (delta-9 THC) and cannabidiol (CBD).

(47) "Postdecarboxylation" - in the context of testing methodologies for THC concentration levels in hemp, means a value determined after the process of decarboxylation that determines the total potential delta-9 tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis. The postdecarboxylation value of THC can be calculated by using a chromatograph technique using heat, gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. Thus, this test calculates the total potential THC in a given sample. The postdecarboxylation value of THC can also be calculated by using a liquid chromatograph technique, which keeps the THCA intact. This technique requires the use of the following conversion: $[\text{Total THC} = (0.877 \times \text{THCA}) + \text{THC}]$ which calculates the potential total THC in a given sample. See the definition for decarboxylation.

(48) "Process" or "processing" - converting an agricultural commodity, including hemp, into a legally marketable form. This definition does not include:

1. Merely placing raw or dried material into another container or packaging raw or dried material for resale; or
2. Traditional farming practices such as those commonly known as drying, shucking and bucking, storing, trimming, and curing.

(49) "Produce" - to grow hemp plants for market, or for cultivation for market, in the United States.

(50) "Product lot" - a specific quantity of finished hemp products having uniform character and quality within specified limits.

(51) "Remediate" or "Remediation" - the process of rendering non-compliant cannabis, compliant. Remediation can occur by removing and destroying flower material, while retaining stalk, stems, leaf material, and seeds. Remediation can also occur by shredding the entire plant into a biomass like material, then re-testing the shredded biomass material for compliance.

(52) "Residential Purposes" - use or intended use of a building or portion thereof, including but not limited to apartments, townhomes, and other multi-family structures, for occupancy by one or more persons for living, sleeping, cooking, or eating.

(53) "Reverse distributor" - a person who is registered with the DEA in accordance with [21 CFR 1317.15](#) to dispose of marijuana under the Controlled Substances Act.

(54) "Secretary" - the United States Secretary of Agriculture.

(55) "THC" - tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.

(56) "Total THC" - the value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expresses the potential total delta-9 tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis. This post-decarboxylation value of THC can be calculated by using a chromatograph technique using heat, such as gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. Thus,

this test calculates the total potential THC in a given sample. The total THC can also be calculated by using a liquid chromatograph technique, which keeps the THCA intact. This technique requires the use of the following conversion: $[\text{Total THC} = (0.877 \times \text{THCA}) + \text{THC}]$ which calculates the potential total THC in a given sample.

(57) "USDA" - the United States Department of Agriculture.

(58) "Variety" - a group of plants or an individual plant that exhibits distinctive observable physical characteristic(s) or has a distinct genetic composition. For purposes of these Rules, "variety" is synonymous and interchangeable with "strain".

(59) "Volunteer cannabis plant" - any cannabis plant that: (a) Grows of its own accord from seeds or roots in the years following an intentionally planted cannabis crop; and (b) Is not intentionally planted.

Cite as Ga. Comp. R. & Regs. R. 40-32-1-.02

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Definitions" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Department 40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE

Chapter 40-32. HEMP GROWERS AND PROCESSORS

Subject 40-32-2. HEMP GROWERS

40-32-2-.01 Application for Hemp Grower License

(1) Any person desiring to cultivate and handle hemp in Georgia must submit a complete and accurate Hemp Grower License Application online at the Department's website, agr.georgia.gov.

(2) Any person producing or intending to produce hemp must have a valid Hemp Grower License prior to receiving, producing, cultivating, handling, or storing hemp. A valid license means that the license has been issued and is unexpired, unsuspended, and unrevoked.

(3) As part of the Hemp Grower License Application, each applicant must submit to the Department the following:

(a) An annual Hemp Grower License fee of \$50.00 per acre cultivated up to a maximum application fee of \$5,000.00;

1. The applicant must provide the maximum total acres of hemp intended to be cultivated in fields during the relevant licensing period.

2. Applicants cultivating hemp in covered growing facilities must identify the maximum number and size, in square footage, of covered growing facilities intended to be used for cultivation during the relevant licensing period.

3. The license fee will not be prorated for fractions of acres. Fractional acreage will be rounded up to the next whole number for fee calculation purposes.

4. Each covered growing facility in which hemp is cultivated will be considered a separate acre for fee calculation purposes. Acreage calculations for each covered growing facility will be determined on a 43,560 square-foot basis.

5. Any Licensee who cultivates more acreage than is listed on the Hemp Grower License Application will be deemed to have violated their Hemp Grower License and will be subject to enforcement under the Georgia Hemp Farming Act and these Rules.

(b) Contact information including, but not limited to:

1. Name;

2. Street Address;

3. Mailing Address;

4. Telephone Number; and

5. Email Address.

(c) If the applicant is a business entity, information including, but not limited to:

1. Legal business name or trade name;

2. Business structure type;
 3. Address of the principal business location;
 4. Primary contact information;
 5. Current Certificate of Existence obtained through the Georgia Secretary of State's Office;
 - i. If an applicant is an entity formed in a foreign jurisdiction, including a different State, it must submit an equivalent certificate of existence from its home jurisdiction, as well as a Georgia Certificate of Authority to conduct business.
 6. Employer Identification Number (EIN); and
 7. Name, title, and current primary contact information, including telephone number and email address, for each owner, key participant, and person holding a beneficial interest in the Hemp Grower License for which an application is being made.
- (d) Information sufficient for locating fields and covered growing facilities to be used to cultivate and harvest hemp, specifically;
1. If hemp is cultivated or is intended to be cultivated in a field:
 - i. A legal description, obtained from the relevant county courthouse property records, of land on which hemp will be cultivated or handled;
 - ii. GPS coordinates provided in decimal of degrees and taken at the approximate center of each Grow Site; and
 - iii. An aerial map or photograph that clearly shows the boundaries and dimensions of each Grow Site in acres or square feet.
 2. If hemp is cultivated or is intended to be cultivated in a covered growing facility:
 - i. A legal description, obtained from the relevant county courthouse property records, of land on which hemp will be cultivated or handled;
 - ii. GPS coordinates provided in decimal of degrees and taken at the approximate entrance of the covered growing facility composing the Grow Site;
 - iii. The approximate dimension or square feet of the covered growing facility composing the Grow Site; and
 - iv. An aerial map or photograph that clearly shows the boundaries and dimensions of each Grow Site in acres or square feet.
- (e) Information sufficient for locating hemp storage facilities including, but not limited to:
1. A legal description, obtained from the relevant county courthouse property records, of land on which hemp will be stored;
 - i. A licensee need not identify a field as a storage facility to the extent that a licensee leaves harvested hemp to rot in a field. However, a licensee must identify a field as a storage facility if the licensee intends to bail or otherwise prepare the hemp for long term storage in the field.
 2. GPS coordinates provided in decimal of degrees and taken at the approximate entrance of each storage facility;
 3. The approximate dimension or square feet of each storage facility; and

4. An aerial map or photograph that clearly shows the boundaries and dimensions of each storage facility.
- (f) An attestation that property to be used for the cultivation, handling, or storage of hemp is not used for residential purposes.
- (g) Written consent allowing representatives of the Department, the Georgia Bureau of Investigation, and other federal, state, and local law enforcement agencies to enter all premises where hemp is being cultivated, harvested, or handled for the purpose of conducting physical inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and these Rules;
- (h) An acknowledgement of the Grower License Terms and Conditions;
- (i) An attestation that the applicant owns or has legal permission to cultivate, handle, or store hemp on property listed on the application; and
1. For purposes of satisfying this requirement, sufficient ownership of property or legal permission to cultivate, handle, or store hemp on property includes property specifically deeded or leased to the respective applicant, whether an individual or entity, use of which will not be in violation of local zoning or other real estate ordinances.
- (j) Any other information, disclosure, or documents required to be submitted by Georgia or Federal law or regulation.
- (4) Upon receipt of an otherwise complete application for a Hemp Grower License, the Department will conduct a criminal background check and obtain a federal criminal history report for the applicant or, if the applicant is a business entity, all key participants, as outlined below:
- (a) At least one set of classifiable electronically recorded fingerprints of the individual applicant or, if the applicant is a business entity, one set of classifiable electronically recorded fingerprints of each key participant must be submitted to the Department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation.
- (b) The Department will transmit the fingerprints to the Georgia Crime Information Center, which will submit the fingerprints to the Federal Bureau of Investigation for a search of bureau records and generation of an appropriate report, and the Georgia Crime Information Center will promptly conduct a search of state records based upon the fingerprints and generate an appropriate report.
- (c) After receiving reports from the Georgia Crime Information Center and the Federal Bureau of Investigation, the Department will review the record for all individuals or key participants, as applicable.
- (5) Hemp Grower Licenses will be issued on January 1 of each year, or otherwise when approved by the Department.
- (6) Hemp Grower Licenses will expire on December 31 of each year unless suspended, cancelled, or revoked at an earlier date.
- (7) A current and valid Hemp Grower License may be renewed by submitting a renewal application, annual license fee, annual criminal background checks dated within 60 days prior to the renewal application submission date, and all other required information online at the Department's website, agr.georgia.gov, by December 1 of each year.
- (a) A Licensee may not renew their Hemp Grower License until they have submitted all required Disposal or Remediation Reports and their Annual Report.
- (b) A Licensee that begins, but does not finalize, a renewal application of its Hemp Grower License within 60 days of January 1 of a given year, must subsequently complete a full application as if applying for the first time.

(8) A Licensee may request select changes to a Hemp Grower License. To request a change to a Hemp Grower License, the Licensee must, at least ten (10) calendar days prior to making the change, provide written notice of the proposed change to the Department via e-mail to hemp@agr.georgia.gov, or submit the proposed changes on the Department's website used to administer Hemp Grower Licenses. Changes to a Grower License in accordance with such written notice and updated information will be valid only upon the Department's approval. No such change will exempt a Licensee from compliance with all requirements of a Grower License, including acceptable background checks for all key participants.

Licensees may request changes to the following:

(a) The information originally submitted in Licensee's Grower License application in satisfaction of Rules 40-32-2-.01(3)(b), (c), (d), and (e).

1. If a Licensee provides written notice and updated information regarding additional acreage, different Grow Sites locations, or different storage locations where Licensee intends to cultivate, handle, or store hemp, Licensee must submit payment for any additional acreage within ten (10) days of the Department's approval of the requested change.

2. Changes reflecting a reduction in cultivated field or covered growing facility acreage will not entitle a Licensee to a refund of previously paid fees.

3. Licensees will be limited to a maximum of three (3) changes per calendar year made in accordance with this Rule 40-32-2-.01(8)(a).

(b) Prior to any change in a Licensee's key participants, the Licensee must submit a proposed change to the Grower License reflecting the change of key participant. The Department will conduct a background check on new key participants in accordance with Rule 40-32-2-.01(4).

(9) Any person who materially falsifies any information contained in an application for a Hemp Grower License will be ineligible to receive a Hemp Grower License or otherwise participate in the Georgia Hemp Program.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.01

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Application for Hemp Grower License" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-2-.02 Grower License Terms and Conditions

Each Licensee must acknowledge and agree to the terms and conditions governing the Hemp Grower License which include, but are not limited to, the following:

(1) Except as explicitly provided for in these Rules or corrections of typographical errors approved by the Department, no alterations will be allowed to any Hemp Grower License or to any Grow Site once approved.

(2) The Licensee must notify the Department, via e-mail to hemp@agr.georgia.gov, of any theft or loss of hemp or hemp materials, whether growing or not, within forty-eight (48) hours of the discovery of such theft or loss.

(3) The Licensee must report any felony convictions or misdemeanor convictions, of itself or any of its key participants, relating to controlled substances under Georgia law or under Federal law to the Department, via e-mail to hemp@agr.georgia.gov, within five (5) calendar days of receiving notice of such conviction.

(4) The Licensee must notify the Department, via e-mail to hemp@agr.georgia.gov, within ten (10) calendar days of the following:

(a) A disciplinary proceeding or enforcement action by another government entity that may affect the Licensee's business; and

(a) Temporary closures of more than thirty (30) calendar days or permanent closure of any Grow Site or storage facility.

(5) Any information provided to the Department may be publicly disclosed in accordance with the Georgia Open Records Act (O.C.G.A. § [50-18-70](#) et. seq.) and may be provided to law enforcement agencies without further notice to the applicant.

(6) No Hemp Grower License shall be issued to any applicant who has been convicted of a misdemeanor involving the sale of or trafficking in a controlled substance or a felony or who materially falsifies any information contained in a license application. Each owner, key participant, and person holding a beneficial interest in the Licensee will be subject to this restriction for purposes herein.

(7) No person will be issued more than one Hemp Grower License, nor will any person be permitted to have a beneficial interest in more than one Hemp Grower License, regardless of the degree of such interest, as provided in O.C.G.A. § [2-23-5](#).

(8) Hemp Grower Licenses cannot be sold, assigned, transferred, pledged, or otherwise disposed of, alienated, or encumbered to or by another person, business, individual, or entity.

(9) The Licensee must have the legal right to cultivate hemp on the Grow Site(s) listed on the Hemp Grower License and must have the legal authority to grant the Department physical access to all land and buildings for inspection and sampling purposes. Legal authority includes, but is not limited to, clear title, necessary easements, necessary licenses, and/or current leases.

(10) The Licensee must allow and fully cooperate with all required sampling, testing, audits, and inspections.

(11) The Licensee must provide for a right of way or other access point allowing the Department and law enforcement agencies to access the licensed Grow Site(s).

(12) The Licensee must maintain all records, documents, or information and make all reports within the applicable time frames as required in these Rules.

(13) Hemp must not be cultivated, handled, harvested, or stored in any location that is not listed in the Hemp Grower License.

(14) The Licensee must scout and monitor unlicensed fields for volunteer cannabis plants and dispose of those volunteer cannabis plants for three (3) years past the last date of planting reported to the Department. In fulfilling Licensee's obligation under this Rule, Licensee is not required to enter property for which it does not have a legal right to enter.

(15) The Department will require disposal, without compensation, of plants located in an area that is not licensed by the Department as well as plants not accounted for in records required to be maintained by the Licensee.

(16) In the event that a tested official sample for a lot exceeds the acceptable hemp THC level upon its final retest, the Licensee's entire lot with the same GPS coordinates must either be disposed of or remediated in accordance with these Rules.

(17) The Licensee must not handle, dry, process, store, sell, transfer, ship, transport, deliver, distribute, or otherwise provide any cannabis that exceeds the acceptable hemp THC level. The Licensee must ensure that cannabis exceeding the acceptable hemp THC level does not enter the stream of commerce.

(18) The Licensee must ensure that hemp and hemp plant material from one lot is not commingled with hemp or hemp plant material from other lots. Licensees must label or otherwise reasonably identify lots sufficiently to enable Department inspectors or law enforcement to distinguish different lots.

(19) The Licensee must not ship, transport, deliver, or allow Live Hemp Plants and materials produced by the Licensee to be shipped, transported, or otherwise delivered to unlicensed areas including, but not limited to, trade shows, county fairs, educational events, or other events.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.02

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Grower License Terms and Conditions" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-2-.03 Grower Sampling Requirements

(1) Within 30 days prior to the anticipated harvest of any lot of cannabis plants, the Licensee must have a Department-approved sampling agent collect samples from cannabis plants in the lot for total delta-9 tetrahydrocannabinol concentration level testing.

(a) Notwithstanding any other requirement in these Rules, the following sampling procedures apply to a lot of hemp that is never allowed to flower and that is grown solely to produce cuttings for sale to other licensed growers for propagation:

1. If an official sample taken from such a lot yields an acceptable hemp THC level, the official sample will be deemed sufficient and representative of all additional harvests of cuttings from the same lot within 30 days of the original sample.
2. Cuttings harvested from such a lot more than 30 days after the original sample will require an additional sample, which if yielding an acceptable THC level, will be deemed sufficient and representative of all additional harvests of cuttings from the same lot within 30 days of that subsequent sample.

(2) Sampling will be conducted in accordance with the USDA's most current *Sampling Guidelines for Hemp, U.S. Domestic Hemp Production Program*, which will be made available on the Department's website at agr.georgia.gov.

(3) The method used for sampling must be sufficient at a confidence level of 95 percent that no more than one percent (1%) of the plants in the sampled lot would exceed the acceptable hemp THC level. The method used for sampling must ensure that a representative sample is collected that represents a homogeneous composition of the lot.

(4) During a scheduled sample collection, the Licensee or an authorized representative of the Licensee must be present at the grow site.

(5) The cannabis material to be collected for sampling will be determined by the Department-approved sampling agent, in accordance with the USDA's most current *Sampling Guidelines for Hemp, U.S. Domestic Hemp Production Program*.

(6) The Licensee will be responsible for paying all sampling fees. No compensation will be owed by the Department to the Licensee for any such sampling or for any samples collected by the Department-approved sampling agent.

(7) Only samples taken by a Department-approved sampling agent will be considered official samples.

(8) The Department-approved sampling agent(s) must be provided with complete and unrestricted access during business hours to all hemp and other cannabis plants and material, whether growing or harvested, and all land, buildings, and other structures used for the cultivation, handling, or storage of all hemp and other cannabis plants, and all locations listed in the Hemp Grower License.

(9) A Licensee must not harvest any cannabis prior to samples being taken.

(10) Only post-harvest samples may be used for remediated biomass.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.03

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Grower Sampling Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-2-.04 Grower Laboratory Testing Requirements

(1) Standard testing procedures are specified for samples taken in accordance with the sampling procedures for the Georgia Hemp Program to measure the total delta-9 tetrahydrocannabinol (THC) concentration levels of those samples on a dry weight basis.

(2) Analytical testing for purposes of detecting the concentration levels of total delta-9 tetrahydrocannabinol (THC) must be conducted and reported by a laboratory registered with DEA to handle controlled substances under the Controlled Substances Act (CSA), 21 CFR part 1301.13.

(3) Analytical testing for purposes of detecting the concentration levels of total delta-9 tetrahydrocannabinol (THC) must be conducted in accordance with the USDA's most current *Laboratory Testing Guidelines, U.S. Domestic Hemp Production Program*, which will be made available on the Department's website at agr.georgia.gov. Such testing must meet the following standards:

(a) Laboratory quality assurance must ensure the validity and reliability of test results;

(b) Analytical method selection, validation, and verification must ensure that the testing method used is appropriate (fit for purpose) and that the laboratory can successfully perform the testing;

(c) The demonstration of testing validity must ensure consistent, accurate analytical performance;

(d) Method performance specifications must ensure analytical tests are sufficiently sensitive for the purposes of the detectability requirements of this Rule;

(e) Implement effective disposal procedures for non-compliant samples that do not meet the acceptable hemp THC level; and

(f) Sample preparation of pre- or post-harvest samples shall require grinding of the sample to ensure homogeneity prior to testing.

(4) At a minimum, analytical testing of samples for delta-9 tetrahydrocannabinol concentration levels must use post-decarboxylation or other similarly reliable methods approved by the Secretary or Commissioner. The testing methodology must consider the potential conversion of delta-9 tetrahydrocannabinolic acid (THCA) in hemp into delta-9 tetrahydrocannabinol (THC) and the test result reflect the total available THC derived from the sum of the THC and THC-A content. Testing methodologies meeting the requirements of this Rule include, but are not limited to, gas or liquid chromatography with detection.

(5) The total delta-9 tetrahydrocannabinol concentration level must be determined and reported on a dry weight basis.

(6) Measurement of uncertainty (MU) must be estimated and reported with test results. Laboratories must use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

(7) Any final sample test result exceeding the acceptable hemp THC level will be conclusive evidence that the lot represented by the sample is not in compliance with these Rules.

(8) Each Licensee must ensure that the DEA-registered laboratory conducting the analytical testing of the sample(s) from the Licensee's lots submits results for all tested samples to the Department via e-mail to hemp@agr.georgia.gov. Laboratories are only required to submit test results performed to comply with Rule 40-32-2-.03. Laboratories are not required to report test results from informal testing conducted throughout the growing season. The test results must be reported using the Department's "Grower Laboratory Test Results Report" form and must contain the following information for each sample tested:

(a) Producer's license or authorization identifier;

(b) Name of producer;

(c) Business address of producer;

(d) Lot identification number for the sample;

(e) GPS coordinates of the lots sampled;

(f) Name and DEA registration number of the laboratory;

(g) Date of test and report;

(h) Identification of a pre-harvest retest;

(i) Measurement of uncertainty (MU); and

(j) Test result.

(9) The Licensee will be responsible for paying all testing fees. No compensation will be owed by the Department to the Licensee for any such testing.

(10) A Licensee must not transfer, transport, or otherwise distribute any lot of cannabis prior to receiving analytical testing results verifying that the lot does not exceed the acceptable hemp THC level.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.04

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Grower Laboratory Testing Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-2-.05 Grower Responsibilities and Restrictions

(1) The Licensee must harvest the lot not more than thirty (30) days following the date of sample collection. The day the Department-approved sampling agent collects a sample serves as the first of the 30 days allowable to complete harvest of the sampled lot. If an additional sample is collected by the Department-approved sampling agent in

connection with a demand for additional pre-harvest testing by a Grower, the day such additional sample is collected will serve as the first of the 30 days allowable to complete harvest of the sampled lot.

(2) If the Licensee fails to complete harvest within thirty (30) days of sample collection, a new pre-harvest sample of the lot will be required to be submitted for testing.

(3) Harvested lots of hemp plants must not be commingled with other harvested lots or other material without prior written permission from the Department.

(4) Only lots that meet the acceptable hemp THC level may enter the stream of commerce.

(5) A Licensee may demand one additional pre-harvest test of a lot if it is believed that the original total delta-9 tetrahydrocannabinol concentration level test results were in error. Additional pre-harvest testing must be conducted at the same laboratory that originally tested the lot sample.

(a) Additional pre-harvest testing may use the original sample, provided sufficient sample material remains, or an additional sample from the lot collected by a Department-approved sampling agent.

(6) Any lot yielding an official sample test result, or additional pre-harvest official sample test result, as applicable, exceeding the acceptable hemp THC level, must not enter the stream of commerce and the Licensee must either dispose of or remediate the lot in accordance with these Rules.

(7) A Licensee must not:

(a) Cultivate or handle hemp on any Grow Site not listed on the Hemp Grower License and must take immediate steps to prevent the inadvertent growth of hemp outside of the authorized Grow Site(s);

(b) Cultivate or handle any cannabis that is not hemp;

(c) Cultivate or handle hemp in any structure that is used for residential purposes;

(d) Cultivate any other crop within a lot of hemp;

(e) Allow unsupervised public access to hemp or hemp Grow Sites; or

(f) Cultivate or handle hemp on property owned by, leased from, or previously submitted in a Hemp Grower License Application by any person who is ineligible for, was terminated from, or was denied admission to the program for failure to obtain an acceptable criminal history report or for violations of the Georgia Hemp Farming Act or these Rules.

(8) The Licensee must post weatherproof signage at the entrance to each Grow Site. The signage must be at least three feet (3') in length and two feet (2') in height or the maximum allowable size for signage pursuant to applicable local ordinances, whichever is smaller, and must include at least the following information:

(a) The statement, "Georgia Department of Agriculture Licensed Hemp Grower";

(b) The name of the Licensee;

(c) The Georgia Department of Agriculture Hemp Grower License number; and

(d) The Department's telephone number, (404) 656-3600.

(9) The Licensee must comply with all applicable local, state, and federal laws, rules, regulations, and ordinances at all times.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.05

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Grower Responsibilities and Restrictions" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-2-.06 Disposal or Remediation of Non-Compliant Cannabis

(1) Cannabis exceeding the acceptable hemp THC level constitutes marijuana, a schedule I controlled substance under Georgia law and federal law.

(2) Licensees must either arrange for a Reverse Distributor to dispose of non-compliant cannabis or ensure the disposal of non-compliant cannabis at the Grow Site using one of the methods identified in these Rules.

(3) Prior to disposal, Licensees may attempt to remediate non-compliant cannabis using one of the methods identified in these Rules. After attempted remediation, an additional sample of the lot must be taken by a Department-approved sampling agent and tested in accordance with these Rules to confirm the lot contains an acceptable THC level.

(a) A lot that has undergone attempted remediation and yields an official sample test result that exceeds the acceptable THC level must not enter the stream of commerce and must be disposed of in accordance with these Rules.

(4) Upon notice and confirmation that a lot has exceeded the acceptable hemp THC level, the Department will issue an Order of Disposal or Remediation requiring the entire lot to be disposed of or remediated within a reasonable time to be determined by the Department. Within five days of receipt of an Order of Disposal or Remediation, a Licensee must notify the Department by email to hemp@agr.georgia.gov of its intent to either dispose of or attempt remediation of the non-compliant cannabis.

(5) The Licensee will be responsible for arranging disposal through a reverse distributor, disposal at the Grow Site using one of the methods identified in these Rules, or remediation.

(6) The Licensee will be responsible for all costs and fees associated with the disposal or remediation of cannabis exceeding the acceptable hemp THC level. No compensation will be owed by the Department to the Licensee for any such disposal or remediation.

(7) Cannabis subject to disposal or remediation must not be removed from the Grow Site or from any other area where such cannabis is being handled or stored.

(8) Within 14 days of the date of completion of disposal or remediation, the Licensee must submit a "Disposal or Remediation Report" form to the Department, which must contain the following information:

(a) Name and address of the Licensee;

(b) Hemp Grower License number;

(c) Geospatial location, including location type, or other valid land descriptor, for the production area subject to disposal or remediation;

(d) Descriptive information related to the disposal or remediation, including, as applicable:

1. Information on the reverse distributor agent handling the disposal and reverse distributor certification of completion of the disposal;

2. Evidence sufficient, in the Department's sole discretion, to document disposal of the non-compliant cannabis at the Grow Site by Licensee; or

i. Video or time-stamped photographic evidence of disposal will constitute sufficient evidence of disposal in most cases.

3. A written description of the remediation performed and post-remediation official sample test results.

(e) Total acreage or square footage disposed or remediated;

(f) Date of completion of disposal or remediation; and

(g) Signature of the Licensee.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.06

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Disposal of Non-Compliant Cannabis" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: New title, "Disposal or Remediation of Non-Compliant Cannabis." F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-2-.07 Sale of Hemp Seed and Live Hemp Plants

(1) Each person or entity, including any Licensee, that sells hemp seed to a Licensee must comply with the Georgia Seed Law, O.C.G.A. § [2-11-20](#), et seq. and Seed Division Regulations, GA. Comp. R. & Regs. Rules 40-12-1, et seq., including obtaining any required license thereunder.

(2) Each person or entity, including any Licensee, that sells Live Hemp Plants to a Licensee must comply with the Entomology Act, O.C.G.A. § [2-7-1](#), et seq. and Live Plant Regulations, GA. Comp. R. & Regs. Rules 40-4-9, et seq., including obtaining any required license thereunder.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.07

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Transportation Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: New title, "Sale of Hemp Seed and Live Hemp Plants." F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-2-.08 Storage of Hemp

(1) A Licensee may store hemp cultivated by said Licensee provided:

(a) The Licensee identifies each storage facility on the Hemp Grower License;

(b) The Licensee maintains complete and accurate records detailing the harvest lot(s), including the amount being stored at each storage facility. Harvest lots in storage must be separated in such a manner that maintains the unique identity of each harvest lot stored at the storage facility;

1. In the event that a tested official sample of a harvested lot held at a storage facility exceeds the acceptable hemp THC level, the harvested lot and all comingled hemp held at the storage facility will be promptly disposed of or remediated in accordance with these Rules.

- (c) The storage facility is owned or leased by the Licensee; and
- (d) The storage facility is secured with physical containment and reasonable security measures.
- (2) No Licensee may warehouse or otherwise store hemp that is not owned by the Licensee.
- (3) All storage area(s) will be subject to inspection by Department officials.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.08

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Storage of Hemp" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-2-.10 Recordkeeping and Reporting Requirements

(1) Licensee Recordkeeping and Reporting

(a) Licensees must maintain records of all hemp plants acquired, produced, handled, or disposed of or remediated as will substantiate any and all reports required by the Department.

(b) All records must be made available for inspection by the Department during reasonable business hours. Such records must include, but are not limited to, the following:

1. Records regarding acquisition of hemp;
2. Records regarding all written agreements with Licensees and Permittees, or out of state processors, governing their business relationship;
3. Records regarding production and handling of hemp;
4. Records regarding hemp sampling and testing analyses;
5. Records regarding storage of hemp;
6. Records regarding the transfer, remediation, and disposal of hemp; and
7. Records regarding remediation or disposal of all cannabis plants exceeding the acceptable hemp THC level.

(c) Planting Report

1. Each Licensee must submit a planting report to the Department within 30 days of planting a lot of hemp. The planting report must be submitted through the Department's website used for administering licenses, and will include the following information for each lot of hemp planted:

- (i) Street address and geospatial location of each lot, covered growing facility, or site where hemp will be produced;
- (ii) Total acreage or square footage of hemp planted;
- (iii) Varietal or cultivar of hemp planted;
- (iv) Planting date;
- (v) Intended end use of the hemp planted (i.e. - seed, fiber, floral, or cannabinoids);

(vi) Expected harvest date; and

(vii) Source of propagative material (i.e. - from where the Licensee obtained its seeds, cuttings, clones, or seedlings).

2. The Department may, but is not required to, aggregate Planting Report data and prepare a report of plantings on an anonymized basis. No Licensee may receive a copy of the Department's report unless that Licensee submitted a Planting Report for each of its lots planted.

(d) Annual Report

1. Each Licensee must submit an annual report to the Department. The report form must be submitted by November 30 of each year and contain the following information:

(i) Licensee's name;

(ii) Licensee's address;

(iii) Georgia Hemp Grower License Number;

(iv) Street address and geospatial location of each lot, covered growing facility, or site where hemp will be produced;

(v) Acreage dedicated to the production of hemp, or covered growing facility square footage dedicated to the production of hemp; and

(vi) Total acreage of hemp planted, harvested, remediated and disposed.

2. The Department will report all information collected in the Annual Report to AMS as required by USDA.

(e) Reporting to FSA Required

1. All Licensees must report hemp crop acreage with FSA and must provide, at minimum, the following information to FSA:

(i) Hemp crop acreage;

(ii) Total acreage of hemp planted, harvested, remediated and disposed;

(iii) Georgia Hemp Grower License Number;

(iv) Street address;

(v) Geospatial location of each lot, covered growing facility, or site where hemp will be produced. All locations where hemp is produced must be reported to FSA; and

(vi) Acreage of covered growing facility square footage dedicated to the production of hemp.

(f) All records and reports must be kept and maintained by the Licensee for not less than three calendar years and in a manner such that they can be readily provided to the Department upon request.

(2) Department Recordkeeping and Reporting

(a) The Department will maintain all relevant records and information regarding Licensees and land on which hemp is produced in Georgia, including a legal description of the land, for a period of not less than three calendar years.

(b) The Department will collect, maintain, and report to USDA via fax, certified mail, email, or other method deemed acceptable by USDA the following contact and real-time information for each Licensee in Georgia:

1. The contact information of each Licensee collected pursuant to Rule 40-32-2-.01.
2. A legal description of the land on which hemp is grown including its geospatial location; and
3. The status of licensed growers (and any changes) and Hemp Grower License number of each hemp grower.

(c) By the first of each month, and not more than thirty (30) days after receipt, the Department will provide the following information to the United States Secretary of Agriculture or the Secretary's designee in a format that is compatible with USDA's Information Sharing System whenever possible. If the first of the month falls on a weekend or holiday, the report will be submitted by the first business day following the due date:

1. Hemp Grower Report, which will contain the following:

(i) For each new Licensee who is an individual and is licensed under the Georgia Hemp Plan, the report will include the full name of the individual; Georgia Hemp Grower License number; business address; telephone number; email address (if available); the legal description of the land on which the Licensee will produce hemp including, to the extent practicable, its geospatial location; and the scope of activity authorized;

(ii) For each new Licensee that is an entity and is licensed under the Georgia Hemp Plan, the report will include the full name of the entity; the principal business location address; EIN number; Georgia Hemp Grower License number; the full name, title, and email address (if available) of each person for whom the entity is required to submit a criminal history record report; the legal description of the land on which the Licensee will produce hemp including, to the extent practicable, its geospatial location; and the scope of activity authorized;

(iii) For each Licensee that was included in a previous report and whose reported information has changed, the report will include the previously reported information and the new information;

(iv) The status of each hemp grower's license;

(v) The period covered by the report; and

(vi) Indication that there were no changes during the current reporting cycle, if applicable.

2. Hemp Disposal or Remediation Report, which will contain the following:

(i) Name and contact information of the Licensee;

(ii) Hemp Grower License number;

(iii) Location information, such as lot number, location type, and geospatial location or other location descriptor for the production area subject to disposal;

(iv) A copy of the respective test results;

(v) Information on the agent handling the disposal, as applicable;

(vi) Disposal or remediation completion date; and

(vii) Total acreage disposed or remediated.

(d) Annual Report

1. The Department will submit an annual report to USDA. The report form will be submitted by December 15 of each year and contain the following information:

- (i) Total planted acreage;
 - (ii) Total harvested acreage; and
 - (iii) Total acreage disposed and remediated.
- (e) Test Results Report

1. The Department will promptly notify USDA by certified mail or electronically of any occurrence of cannabis plants or plant material that do not meet the definition of hemp and will attach copies of analytical test results as well as records demonstrating appropriate disposal of all of those plants and materials in the lot from which the representative samples were taken.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.10

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Recordkeeping and Reporting Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-2-.12 Violations and Enforcement

(1) Violations include, but are not limited to, the following:

- (a) Cultivating or handling hemp without a Hemp Grower License from the Department;
 - (b) Cultivating or handling any cannabis that is not hemp;
 - (c) Cultivating hemp that exceeds the acceptable hemp THC level;
 - (d) Selling, transferring, shipping, transporting, delivering, distributing, or otherwise providing hemp that exceeds the acceptable hemp THC level;
 - (e) Cultivating or handling hemp on a site not approved by the Department as part of the Hemp Grower License;
 - (f) Allowing unsupervised public access to hemp growing or handling areas, including storage areas;
 - (g) Denying any Department or law enforcement official access for compliance, sampling, or inspection purposes;
 - (h) Failure to keep and maintain any records, documents, or information required by these Rules;
 - (i) Failure to make any timely report required by these Rules;
 - (j) Failure to comply with any of the Grower Responsibilities and Restrictions;
 - (k) Failure to comply with any of the Grower License Term and Conditions; and
 - (l) Failure to comply with, or any violation of, any other provision of the Georgia Hemp Farming Act or these Rules.
- (2) A violation of the Georgia Hemp Farming Act or these Rules will be subject to enforcement in accordance with O.C.G.A. § [2-23-10](#).

(a) In the event the Department determines that a Licensee has negligently violated the Georgia Hemp Farming Act or these Rules, then the Department will issue a Corrective Action Plan to said Licensee.

1. The Corrective Action Plan will include, but may not be limited to:

(i) A reasonable date by which the Licensee must correct the negligent violation, which may include disposal or remediation of hemp in accordance with these Rules;

(ii) A requirement that the Licensee must periodically report to the Commissioner on the compliance status of the Licensee with the Corrective Action Plan for a period of not less than two (2) years after the violation; and

(iii) Any and all reasonable steps the Department deems necessary and proper to address the negligent violation(s).

2. Licensees do not commit a negligent violation if they make reasonable efforts to grow hemp and the cannabis (marijuana) does not have a total delta-9 tetrahydrocannabinol concentration of more than 1.0 percent on a dry weight basis.

3. The Department will monitor and conduct any and all inspections necessary to determine if the Corrective Action Plan has been implemented as required.

(b) If the Commissioner determines that a Licensee has violated the Georgia Hemp Farming Act or these Rules with a culpable mental state greater than negligence, the Commissioner will immediately report the Licensee to the United States Attorney General and the Georgia Attorney General, and such violations will be subject to enforcement in accordance with applicable law.

(c) Persons who violate the Georgia Hemp Farming Act or these Rules are subject to enforcement in accordance with the Georgia Hemp Farming Act, these Rules, and other applicable state law.

(d) Violations of the Georgia Hemp Farming Act or these Rules may constitute a public nuisance under Georgia law, and civil enforcement may result.

Cite as Ga. Comp. R. & Regs. R. 40-32-2-.12

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Violations and Enforcement" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

Department 40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE

Chapter 40-32. HEMP GROWERS AND PROCESSORS

Subject 40-32-3. HEMP PROCESSORS

40-32-3-.01 Application for Hemp Processor Permit

(1) Any person desiring to process and handle hemp in Georgia must submit a complete and accurate Hemp Processor Permit Application online at the Department's website, agr.georgia.gov.

(2) Any person processing or intending to process hemp must have a valid Hemp Processor Permit prior to receiving, processing, handling, or storing hemp. A valid permit means the permit has been issued and is unexpired, unsuspended, and unrevoked.

(3) As part of the Hemp Processor Permit Application, each applicant must submit to the Department the following:

(a) An annual Hemp Processor Permit fee of \$25,000.00;

(b) A surety bond in compliance with the requirements for Permittee surety bonds set forth herein;

(c) Information regarding the applicant's business including, but not limited to:

1. Legal business name or trade name;

2. Business structure type;

3. Address of the principal business location;

4. Primary contact information;

5. Current Certificate of Existence obtained through the Georgia Secretary of State's Office;

(i) If applicant is an entity formed in a foreign jurisdiction, including a different State, it must submit an equivalent certificate of existence from its home jurisdiction, as well as a Georgia Certificate of Authority to conduct business.

6. Employer Identification Number (EIN); and

7. Name, title, and current primary contact information, including telephone number and email address, for each owner, key participant, and person holding a beneficial interest in the Hemp Processor Permit for which an application is being made.

(d) A legal description, obtained from the relevant county courthouse property records, for property on which each processing or handling facility is located;

(e) An attestation that the applicant owns or has legal permission to process, handle, or store hemp on property listed on the application.

1. For purposes of satisfying this requirement, sufficient ownership of property or legal permission to process, handle, or store hemp on property includes property specifically deeded or leased to the respective applicant, whether an individual or entity, use of which will not be in violation of local zoning or other real estate ordinances.

(f) An attestation that property to be used for the processing, handling, or storage of hemp is not used for residential purposes.

(g) GPS coordinates provided in decimal of degrees and taken at the approximate entrance of each facility;

(h) The approximate dimension or square feet of each facility;

(i) An aerial map or photograph of the processing facilities showing clear boundaries of each facility;

(j) Information sufficient for locating hemp storage facilities including, but not limited to:

1. A legal description, obtained from the relevant county courthouse property records, for property on which each storage facility is located;

2. GPS coordinates provided in decimal of degrees and taken at the approximate entrance of each storage facility;

3. The approximate dimension or square feet of each storage facility; and

4. An aerial map or photograph that clearly shows the boundaries and dimensions of each storage facility.

(k) A description of all hemp products to be produced as well as an estimate of the volume of each such product projected to be produced;

(l) A statement of the intended end use and/or disposal plan for all parts of hemp plants and hemp material received for processing;

(m) Written consent, allowing representatives of the Department, the Georgia Bureau of Investigation, and other affected state and local law enforcement agencies to enter all premises where hemp is being processed or handled for the purpose of conducting physical inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and these Rules;

(n) An acknowledgment of the Processor Permit Terms and Conditions; and

(o) Any other information, disclosure, or documents required to be submitted by Georgia or Federal law or regulation.

(4) Hemp Processor Permits will be issued on January 1 of each year, or otherwise when approved by the Department.

(5) After the first full calendar year of holding a Hemp Processor Permit, a Permittee will be entitled to an automatic permit renewal annually upon timely submission of a permit fee of \$25,000.00 per year as well as annual criminal background checks, so long as no administrative action has been taken by the Department against the Permittee and provided the information in the Permit application is unchanged.

(a) Renewal fees and annual criminal background checks dated within 60 days prior to the submission date must be submitted by December 1 of each year. Permits will expire on December 31 of each year if renewal fees are not timely submitted as required hereunder.

(b) A Permittee that begins, but does not finalize, the renewal of its Hemp Processor Permit within 60 days of January 1 of a given year, must subsequently complete a full application as if applying for the first time.

(6) Upon receipt of an otherwise complete application for a Processor Permit, the Department will conduct a criminal background check and obtain a federal criminal history report for the applicant or, if the applicant is a business entity, all key participants, as outlined below:

(a) At least one set of classifiable electronically recorded fingerprints of the individual applicant or, if the applicant is a business entity, one set of classifiable electronically recorded fingerprints of each key participant must be submitted to the Department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation.

(b) The Department will transmit the applicant's fingerprints to the Georgia Crime Information Center, which will submit the fingerprints to the Federal Bureau of Investigation for a search of Bureau records and generation of an appropriate report, and the Georgia Crime Information Center will promptly conduct a search of state records based upon the fingerprints.

(c) After receiving the reports from the Georgia Crime Information Center and the Federal Bureau of Investigation, the Department will review the record for all individuals or key participants, as applicable.

(7) A Permittee may request select changes to a Hemp Processor Permit. To request a change to a Hemp Processor Permit, the Permittee must, at least ten (10) calendar days prior to making the change, provide written notice of the proposed change to the Department via e-mail to hemp@agr.georgia.gov, or submit the proposed changes on the Department's website used to administer Hemp Processor Permits. Changes to a Hemp Processor Permit in accordance with such written notice and updated information will be valid only upon the Department's approval. No such change will exempt a Permittee from compliance with all requirements of a Hemp Processor Permit, including acceptable background checks for all key participants.

Licensees may request changes to the following:

(a) The information originally submitted in Permittee's Hemp Processor Permit application in satisfaction of Rules 40-32-3-.01(3)(c), (d), (g), (h), (j) and (k).

1. Permittees will be limited to a maximum of three (3) changes per permit year made in accordance with this Rule 40-32-3-.01(8)(a).

(b) Prior to any change in a Permittee's key participants, the Permittee must submit a proposed change to the Hemp Processor Permit reflecting the change of key participant. The Department will conduct a background check on new key participants in accordance with Rule 40-32-3-.01(7).

(8) Any person who materially falsifies any information contained in an application for a Hemp Processor Permit will be ineligible to receive a Hemp Processor Permit or otherwise participate in the Georgia Hemp Program.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.01

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Application for Hemp Processor Permit" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-3-.02 Processor Permit Terms and Conditions

Each Permittee must acknowledge and agree to the terms and conditions governing the Hemp Processor Permit which include, but are not limited to, the following:

(1) Except as explicitly provided for in these Rules or corrections of typographical errors approved by the Department, no alterations will be allowed to any Hemp Processor Permit once approved.

(2) The Permittee must notify the Department, via e-mail to hemp@agr.georgia.gov, of any theft or loss of hemp or hemp products within forty-eight (48) hours of discovery of such theft or loss.

- (3) The Permittee must report any felony convictions or misdemeanor convictions, of itself or any of its key participants, relating to controlled substances under Georgia law or under Federal law to the Department, via e-mail to hemp@agr.georgia.gov, within five (5) calendar days of receiving notice of such conviction.
- (4) The applicant or Permittee must notify the Department in writing within ten (10) calendar days of the following:
- (a) A disciplinary proceeding or enforcement action by another government entity that may affect the Permittee's business; and
 - (b) Temporary closures of more than thirty (30) days or permanent closure of any processing or storage facility.
- (5) Any information provided to the Department may be publicly disclosed in accordance with the Georgia Open Records Act (O.C.G.A. § [50-18-70](#) et. seq.) and may be provided to law enforcement agencies without further notice to the applicant.
- (6) Issuance of a Hemp Processor Permit will be conditioned upon the applicant's compliance with O.C.G.A. § [2-23-7](#) prior to initiating hemp processing activities.
- (7) A Permittee may also apply for and be issued no more than one Hemp Grower License. Any person holding both a Hemp Processor Permit and a Hemp Grower License must comply with Georgia Rules governing both Licensees and Permittees.
- (8) No person will be issued more than one Hemp Processor Permit, nor will any person be permitted to have a beneficial interest in more than one Hemp Processor Permit, regardless of the degree of such interest, as provided in O.C.G.A. § [2-23-5](#).
- (9) Hemp Processor Permits cannot be sold, assigned, transferred, pledged, or otherwise disposed of, alienated, or encumbered to or by another person, business, individual, or entity.
- (10) The Permittee must only process hemp at facilities identified in the Hemp Processor Permit and must have the legal authority to grant the Department access to any and all such facilities for inspection and sampling.
- (11) The Permittee must allow and fully cooperate with all required inspections and sampling.
- (12) The Permittee must maintain all records and information and make all reports within the applicable time frames as required in these Rules.
- (13) The Permittee must only accept for processing hemp that was lawfully produced under a State or Tribal hemp plan approved by the USDA, under a hemp license issued by USDA, or under [7 U.S.C. 5940](#) through the State or territory of the Indian Tribe, as applicable.
- (14) The Permittee must not handle, process, store, sell, transfer, ship, transport, deliver, distribute, or otherwise provide any cannabis or cannabis product that exceeds the acceptable hemp THC level. The Permittee must ensure that cannabis or cannabis products exceeding the acceptable hemp THC level do not enter the stream of commerce.
- (15) The Department will require forfeiture and disposal, without compensation, of hemp discovered at a processing facility for which records are not available to prove that said hemp was received from a Licensee or from a state or tribe with a plan to regulate hemp production that is approved by the USDA Secretary of Agriculture or otherwise in accordance with regulations promulgated by the USDA. Any hemp comingled with such hemp for which records are not available will also be subject to disposal.
- (16) In the event that a tested official sample exceeds the acceptable hemp THC level, the Department will require all related hemp products be disposed by a reverse distributor without compensation to the Permittee and under the supervision of local law enforcement.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.02

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Processor Permit Terms and Conditions" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-3-.03 Processor Sampling

(1) Hemp products are subject to sampling by a Department-approved sampling agent for total delta-9 tetrahydrocannabinol concentration level testing. The frequency of sampling and number of hemp products sampled for such testing will be determined by the Department.

(2) Sampling will be conducted in accordance with the Department's most current *Sampling and Testing Guidelines for Hemp Processing Facilities*, which will be made available on the Department's website at agr.georgia.gov.

(3) The method used for sampling must ensure that a representative sample is collected that represents a homogeneous composition of the product lot.

(4) During a scheduled sample collection, the Permittee or an authorized representative of the Permittee must be present at the facility.

(5) The Permittee will be responsible for paying all sampling fees. No compensation will be owed by the Department to the Permittee for any such sampling or for any samples collected by the Department-approved sampling agent.

(6) Only samples taken by a Department-approved sampling agent will be considered official samples.

(7) The Department-approved sampling agent(s) must be provided with complete and unrestricted access during business hours to all hemp, hemp products, land, buildings and other structures used for the processing, handling, and storing of hemp and hemp products. The Department must also be provided with complete and unrestricted access to any and all records, documents, and information required to be kept and maintained in accordance with these Rules.

(8) A Permittee must not transfer, transport, or otherwise distribute hemp products from a sampled product lot prior to receiving analytical testing results verifying that the product lot sampled does not exceed the acceptable hemp THC level.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.03

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Processor Sampling" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-3-.04 Processor Laboratory Testing

(1) Standard testing procedures are specified for samples taken to measure the total delta-9 tetrahydrocannabinol (THC) concentration levels of those samples.

(2) Analytical testing for purposes of detecting the concentration levels of total delta-9 tetrahydrocannabinol (THC) must be conducted and reported by a laboratory registered with DEA to handle controlled substances under the Controlled Substances Act (CSA), [21 CFR part 1301.13](#).

(3) Analytical testing for purposes of detecting the concentration levels of total delta-9 tetrahydrocannabinol (THC) must be conducted in accordance with the Department's *Sampling and Testing Guidelines for Hemp Processing Facilities*, which will be made available on the Department's website at agr.georgia.gov. Such testing must meet the following standards:

- (a) Laboratory quality assurance must ensure the validity and reliability of test results;
- (b) Analytical method selection, validation, and verification must ensure that the testing method used is appropriate (fit for purpose) and that the laboratory can successfully perform the testing;
- (c) The demonstration of testing validity must ensure consistent, accurate analytical performance;
- (d) Method performance specifications must ensure analytical tests are sufficiently sensitive for the purposes of the detectability requirements of this Rule; and
- (e) Implement effective disposal procedures for non-compliant samples that do not meet the acceptable hemp THC level.

(4) At a minimum, analytical testing of samples for total delta-9 tetrahydrocannabinol concentration levels must use post-decarboxylation or other similarly reliable methods approved by the Secretary or Commissioner. The testing methodology must consider the potential conversion of delta-9 tetrahydrocannabinolic acid (THCA) in hemp into delta-9 tetrahydrocannabinol (THC) and the test result reflect the total available THC derived from the sum of the THC and THC-A content. Testing methodologies meeting the requirements of this paragraph include, but are not limited to, gas or liquid chromatography with detection.

(5) The total delta-9 tetrahydrocannabinol concentration level must be determined and reported. Additionally, measurement of uncertainty (MU) must be estimated and reported with test results. Laboratories must use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

(6) Any hemp products yielding an official sample test result exceeding the acceptable hemp THC level, must not enter the stream of commerce and the Permittee must dispose of the hemp products in accordance with these Rules.

(7) Measurement of uncertainty (MU) must be estimated and reported with test results. Laboratories must use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

(8) Each Processor must ensure that the DEA-registered laboratory conducting the analytical testing of the sample(s) from the Processor's product lots submits results for all tested samples to the Department via e-mail to hemp@agr.georgia.gov. Laboratories are only required to submit the results of tests performed to comply with Rule 40-32-3-.04(3). Laboratories are not required to report test results from informal testing conducted by Permittees. The test results must be reported using the Department's "Processor Laboratory Test Results Report" form and must contain the following information for each sample tested:

- (a) Georgia Processor Permit number;
- (b) Name of Processor;
- (c) Business address of Processor;
- (d) Lot identification number for the sample;
- (e) Name and DEA registration number of the laboratory;
- (f) Date of test and report;
- (g) Identification of a retest;

(h) Measurement of uncertainty (MU); and

(i) Test result.

(9) The Permittee will be responsible for paying all testing fees. No compensation will be owed by the Department to the Permittee for any such testing.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.04

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Processor Laboratory Testing" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-3-.05 Permittee Restrictions

(1) A Permittee must not:

(a) Process or handle hemp on any site not listed on the Hemp Processor Permit;

(b) Process or handle any cannabis that is not hemp;

(c) Sell, transfer, ship, transport, deliver, distribute, or otherwise provide hemp products that exceed the acceptable hemp THC level;

(d) Process or handle hemp or hemp products in any structure that is used for residential purposes;

(e) Process hemp with other products. Hemp must be processed separately from other products unless otherwise authorized in writing by the Department;

(f) Store hemp products with other products. Hemp products must be physically stored separately from other products at a processing or storage facility unless otherwise authorized in writing by the Department;

(g) Allow unsupervised public access to hemp or hemp processing and storage facilities; or

(h) Process or handle hemp on property owned by, leased from, or previously submitted in a permit application by any person who is ineligible for, was terminated from, or was denied admission to the program for failure to obtain an acceptable criminal background check or for violations of the Georgia Hemp Farming Act or these Rules.

(1) The Permittee must comply with all applicable local, state, and federal laws, rules, regulations, and ordinances at all times including, but not limited to, the federal Food Drug and Cosmetic Act, 21 U.S.C. Chapter 9, and all laws, rules, regulations, and ordinances relating to product development, product manufacturing, consumer safety, and public health.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.05

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Permittee Restrictions" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-3-.06 Disposal of Non-Compliant Cannabis Products

- (1) Cannabis products exceeding the acceptable hemp THC level constitute marijuana, a schedule I controlled substance under Georgia law and federal law.
- (2) Cannabis products exceeding the acceptable hemp THC level must be disposed of in accordance with the CSA and DEA regulations found at [21 CFR 1317.15](#) by a reverse distributor or as otherwise approved in writing by the Department.
- (3) The Permittee must immediately notify the Department via email to hemp@agr.georgia.gov any time analytical testing determines that cannabis products exceed the acceptable hemp THC level.
- (4) Upon notice and confirmation that a cannabis product has exceeded the acceptable hemp THC level, the Department will issue an Order of Disposal requiring all related cannabis products to be disposed within a reasonable time to be determined by the Department.
- (5) The Permittee will be responsible for arranging disposal through a reverse distributor.
- (6) The Permittee will be responsible for all costs and fees associated with the disposal of cannabis exceeding the acceptable hemp THC level. No compensation will be owed by the Department to the Permittee for any such disposal.
- (7) Cannabis products subject to disposal must not be removed from the permitted facility or from any other area where such cannabis is being processed, handled, or stored.
- (8) Within 14 days of the date of completion of disposal, the Processor must submit a "Disposal Report" form to the Department, which must contain the following information:
 - (a) Name and address of the Permittee;
 - (b) Georgia Processor Permit number;
 - (c) Information on the reverse distributor agent handling the disposal.
 - (d) Date of completion of disposal;
 - (e) Signature of the Permittee; and
 - (f) Reverse distributor certification of completion of the disposal.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.06

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Disposal of Non-Compliant Cannabis Products" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-3-.07 Permittee Surety Bonds

- (1) Each applicant for a Hemp Processor Permit must make and deliver to the Commissioner a surety bond, the form and substance of which must be approved by the Commissioner. Such surety bond shall be conditioned to secure the faithful accounting for and payment to hemp growers licensed under a State or Tribal hemp plan approved by the USDA, the USDA Hemp Production Plan, or under [7 U.S.C. 5940](#) through the State or territory of the Indian Tribe,

as applicable, for hemp purchased by such Permittee, as well as to secure the Permittee's compliance with the requirements of the Georgia Hemp Farming Act and these Rules.

(a) For purposes of this Rule, a Permittee's surety bond may be executed by any surety corporation authorized to transact business in Georgia.

(b) Applicants must include a certificate of good standing issued by the Commissioner of Insurance with all submitted surety bonds.

(c) If the company issuing a Permittee's surety bond becomes disqualified from conducting business in Georgia, Permittee must obtain a replacement bond for at least an equivalent amount within 30 days, subject to the Commissioner's approval. The effective term of a replacement bond must begin on the day the previous bond became ineffective.

(2) The Commissioner shall determine the amount of a Permittee's surety bond in accordance with the Georgia Hemp Farming Act.

(a) The Department may require a Permittee to complete the Georgia Permitted Processor Report of Hemp Purchased to better determine Permittee's requisite bond amount.

1. A Permittee with no history of hemp purchases will provide the Department with a good faith estimate of the dollar value of hemp it plans to purchase during the applied for Permit year.

(b) If at any time the Commissioner determines that a Permittee's previously approved surety bond is insufficient to satisfy the purpose set forth in these Rules, the Commissioner may require the Permittee to obtain an additional bond or bonds. Permittee shall submit such additional bond or bonds to the Commissioner in an amount and within the time fixed in a written demand therefor.

(3) Permittee's Processor Permit shall be immediately revoked by operation of law and without notice or hearing, and Permittee shall be ineligible to reapply for a Processor Permit for a period of four years after such revocation, if:

(a) Permittee's surety bond is cancelled;

(b) Permittee fails to provide a replacement bond within 30 days after its surety is disqualified from conducting business in Georgia; or

(c) Permittee fails to provide an additional bond or bonds in the amount and timeframe specified by the Commissioner in accordance with these Rules.

(4) Any person claiming to be damaged by a Permittee's breach of its surety bond conditions may file a complaint with the Commissioner.

(5) Upon receipt of a valid complaint, the Commissioner will determine if the complaint constitutes a prima facie breach of the Permittee's bond. If so, and the matter has not been resolved between the complainant and the Permittee within 15 days of the Department's receipt of the complaint, the Commissioner will publish a solicitation for additional complaints regarding breach of Permittee's bond for at least five consecutive issues of the Farmers and Consumers Market Bulletin and any additional publication the Commissioner chooses.

(a) To be valid, a complaint must:

1. Provide a written statement of facts constituting the alleged breach; and

2. Be received by the Department within the permitted timeframe, as follows:

i. Within 180 days of Permittee's alleged breach of the conditions of its surety bond for original complaints; and

ii. Within 60 days of the Commissioner's initial public notification of the breach of bond for additional complaints.

(6) The Commissioner shall investigate the charges made in valid complaints, and may order a hearing, the time and place of which the Commissioner will give the complainant and Permittee reasonable notice. Hearings will be conducted under the Department Administrative Rules of Practice and Procedure, GA. Comp. R. & Regs. Rules 40-1-2, *et seq.*

(a) At the conclusion of a hearing, the Commissioner shall report their findings and conclusions to the complainant and Permittee in each case. The complainant and Permittee will have 15 days to implement the Commissioner's conclusions.

(b) Should the complainant and Permittee not affect a settlement within 15 days of the Commissioner's findings, the Commissioner or complainant may bring an action to enforce the claim.

(c) If the complainant is not satisfied with the ruling of the Commissioner, they may commence an action against the principal and surety on the bond as in any civil action.

1. No civil action claiming a breach of a Permittee security bond may be commenced less than 120 days nor more than 547 days from the initial date of the Commissioner's public notification of the complaint on the bond.

(d) If a Permittee's security bond is insufficient to pay all valid claims in full, then the Commissioner will direct the pro rata distribution of bond proceeds between licensees with valid claims.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.07

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Transportation Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: New title, "Permittee Surety Bonds." F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-3-.08 Storage of Hemp

(1) A Permittee may store hemp obtained from licensed growers and/or processed by said Permittee provided:

(a) The Permittee identifies each storage facility on the Hemp Processor Permit;

(b) The Permittee maintains complete and accurate records detailing the licensed growers from whom hemp at each storage facility was received, varieties stored at each storage facility, and amount of each hemp variety stored at each storage facility. Product lots in storage must be separated in such a manner that maintains the unique identity of each product lot stored at the storage facility;

1. In the event analytical testing determines that an official sample of hemp or hemp products held at a storage facility exceeds the acceptable hemp THC level, all comingled hemp or hemp products held at the storage facility must be promptly disposed of in accordance with the CSA and DEA regulations found at [21 CFR 1317.15](#) by a reverse distributor.

(c) The storage facility is owned or leased by the Permittee; and

(d) The storage facility is secured with physical containment and reasonable security measures.

(2) No Permittee may warehouse or otherwise store hemp that is not owned by the Permittee.

(3) All storage area(s) will be subject to inspection by the Department.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.08

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Storage of Hemp" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-3-.09 Recordkeeping Requirements

(1) Permittees must keep and maintain copies of all written agreements with licensed growers, including growers holding a Georgia Hemp Grower License as well as growers licensed by the USDA or authorized to produce hemp under other USDA approved state or tribal hemp plans, governing their business relationship.

(2) Permittees must keep and maintain the following records:

(a) Hemp intake records, which include:

1. Name, location, and license number (Georgia Hemp Grower License number or other valid hemp grower identification number) for each grower from whom the Permittee accepts hemp for processing;
2. The date(s) on which hemp is received from each licensed grower;
3. Copies of analytical testing results confirming that each lot of hemp received for processing does not exceed the acceptable hemp THC level;
4. The amount of each variety received from each licensed grower; and
5. The hemp products for which each variety of hemp received from each licensed grower will be used.

(b) Inventory records for hemp products being processed and stored, which include:

1. Date of inventory;
2. Location of stored inventory;
3. Total amount of each hemp product on hand;
4. Total amount of hemp and hemp seed of each variety on hand;
5. Total amount of unusable hemp and hemp seed of each variety on hand; and
6. Name, signature, and title of the employee performing inventory.

(c) Disposal records for all unusable hemp, which include:

1. Date of disposal;
2. Amount of each hemp variety disposed;
3. Method of disposal;
4. Location of disposal; and
5. Name, signature, and title of employee responsible for disposal.

(d) Processing records, which include:

1. List of products produced from hemp; and
2. List of buyers or recipients of hemp products including:
 - (i) Name, address, and phone number of each buyer or recipient;
 - (ii) Description of each product purchased or otherwise distributed;
 - (iii) Quantity of each product purchased or otherwise distributed; and
 - (iv) Date of distribution.
- (3) Permittees must keep and maintain copies of all records, documents, and information required by this Rule for at least three (3) years and in a manner such that they can be readily provided to the Department upon request.
- (4) The Department will maintain all relevant records and information regarding Permittees and facilities at which hemp is processed or handled in Georgia, including a legal description for property on which each processing or handling facility is located, for a period of not less than three (3) calendar years.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.09

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Recordkeeping Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

40-32-3-.10 Hemp Processor Compliance Inspections

- (1) Processors may be subject to compliance inspections.
- (2) The Processor's operational procedures, documentation, recordkeeping, and other practices may be verified during the compliance inspection.
- (3) The Department may assess whether required reports, records, and documentation are being properly maintained and may assess accuracy and completeness.
- (4) If during a compliance inspection the Department determines that the Processor is not in compliance with the Georgia Hemp Farming Act or these Rules, the Department will require a Corrective Action Plan. The Processor's implementation of a Corrective Action Plan will be reviewed by the Department during future compliance inspections.
- (5) Compliance inspections may be unannounced and conducted at any time during regular business hours. The Department will have complete and unrestricted access during business hours to all hemp, hemp products, land, buildings and other structures used for the processing and handling of hemp. The Department will also have complete and unrestricted access to any and all records, documents, and information required to be kept and maintained in accordance with these Rules.

Cite as Ga. Comp. R. & Regs. R. 40-32-3-.10

AUTHORITY: O.C.G.A. § [2-23-12](#).

HISTORY: Original Rule entitled "Hemp Processor Compliance Inspections" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

Amended: F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Department 120. OFFICE OF COMMISSIONER OF INSURANCE,
SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN
COMMISSIONER**

Chapter 120-2. RULES OF COMMISSIONER OF INSURANCE

Subject 120-2-1. ORGANIZATION

120-2-1-.02 Agents Licensing Section

(1) The Agents Licensing Section is charged with the responsibility of protecting the citizens of this State by approving for licensing and renewal only those applicants who possess the mental ability and the moral character that is needed to suppress misrepresentation of the product to be offered.

(2) This section endeavors to promote the dignity of career insurance representatives by strict enforcement of qualification requirements and by firm but fair disposition of violations of the Georgia Insurance Code, with no individual exceptions. Effort is also made to improve public acceptance of insurance by careful screening and testing of proposed representatives and by consistent elimination of those licensees who, through unethical, unfair, or illegal practices, tend to destroy confidence in the industry.

(3) In order to accomplish these desired results, the Agents Licensing Section has been given the authority and duties set forth in paragraph (4) of this Rule.

(4) The section shall:

(a) Administer license qualifications prescribed by law and departmental regulations.

(b) Approve formal classroom training courses required of applicants as agents for life and accident and sickness, property and allied lines, and casualty, surety and allied lines.

(c) Issue temporary licenses to qualified, first-time applicants. Upon receipt of completed application and proper fees, a qualified applicant is sent a temporary license.

(d) Prepare or arrange for the preparation of an examination study manual. Study manuals are prepared by the Commissioner to aid applicants for licensing to gain knowledge required to pass the required written examination. Such manuals are available from the section upon payment of the applicable fee.

(e) Prepare and conduct all license examinations. The place, date, and time for conducting an examination shall be as specified on the examination permit. Questions, for courses in which a study manual has been prepared, shall come from such study manuals, otherwise, from reference materials recommended by departmental regulations. Applicants must present to the examiner a valid examination permit to be entitled to take the examination.

(f) Issue permanent licenses. The address of the licensee appearing on the license shall be the business address of property and casualty licenses; business address of life, accident and sickness licenses if, licensee's business and residence address are in the same city; and when the licensee's business and residence addresses are in different cities, licenses will reflect the licensee's residence address.

(g) Renew licenses. Renewal and applications will be sent to all licensees holding licenses during the current license year. Such applicants should request late renewal applications if no license was held during the current license year. The renewal application contains a replica of the agent's license; licensee shall check the replica for accuracy; space is provided to insert any corrections. Applicant for renewal shall answer all questions, date, and sign the application. Completed applications shall be submitted to the section with the proper renewal license fee.

(h) Collect all license and examination fees. License and examination fees are prescribed and required by law to be collected in advance.

(i) Work out reciprocal agreements with other states for nonresident applicants. The section shall see that Georgia licensees are admitted into other states on the same basis as such other states' licensees are admitted into Georgia. Since it is necessary to change these agreements from time to time because of changes in state insurance laws of the various states, any resident agent interested in securing such a license should contact the section for up-to-date information on the type of licenses which may be secured and the required fees.

(j) Provide letters of certification for Georgia agents seeking licenses in other states. Such letters will be provided if requested by the licensee, an insurance company official or an insurance regulatory official of such other state. Such letter shall be addressed and sent to whomever the requesting party designated. Such letter shall certify only as to those facts appearing in the records of the section.

(k) Handle complaints involving misappropriation of funds, conversion of funds to an agent's personal use, or withholding funds collected by an agent belonging to an insurer, insured, or a beneficiary as such complaints are filed by insurers against agents. The section shall require the insurer to make the charge in writing and furnish proof. The agent shall be notified of the charge and requested to admit or deny such charges. If the agent denies the charge, the agent shall furnish proof to refute it. The section shall request the Administrative Law Section of the Administrative Division to conduct an investigation to determine the facts.

(l) Work in conjunction with the Consumer Services Section with other type complaints filed by insurers against agents for the purpose of determining the facts and coordinating action.

(m) Conduct such pre-hearing conferences with agents as may be necessary for determination if formal hearings are necessary.

(n) Request formal hearings for license revocations. If, in the opinion of the assistant director, satisfactory evidence or answers were not given at the pre-hearing conference, the agent shall be notified that he can either voluntarily surrender his license or attend a formal hearing to show cause why his license should not be revoked. If the agent desires a formal hearing, his file is passed to the Administrative Law Section of the Administrative Division with the request that an appropriate order be drawn.

(o) Advise all companies of any changes in the status of their agents' licenses for the purpose of restricting or curtailing an agent's authority to act or termination of the agent's services if the discrepancy warrants such action.

(5) The Agents Licensing Section is under the supervision and direction of a director, and such section has been delegated responsibility for administering paragraph (4) of this Rule. All inquiries, requests, and submissions respecting the matters therein set forth should be directed to:

Agents Licensing Section

Office of Commissioner of Insurance

Suite 720 West Tower

Two Martin Luther King, Jr., Drive

Atlanta, Georgia 30334

Cite as Ga. Comp. R. & Regs. R. 120-2-1-.02

AUTHORITY: O.C.G.A. § [33-2-9](#).

HISTORY: Original Rule was filed and effective on July 20, 1965.

Amended: Filed February 7, 1975; effective February 27, 1975.

Repealed: New Rule entitled "Agents Licensing Section" adopted. F. Aug. 24, 1989; eff. Sept. 15, 1989, as specified by the Agency.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

**Department 120. OFFICE OF COMMISSIONER OF INSURANCE,
SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN
COMMISSIONER**

Chapter 120-2. RULES OF COMMISSIONER OF INSURANCE

**Subject 120-2-3. REGULATIONS REGARDING AGENTS,
SUBAGENTS, COUNSELORS, ADJUSTERS, SURPLUS LINES
BROKERS, AND AGENCIES**

120-2-3-.07 Resident Agent License Requirements

(1) In order to be eligible for any resident agent insurance license issued in accordance with Chapter 23 of Title 33 of the Official Code of Georgia Annotated and this Regulation, the applicant must make proper application to the Commissioner and pay all required fees.

(2) New applicants, excluding active licensees and individuals that apply for reinstatement within 6 months of expiration date, shall be required to submit electronic fingerprints through a vendor selected by the Department for a criminal background check. The applicant shall bear the cost for electronic fingerprinting.

(3) The resident agent applicant must complete an approved prelicensing course unless specifically exempted by Chapter 23 of Title 33 of the Official Code of Georgia Annotated or this Regulation. All prelicensing courses must contain a minimum of twenty (20) hours of instruction per major line of authority; the major lines are:

- (a) Life;
- (b) Accident and Sickness;
- (c) Property;
- (d) Casualty; and
- (e) Personal Lines.

(4) The applicant must pass the required examination for licensure within 12 months of the completion of the prelicensing course. All applicants must apply for licensure within 12 months from receiving a passing grade on the examination.

(5) Exceptions to the 20 hour prelicensing course requirements:

- (a) Applicants for licenses in lines or sublines of property or casualty insurance who hold the designation of Chartered Property and Casualty Underwriter (CPCU), Certified Insurance Counselor (CIC), Certified Insurance Representative (CISR), Certified Risk Manager (CRM);
- (b) Applicants for licenses in the lines or sublines of life or health insurance who hold the designation of Chartered Life Underwriter (CLU) or Fellow Life Management Institute (FLMI);
- (c) Applicants for temporary licenses;
- (d) Applicants for credit insurance agent licenses;

- (e) Applicants who provide satisfactory evidence such as a transcript from a college or university indicating successful completion of two (2) college or university courses related to insurance. Such courses must relate to the lines of authority for which the Applicant has applied;
 - (f) Applicants who hold college degrees in insurance;
 - (g) Applicants who qualify for exemption under O.C.G.A. §§ [33-23-5\(a\)\(5\)\(A\)](#) and [33-23-5\(a\)\(5\)\(B\)](#);
 - (h) Applicants for agent licenses as referenced in Rules [120-2-3-.23](#), [.29](#), [.32](#), [.41](#), and [.44](#) of this Regulation Chapter;
 - (i) Other applicants as the Commissioner at his discretion may determine.
- (6) Upon issuance of the agent license, the licensee must obtain a certificate of authority from each insurer that they will represent.

Cite as Ga. Comp. R. & Regs. R. 120-2-3-.07

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-8-1](#), [33-23-4](#), [33-23-5](#), [33-23-5.1](#), [33-23-8](#), [33-23-10](#), [33-23-12](#), [33-23-44](#).

HISTORY: Original Rule entitled "Schedule of License Examinations" adopted. F. and eff. July 20, 1965.

Repealed: New Rule of same title adopted. F. May 21, 1982; eff. June 10, 1982.

Repealed: New Rule of same title adopted. F. June 25, 1991; eff. July 15, 1991.

Repealed: New Rule entitled "License Applications" adopted. F. Sept. 10, 1992; eff. Sept. 30, 1992.

Amended: F. Aug. 9, 1996; eff. Aug. 29, 1996.

Amended: F. Jan. 14, 2000; eff. Feb. 3, 2000.

Repealed: New Rule entitled "Resident Agent License Requirements" adopted. F. Jan. 15, 2003; eff. Feb. 4, 2003.

Amended: F. Aug. 23, 2004; eff. Sept. 12, 2004.

Repealed: New Rule of same title adopted. F. July 16, 2009; eff. Aug. 5, 2009.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-3-.09 Examinations

(1) All resident applicants required under Chapter 23 of Title 33 of the Official Code of Georgia Annotated shall submit to examination by the Commissioner except:

- (a) Applicants for agent licenses in lines or sublines of life or health insurance who hold the designation of CLU or FLMI;
- (b) Applicants for agent licenses in lines or sublines of property and casualty who hold the designation of CPCU;
- (c) Applicants for licenses as counselors who hold the designation of Certified Insurance Counselor (CIC), Accredited Advisor in Insurance (AAI), Registered Employee Benefits Consultant (REBC), CPCU as specified in Rule 120-2-3-.09(1)(b), CLU or FLMI as specified in Rule 120-2-3-.09(1)(a), or applicants deemed by the Commissioner to have sufficient experience and qualifications in the lines of authority for which the applicant seeks licensure;

- (d) Applicants for Limited Health Counselor licensure that have five (5) years experience licensed as an agent in the line of accident and sickness;
 - (e) Applicants for Limited Health Counselor licensure that hold the designation of CIC, CLU, FLMI, REBC and Registered Health Underwriter (RHU);
 - (f) Applicants for limited licenses in accordance with Rules [120-2-3-.29](#), [.31](#), [.32](#), [.39](#), [.44](#), [.45](#), and [.47](#) of this Regulation Chapter;
 - (g) Applicants holding a Ph.D. in Risk Management;
 - (h) Adjusters who are salaried employees of insurers;
 - (i) Applicants for temporary licenses;
 - (j) Applicants for credit insurance agent or agency licenses;
 - (k) Applicants for a workers compensation adjuster license who hold the designation of Certified Workers Compensation Professional (CWCP);
 - (l) Applicants for adjuster licenses who hold the designation of Universal Claims Certification (UCC);
 - (m) Such other applicants as the Commissioner may, at his discretion, determine.
 - (n) The applicant who was previously licensed for the same lines of authority in another state shall not be required to complete any prelicensing education or examination. This exemption is only available if the individual is currently licensed in that state or if the application is received within 90 days of the cancellation of the applicant's previous license and if the prior state issues a certification that, at the time of cancellation, the applicant was in good standing in that state or the state's producer data base records maintained by the National Association of Insurance Commissioners (NAIC), its affiliates, or subsidiaries indicate that the applicant is or was licensed in good standing for the line of authority requested.
- (2) The passing grade on examinations for licenses shall be seventy percent (70%).
- (3) Any person taking an examination for licensing and not receiving a passing grade shall not be entitled to retake the examination until fourteen (14) days have elapsed, and will be required to pay the appropriate fee. A person who fails to pass the examination after taking the exam three (3) times shall not be entitled to retake the examination until sixty (60) days have elapsed, and will be required to pay the appropriate fees.
- (4) A person who has not filed an application within twelve (12) months of the date of receiving a passing exam score will be required to retake the examination.

Cite as Ga. Comp. R. & Regs. R. 120-2-3-.09

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-8-1](#), [33-23-5](#), [33-23-10](#), [33-23-44](#).

HISTORY: Original Rule entitled "Temporary License for One Company Only" adopted. F. and eff. July 20, 1965.

Repealed: New Rule entitled "Examinations" adopted. F. Sept. 10, 1992; eff. Sept. 30, 1992.

Amended: F. Aug. 9, 1996; eff. Aug. 29, 1996.

Amended: F. July 23, 1998; eff. Aug. 12, 1998.

Amended: F. Jan. 14, 2000; eff. Feb. 3, 2000.

Repealed: New Rule of same title adopted. F. Jan. 15, 2003; eff. Feb. 4, 2003.

Amended: F. Aug. 23, 2004; eff. Sept. 12, 2004.

Amended: F. July 16, 2009; eff. Aug. 5, 2009.

Amended: ER. 120-2-3-.24-.09 adopted. F. Jun. 12, 2012; eff. Jun. 12, 2012, as specified by the Agency.

Repealed: New rule with same title adopted. F. Sep. 10, 2012; eff. Sep. 30, 2012.

Amended: F. Apr. 16, 2014; eff. May 6, 2014.

Amended: F. June 6, 2016; eff. Aug. 1, 2016, as specified by the Agency.

Amended: F. Aug. 8, 2018; eff. Aug. 28, 2018.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-3-.11 Background Investigation

(1) Any natural person filing an application or other filing with the Commissioner under Chapter 23 of Title 33 of the Official Code of Georgia Annotated and this Regulation must give his or her permission for a criminal background investigation.

(2) New resident applicants, excluding active licensees and individuals that apply for reinstatement within 6 months of expiration date, shall be required to submit electronic fingerprints through a vendor selected by the Department for a criminal background check. The applicant shall bear the cost for electronic fingerprinting.

Cite as Ga. Comp. R. & Regs. R. 120-2-3-.11

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-23-5](#), [33-23-5.1](#), [33-23-8](#), [33-23-44](#).

HISTORY: Original Rule entitled "Background Investigation" adopted. F. Sept. 10, 1992; eff. Sept. 30, 1992.

Amended: F. Aug. 9, 1996; eff. Aug. 29, 1996.

Repealed: New Rule of same title adopted. F. Jan. 15, 2003; eff. Feb. 4, 2003.

Repealed: New Rule of same title adopted. F. July 16, 2009; eff. Aug. 5, 2009.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-3-.14 Resident Agent Personal Lines License

(1) In order to be eligible for a resident agent personal lines license in accordance with Chapter 23 of Title 33 of the Official Code of Georgia Annotated and this Regulation, the applicant must make proper application to the Commissioner and pay all required fees.

(2) New applicants, excluding active licensees and individuals that apply for reinstatement within 6 months of expiration date, shall be required to submit electronic fingerprints through a vendor selected by the Department for a criminal background check. The applicant shall bear the cost for electronic fingerprinting.

(3) The resident agent applicant must complete an approved prelicensing course in personal lines unless specifically exempted by Chapter 23 of Title 33 of the Official Code of Georgia Annotated and this Regulation. All prelicensing courses must contain a minimum of twenty (20) hours of instruction. The applicant must pass the required

examination for licensure within 12 months of the completion of the prelicensing course. All applicants must apply for licensure within 12 months from receiving a passing grade on the examination.

(4) Exceptions to prelicensing course:

(a) Applicants who hold a designation of Chartered Property and Casualty Underwriter (CPCU);

(b) Applicants who qualify for exemption under O.C.G.A. §§ [33-23-5\(a\)\(5\)\(A\)](#) and 33-235(a)(5)(B);

(c) Applicants for temporary licenses;

(d) Applicants who provide satisfactory evidence such as a transcript from a college or university indicating successful completion of two (2) college or university courses related to insurance. Such courses must relate to the lines of authority for which the Applicant has applied;

(e) Applicants who hold college degrees in insurance;

(f) Other applicants at the Commissioner's discretion.

(5) All continuing education requirements as outlined in Rule [120-2-3-.15](#) and all renewal requirements as outlined in Rule [120-2-3-.16](#) apply to personal lines licenses.

(6) Upon issuance of the agent license, the licensee must obtain a certificate of authority from each insurer that they will represent.

Cite as Ga. Comp. R. & Regs. R. 120-2-3-.14

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-8-1](#), [33-23-5](#), [33-23-5.1](#), [33-23-8](#), [33-23-10](#), [33-23-12](#), [33-23-44](#).

HISTORY: Original Rule entitled "Existing License - Provision for Transition" adopted. F. Sept. 10, 1992; eff. Sept. 30, 1992.

Amended: F. Aug. 9, 1996; eff. Aug. 29, 1996.

Repealed: New Rule entitled "Resident Agent Personal Lines License" adopted. F. Jan. 15, 2003; eff. Feb. 4, 2003.

Repealed: New Rule of same title adopted. F. July 16, 2009; eff. Aug. 5, 2009.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-3-.16 Dates for Resident License Renewal and Required Filing of Continuing Education Credits

(1) License renewals and appropriate fees will be due on the last day of the licensee's birth month;

(a) Licensee may file a late renewal with appropriate late fee within 15 days of the last day of the licensee's birth month;

(b) Failure to file the required license renewal form along with the appropriate fee shall result in the expiration of the license as of the last day of the licensee's birth month of the year in question.

(2) Failure to file the complete and correct renewal with required attachments and/or evidence of completion of required continuing education by the required filing date will result in a penalty being assessed when licensee applies for late renewal reinstatement.

(a) The reinstatement penalty assessed will be \$150; this penalty is in addition to any required renewal and late fees. The penalty and required fees are to be paid at the time of submission of late renewal reinstatement.

(b) If late renewal reinstatement is received 6 or more months after the expiration date, the licensee is required to submit electronic fingerprints in addition to the \$150 penalty and required renewal and late fees.

(3) If an individual fails to file for late renewal reinstatement prior to one (1) year from the license expiration date, the licensee will be required to reapply for the license and satisfy all preclicensing requirements.

(4) A licensed insurance producer who is unable to comply with license renewal procedures due to military service may request a waiver of those procedures. The producer may also request a waiver of any examination requirement or any other fine or sanction imposed for failure to comply with renewal procedures.

Cite as Ga. Comp. R. & Regs. R. 120-2-3-.16

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-23-5](#), [33-23-18](#), [33-23-21](#), [33-23-44](#).

HISTORY: Original Rule entitled "Dates for Required Filing of Continuing Education Credits" adopted. F. Sept. 10, 1992; eff. Sept 30, 1992.

Amended: F. Aug. 9, 1996; eff. Aug. 29, 1996.

Repealed: New Rule entitled "Dates for Resident License Renewal and Required Filing of Continuing Education Credits" adopted. F. Jan. 15, 2003; eff. Feb. 4, 2003.

Repealed: New Rule of same title adopted. F. Aug. 23, 2004; eff. Sept. 12, 2004.

Amended: F. July 16, 2009; eff. Aug. 5, 2009.

Repealed: New Emergency Rule adopted. F. Jun. 28, 2012; eff. Jun. 28, 2012, as specified by the agency.

Repealed: New Rule of same title adopted. F. Sep. 10, 2012; eff. Sep. 30, 2012.

Amended: F. Apr. 1, 2013; eff. Apr. 21, 2013.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-3-.23 Resident Variable Products

(1) In order for resident applicants to be eligible for the Variable Products Line of Authority in accordance with Chapter 23 of Title 33 of the Official Code of Georgia Annotated and this Regulation, the applicant must make proper application to the Commissioner and pay all required fees.

(2) New applicants, excluding active licensees and individuals that apply for reinstatement within 6 months of expiration date, shall be required to submit electronic fingerprints through a vendor selected by the Department for a criminal background check. The applicant shall bear the cost for electronic fingerprinting.

(3) Resident applicants and licensees must hold a valid resident agent license for life insurance. Failure to maintain a current agent's license for life insurance will result in the cancellation of the variable products license.

(4) Resident applicants and licensees must maintain an active registration with the Financial Industry Regulatory Authority (FINRA). Applicant must have successfully completed the Securities Industry Essentials (SIE) exam; and either the FINRA Series 6 or 7 examinations. Failure to maintain an active FINRA registration a current agent's license for life insurance will result in the cancellation of the variable products license.

(5) All resident applicants must complete an approved 8 hour preclicensing course in variable products and provide proof of completion in conjunction with the required application. The applicant must pass the required examination for licensure within 12 months of the completion of the preclicensing course. All applicants must pass the required variable products examination and apply for licensure within 12 months from receiving a passing grade on the examination. The only applicants exempt from the preclicensing and examination requirements are those who qualify for exemption under O.C.G.A. §§ [33-23-5\(a\)\(5\)\(A\)](#) and [33-23-5\(a\)\(5\)\(B\)](#).

(6) All continuing education requirements as outlined in Rule [120-2-3-.15](#) and all renewal requirements as outlined in Rule [120-2-3-.16](#) apply to the Variable Products Line of Authority.

(7) Upon issuance of the agent license, the licensee must obtain a certificate of authority from each insurer that they will represent.

Cite as Ga. Comp. R. & Regs. R. 120-2-3-.23

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-8-1](#), [33-11-66](#), [33-11-67](#), [33-23-5](#), [33-23-5.1](#), [33-23-10](#), [33-23-12](#), [33-23-18](#), [33-23-28](#), [33-23-44](#).

HISTORY: Original Rule entitled "Subagent Record of Transaction" adopted. F. Sept. 10, 1992; eff. Sept. 30, 1992.

Amended: F. Aug. 9, 1996; eff. Aug. 29, 1996.

Repealed: New Rule entitled "Resident Variable Products" adopted. F. Jan. 15, 2003; eff. Feb. 4, 2003.

Repealed: New Rule of same title adopted. F. July 16, 2009; eff. Aug. 5, 2009.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

**Department 120. OFFICE OF COMMISSIONER OF INSURANCE,
SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN
COMMISSIONER**

Chapter 120-2. RULES OF COMMISSIONER OF INSURANCE

Subject 120-2-78. CREDIT FOR REINSURANCE

120-2-78-.09 Credit for Reinsurance - Reciprocal Jurisdictions

(1) Pursuant to O.C.G.A. § [33-7-14\(a\)\(6\)](#), the commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that is licensed to write reinsurance by, and has its head office or is domiciled in, a Reciprocal Jurisdiction, and which meets the other requirements of this regulation.

(2) A "Reciprocal Jurisdiction" is a jurisdiction, as designated by the commissioner pursuant to 120-2-78-.09(4), that meets one of the following:

(a) A non-U.S. jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and the European Union, is a member state of the European Union. For purposes of this subsection, a "covered agreement" is an agreement entered into pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, [31 U.S.C. §§313 and 314](#), that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this state or for allowing the ceding insurer to recognize credit for reinsurance;

(b) A U.S. jurisdiction that meets the requirements for accreditation under the NAIC financial standards and accreditation program; or

(c) A qualified jurisdiction, as determined by the commissioner pursuant to O.C.G.A. § [33-7-14\(a\)\(5\)\(C\)](#) and 120-2-78-.08(3), which is not otherwise described in Paragraph (a) or (b) above and which the commissioner determines meets all of the following additional requirements:

(1) Provides that an insurer which has its head office or is domiciled in such qualified jurisdiction shall receive credit for reinsurance ceded to a U.S.-domiciled assuming insurer in the same manner as credit for reinsurance is received for reinsurance assumed by insurers domiciled in such qualified jurisdiction;

(2) Does not require a U.S.-domiciled assuming insurer to establish or maintain a local presence as a condition for entering into a reinsurance agreement with any ceding insurer subject to regulation by the non-U.S. jurisdiction or as a condition to allow the ceding insurer to recognize credit for such reinsurance;

(3) Recognizes the U.S. state regulatory approach to group supervision and group capital, by providing written confirmation by a competent regulatory authority, in such qualified jurisdiction, that insurers and insurance groups that are domiciled or maintain their headquarters in this state or another jurisdiction accredited by the NAIC shall be subject only to worldwide prudential insurance group supervision including worldwide group governance, solvency and capital, and reporting, as applicable, by the commissioner or the commissioner of the domiciliary state and will not be subject to group supervisions at the level of the worldwide parent undertaking of the insurance or reinsurance group by the qualified jurisdiction; and

(4) Provides written confirmation by a competent regulatory authority in such qualified jurisdiction that information regarding insurers and their parent, subsidiary, or affiliated entities, if applicable, shall be provided to the commissioner in accordance with a memorandum of understanding or similar document between the commissioner and such qualified jurisdiction, including but not limited to the International Association of Insurance Supervisors

Multilateral Memorandum of Understanding or other multilateral memoranda of understanding coordinated by the NAIC.

(3) Credit shall be allowed when the reinsurance is ceded from an insurer domiciled in this state to an assuming insurer meeting each of the conditions set forth below:

(a) The assuming insurer must be licensed to transact reinsurance by, and have its head office or be domiciled in, a Reciprocal Jurisdiction.

(b) The assuming insurer must have and maintain on an ongoing basis minimum capital and surplus, or its equivalent, calculated on at least an annual basis as of the preceding December 31 or at the annual date otherwise statutorily reported to the Reciprocal Jurisdiction, and confirmed as set forth in Subsection 3(g) according to the methodology of its domiciliary jurisdiction in the following amounts:

(1) No less than \$250,000,000;

(2) If the assuming insurer is an association, including incorporated and individual unincorporated underwriters:

(i) Minimum capital and surplus equivalents (net of liabilities) or own funds of the equivalent of at least \$250,000,000;

(ii) A central fund containing a balance of the equivalent of at least \$250,000,000.

(c) The assuming insurer must have and maintain on an ongoing basis a minimum solvency or capital ratio, as applicable, as follows:

(1) If the assuming insurer has its head office or is domiciled in a Reciprocal Jurisdiction as defined in 120-2-78-.09(2)(a), the ratio specified in the applicable covered agreement:

(2) If the assuming insurer is domiciled in a Reciprocal Jurisdiction as defined in 120-2-78-.09(2)(b), a risk-based capital (RBC) ratio of three hundred percent (300%) of the authorized control level, calculated in accordance with the formula developed by the NAIC or

(3) If the assuming insurer is domiciled in a Reciprocal Jurisdiction as defined in 120-2-78-.09(3), after consultation with the Reciprocal Jurisdiction and considering any recommendations published through the NAIC Committee Process, such solvency or capital ratio as the commissioner determines to be an effective measure of solvency.

(d) The assuming insurer must agree to and provide adequate assurance, in the form of a properly executed Form RJ-1 (attached as an exhibit to this regulation), of its agreement to the following:

(1) The assuming insurer must agree to provide prompt written notice and explanation to the commissioner if it falls below the minimum requirements set forth in Paragraphs (b) or (c) of this subsection. or if any regulatory action is taken against it for serious noncompliance with applicable law.

(2) The assuming insurer must consent in writing to the jurisdiction of the courts of this state and to the appointment of the commissioner as agent for service of process.

(i) The commissioner may also require that such consent be provided and included in each reinsurance agreement under the commissioner's jurisdiction.

(ii) Nothing in this provision shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws.

(3) The assuming insurer must consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer, that have been declared enforceable in the territory where the judgment was obtained.

(4) Each reinsurance agreement must include a provision requiring the assuming insurer to provide security in an amount equal to one hundred percent (100%) of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its estate, if applicable.

(5) The assuming insurer must confirm that it is not presently participating in any solvent scheme of arrangement, which involves this state's ceding insurers, and agrees to notify the ceding insurer and the commissioner and to provide one hundred percent (100%) security to the ceding insurer consistent with the terms of the scheme, should the assuming insurer enter into such a solvent scheme of arrangement. Such security shall be in a form consistent with the provisions of O.C.G.A. § [33-7-14\(a\)\(5\)](#) and 120-2-78.12, 120-2-78-.13, or [120-2-78-.14](#). For purposes of this Regulation, the term "solvent scheme of arrangement" means a foreign or alien statutory or regulatory compromise procedure subject to requisite majority creditor approval and judicial sanction in the assuming insurer's home jurisdiction either to finally commute liabilities of duly noticed classed members or creditors of a solvent debtor, or to reorganize or restructure the debts and obligations of a solvent debtor on a final basis, and which may be subject to judicial recognition and enforcement of the arrangement by a governing authority outside the ceding insurer's home jurisdiction.

(6) The assuming insurer must agree in writing to meet the applicable information filing requirements as set forth in Paragraph (e) of this subsection.

(e) The assuming insurer or its legal successor must provide, if requested by the commissioner, on behalf of itself and any legal predecessors, the following documentation to the commissioner:

(1) For the two years preceding entry into the reinsurance agreement and on an annual basis thereafter, the assuming insurer's annual audited financial statements, in accordance with the applicable law of the jurisdiction of its head office or domiciliary jurisdiction, as applicable, including the external audit report;

(2) For the two years preceding entry into the reinsurance agreement, the solvency and financial condition report or actuarial opinion, if filed with the assuming insurer's supervisor;

(3) Prior to entry into the reinsurance agreement and not more than semi-annually thereafter, an updated list of all disputed and overdue reinsurance claims outstanding for 90 days or more, regarding reinsurance assumed from ceding insurers domiciled in the United States; and

(4) Prior to entry into the reinsurance agreement and not more than semi-annually thereafter, information regarding the assuming insurer's assumed reinsurance by ceding insurer, ceded reinsurance by the assuming insurer, and reinsurance recoverable on paid and unpaid losses by the assuming insurer to allow for the evaluation of the criteria set forth in Paragraph (f) of this subsection.

(f) The assuming insurer must maintain a practice of prompt payment of claims under reinsurance agreements. The lack of prompt payment will be evidenced if any of the following criteria is met:

(1) More than fifteen percent (15%) of the reinsurance recoverables from the assuming insurer are overdue and in dispute as reported to the commissioner;

(2) More than fifteen percent (15%) of the assuming insurer's ceding insurers or reinsurers have overdue reinsurance recoverable on paid losses of 90 days or more which are not in dispute and which exceed for each ceding insurer \$100,000, or as otherwise specified in a covered agreement; or

(3) The aggregate amount of reinsurance recoverable on paid losses which are not in dispute, but are overdue by 90 days or more, exceeds \$50,000,000, or as otherwise specified in a covered agreement.

(g) The assuming insurer's supervisory authority must confirm to the commissioner on an annual basis that the assuming insurer complies with the requirements set forth in Paragraphs (b) and (c) of this subsection.

(h) Nothing in this provision precludes an assuming insurer from providing the commissioner with information on a voluntary basis.

(4) The commissioner shall timely create and publish a list of Reciprocal Jurisdictions.

(a) A list of Reciprocal Jurisdictions is published through the NAIC Committee Process. The commissioner's list shall include any Reciprocal Jurisdiction as defined under 120-2-78-.09(2)(a) and (b), and shall consider any other Reciprocal Jurisdiction included on the NAIC list. The commissioner may approve a jurisdiction that does not appear on the NAIC list of Reciprocal Jurisdictions as provided by applicable law, regulation, or in accordance with criteria published through the NAIC Committee Process.

(b) The commissioner may remove a jurisdiction from the list of Reciprocal Jurisdictions upon a determination that the jurisdiction no longer meets one or more of the requirements of a Reciprocal Jurisdiction, as provided by applicable law, regulation, or in accordance with a process published through the NAIC Committee Process, except that the commissioner shall not remove from the list a Reciprocal Jurisdiction as defined under 120-2-78-.09(2)(a) and (b). Upon removal of a Reciprocal Jurisdiction from the list credit for reinsurance ceded to an assuming insurer domiciled in that jurisdiction shall be allowed, if otherwise allowed pursuant to O.C.G.A. § [33-7-14](#) or 120-2-78.

(5) The commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions set forth in this section and to which cessions shall be granted credit in accordance with this section.

(a) If an NAIC accredited jurisdiction has determined that the conditions set forth in Subsection C have been met, the commissioner has the discretion to defer to that jurisdiction's determination, and add such assuming insurer to the list of assuming insurers to which cessions shall be granted credit in accordance with this subsection. The commissioner may accept financial documentation filed with another NAIC accredited jurisdiction or with the NAIC in satisfaction of the requirements of Subsection (3).

(b) When requesting that the commissioner defer to another NAIC accredited jurisdiction's determination, an assuming insurer must submit a properly executed Form RJ-1 and additional information as the commissioner may require. A state that has received such a request will notify other states through the NAIC Committee Process and provide relevant information with respect to the determination of eligibility.

(6) If the commissioner determines that an assuming insurer no longer meets one or more of the requirements under this section, the commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under this section.

(a) While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended or renewed after the effective date of the suspension qualifies for credit except to the extent that the assuming insurer's obligations under the contract are secured in accordance with 120-2-789-.11.

(b) If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the commissioner and consistent with the provisions of [120-2-78-.11](#).

(7) Before denying statement credit or imposing a requirement to post security with respect to 120-2-78-.09(5) of this regulation or adopting any similar requirement that will have substantially the same regulatory impact as security, the commissioner shall:

(a) Communicate with the ceding insurer, the assuming insurer, and the assuming insurer's supervisory authority that the assuming insurer no longer satisfies one of the conditions listed in 120-2-78-.09(3) of this section;

(b) Provide the assuming insurer with 30 days from the initial communication to submit a plan to remedy the defect, and 90 days from the initial communication to remedy the defect, except in exceptional circumstances in which a shorter period is necessary for policyholder and other consumer protection;

(c) After the expiration of 90 days or less, as set out in Paragraph (b) of this Subsection, if the commissioner determines that no or insufficient action was taken by the assuming insurer, the commissioner may impose any of the requirements as set out in this Subsection; and

(d) Provide a written explanation to the assuming insurer of any of the requirements set out in this Subsection.

(8) If subject to a legal process of rehabilitation, liquidation or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceeding are pending, may obtain an order requiring that the assuming insurer post security for all outstanding liabilities.

Cite as Ga. Comp. R. & Regs. R. 120-2-78-.09

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Penalties" adopted. F. Jul. 9, 1997; eff. Jul. 29, 1997.

Repealed: New Rule entitled "Credit for Reinsurance Required by Law" adopted. F. May 23, 2013; eff. Jun. 12, 2013.

Repealed: New Rule entitled "Credit for Reinsurance - Reciprocal Jurisdictions" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-78-.10 Credit for Reinsurance Required by Law

Pursuant to O.C.G.A. § [33-7-14\(a\)\(6\)](#), the commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of O.C.G.A. § [33-7-14\(a\)\(1\)](#) - (5) but only as to the insurance of risks located in jurisdictions where the reinsurance is required by the applicable law or regulation of that jurisdiction. As used in this section, "jurisdiction" means state, district or territory of the United States and any lawful national government.

Cite as Ga. Comp. R. & Regs. R. 120-2-78-.10

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Asset or Reduction from Liability for Reinsurance Ceded to an Unauthorized Assuming Insurer not Meeting the Requirements of Sections 4 Through 9" adopted. F. May 23, 2013; eff. Jun. 12, 2013.

Repealed: New Rule entitled "Credit for Reinsurance Required by Law" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-78-.11 Asset or Reduction from Liability for Reinsurance Ceded to an Unauthorized Assuming Insurer not Meeting the Requirements of Sections 4 Through 9

(1) Pursuant to O.C.G.A. § [33-7-14\(b\)](#), the commissioner shall allow a reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of O.C.G.A. § [33-7-14\(a\)](#) in an amount not exceeding the liabilities carried by the ceding insurer. The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the exclusive benefit of the ceding insurer, under a reinsurance contract with such assuming insurer as security for the payment of obligations under the reinsurance contract. The security shall be held in the United States subject to withdrawal solely by, and under the exclusive

control of, the ceding insurer or, in the case of a trust, held in a qualified United States financial institution as defined in O.C.G.A. § [33-7-14\(c\)\(2\)](#). This security may be in the form of any of the following:

(a) Cash;

(b) Securities listed by the Securities Valuation Office of the NAIC, including those deemed exempt from filing as defined by the Purposes and Procedures Manual of the Securities Valuation Office, and qualifying as admitted assets;

(c) Clean, irrevocable, unconditional and "evergreen" letters of credit issued or confirmed by a qualified United States institution, as defined in O.C.G.A. § [33-7-14\(c\)](#), effective no later than December 31 of the year for which filing is being made, and in the possession of, or in trust for, the ceding insurer on or before the filing date of its annual statement. Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance (or confirmation) shall, notwithstanding the issuing (or confirming) institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever first occurs; or

(d) Any other form of security acceptable to the commissioner.

(2) An admitted asset or a reduction from liability for reinsurance ceded to an unauthorized assuming insurer pursuant to this section shall be allowed only when the requirements of [120-2-78-.15](#) and the applicable portions of [120-2-78-.12](#), [120-2-78-.13](#) or [120-2-78-.14](#) of this regulation have been satisfied.

Cite as Ga. Comp. R. & Regs. R. 120-2-78-.11

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Trust Agreements Qualified under Section 10" adopted. F. May 23, 2013; eff. Jun. 12, 2013.

Repealed: New Rule entitled "Asset or Reduction from Liability for Reinsurance Ceded to an Unauthorized Assuming Insurer not Meeting the Requirements of Sections 4 Through 9" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-78-.12 Trust Agreements Qualified under Section 10

(1) As used in this section:

(a) "Beneficiary" means the entity for whose sole benefit the trust has been established and any successor of the beneficiary by operation of law. If a court of law appoints a successor in interest to the named beneficiary, then the named beneficiary includes and is limited to the court appointed domiciliary receiver (including conservator, rehabilitator or liquidator).

(b) "Grantor" means the entity that has established a trust for the sole benefit of the beneficiary. When established in conjunction with a reinsurance agreement, the grantor is the unlicensed, unaccredited assuming insurer.

(c) "Obligations," as used Subsection (2)(k) of this section means:

(1) Reinsured losses and allocated loss expenses paid by the ceding company, but not recovered from the assuming insurer;

(2) Reserves for reinsured losses reported and outstanding;

(3) Reserves for reinsured losses incurred but not reported; and

(4) Reserves for allocated reinsured loss expenses and unearned premiums.

(2) Required conditions.

(a) The trust agreement shall be entered into between the beneficiary, the grantor and a trustee, which shall be a qualified United States financial institution as defined in O.C.G.A. § [33-7-14\(c\)\(2\)](#).

(b) The trust agreement shall create a trust account into which assets shall be deposited.

(c) All assets in the trust account shall be held by the trustee at the trustee's office in the United States.

(d) The trust agreement shall provide that:

(1) The beneficiary shall have the right to withdraw assets from the trust account at any time, without notice to the grantor, subject only to written notice from the beneficiary to the trustee;

(2) No other statement or document is required to be presented to withdraw assets, except that the beneficiary may be required to acknowledge receipt of withdrawn assets;

(3) It is not subject to any conditions or qualifications outside of the trust agreement; and

(4) It shall not contain references to any other agreements or documents except as provided for in Paragraphs (k) and (l) of this subsection.

(e) The trust agreement shall be established for the sole benefit of the beneficiary.

(f) The trust agreement shall require the trustee to:

(1) Receive assets and hold all assets in a safe place;

(2) Determine that all assets are in such form that the beneficiary, or the trustee upon direction by the beneficiary, may whenever necessary negotiate any such assets, without consent or signature from the grantor or any other person or entity;

(3) Furnish to the grantor and the beneficiary a statement of all assets in the trust account upon its inception and at intervals no less frequent than the end of each calendar quarter;

(4) Notify the grantor and the beneficiary within ten (10) days, of any deposits to or withdrawals from the trust account;

(5) Upon written demand of the beneficiary, immediately take any and all steps necessary to transfer absolutely and unequivocally all right, title and interest in the assets held in the trust account to the beneficiary and deliver physical custody of the assets to the beneficiary; and

(6) Allow no substitutions or withdrawals of assets from the trust account, except on written instructions from the beneficiary, except that the trustee may, without the consent of but with notice to the beneficiary, upon call or maturity of any trust asset, withdraw such asset upon condition that the proceeds are paid into the trust account.

(g) The trust agreement shall provide that at least thirty (30) days, but not more than forty-five (45) days, prior to termination of the trust account, written notification of termination shall be delivered by the trustee to the beneficiary.

(h) The trust agreement shall be made subject to and governed by the laws of the state in which the trust is domiciled.

(i) The trust agreement shall prohibit invasion of the trust corpus for the purpose of paying commission to, or reimbursing the expenses of, the trustee. In order for a letter of credit to qualify as an asset of the trust, the trustee

shall have the right and the obligation pursuant to the deed of trust or some other binding agreement (as duly approved by the commissioner), to immediately draw down the full amount of the letter of credit and hold the proceeds in trust for the beneficiaries of the trust if the letter of credit will otherwise expire without being renewed or replaced.

(j) The trust agreement shall provide that the trustee shall be liable for its negligence, willful misconduct or lack of good faith. The failure of the trustee to draw against the letter of credit in circumstances where such draw would be required shall be deemed to be negligence and/or willful misconduct.

(k) Notwithstanding other provisions of this regulation, when a trust agreement is established in conjunction with a reinsurance agreement covering risks other than life, annuities and accident and health, where it is customary practice to provide a trust agreement for a specific purpose, the trust agreement may provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, only for the following purposes:

(1) To pay or reimburse the ceding insurer for the assuming insurer's share under the specific reinsurance agreement regarding any losses and allocated loss expenses paid by the ceding insurer, but not recovered from the assuming insurer, or for unearned premiums due to the ceding insurer if not otherwise paid by the assuming insurer;

(2) To make payment to the assuming insurer of any amounts held in the trust account that exceed 102 percent of the actual amount required to fund the assuming insurer's obligations under the specific reinsurance agreement; or

(3) Where the ceding insurer has received notification of termination of the trust account and where the assuming insurer's entire obligations under the specific reinsurance agreement remain unliquidated and undischarged ten (10) days prior to the termination date, to withdraw amounts equal to the obligations and deposit those amounts in a separate account, in the name of the ceding insurer in any qualified U.S. financial institution as defined in O.C.G.A. § [33-7-14\(c\)\(2\)](#) apart from its general assets, in trust for such uses and purposes specified in Subparagraphs (1) and (2) above as may remain executory after such withdrawal and for any period after the termination date.

(l) Notwithstanding other provisions of this regulation, when a trust agreement is established to meet the requirements of [120-2-78-.10](#) in conjunction with a reinsurance agreement covering life, annuities or accident and health risks, where it is customary to provide a trust agreement for a specific purpose, the trust agreement may provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, only for the following purposes:

(1) To pay or reimburse the ceding insurer for:

(i) The assuming insurer's share under the specific reinsurance agreement of premiums returned, but not yet recovered from the assuming insurer, to the owners of policies reinsured under the reinsurance agreement on account of cancellations of the policies; and

(ii) The assuming insurer's share under the specific reinsurance agreement of surrenders and benefits or losses paid by the ceding insurer, but not yet recovered from the assuming insurer, under the terms and provisions of the policies reinsured under the reinsurance agreement;

(2) To pay to the assuming insurer amounts held in the trust account in excess of the amount necessary to secure the credit or reduction from liability for reinsurance taken by the ceding insurer; or

(3) Where the ceding insurer has received notification of termination of the trust and where the assuming insurer's entire obligations under the specific reinsurance agreement remain unliquidated and undischarged ten (10) days prior to the termination date, to withdraw amounts equal to the assuming insurer's share of liabilities, to the extent that the liabilities have not yet been funded by the assuming insurer, and deposit those amounts in a separate account, in the name of the ceding insurer in any qualified U.S. financial institution apart from its general assets, in trust for the uses and purposes specified in Subparagraphs (1) and (2) of this paragraph as may remain executory after withdrawal and for any period after the termination date.

(m) Either the reinsurance agreement or the trust agreement must stipulate that assets deposited in the trust account shall be valued according to their current fair market value and shall consist only of cash in United States dollars, certificates of deposit issued by a United States bank and payable in United States dollars, and investments permitted by the Insurance Code or any combination of the above, provided investments in or issued by an entity controlling, controlled by or under common control with either the grantor or the beneficiary of the trust shall not exceed five percent (5%) of total investments. The agreement may further specify the types of investments to be deposited. If the reinsurance agreement covers life, annuities or accident and health risks, then the provisions required by this paragraph must be included in the reinsurance agreement.

(3) Permitted conditions.

(a) The trust agreement may provide that the trustee may resign upon delivery of a written notice of resignation, effective not less than ninety (90) days after the beneficiary and grantor receive the notice and that the trustee may be removed by the grantor by delivery to the trustee and the beneficiary of a written notice of removal, effective not less than ninety (90) days after the trustee and the beneficiary receive the notice, provided that no such resignation or removal shall be effective until a successor trustee has been duly appointed and approved by the beneficiary and the grantor and all assets in the trust have been duly transferred to the new trustee.

(b) The grantor may have the full and unqualified right to vote any shares of stock in the trust account and to receive from time to time payments of any dividends or interest upon any shares of stock or obligations included in the trust account. Any interest or dividends shall be either forwarded promptly upon receipt to the grantor or deposited in a separate account established in the grantor's name.

(c) The trustee may be given authority to invest, and accept substitutions of, any funds in the account, provided that no investment or substitution shall be made without prior approval of the beneficiary, unless the trust agreement specifies categories of investments acceptable to the beneficiary and authorizes the trustee to invest funds and to accept substitutions that the trustee determines are at least equal in current fair market value to the assets withdrawn and that are consistent with the restrictions in Subsection (4)(a)(2) of this section.

(d) The trust agreement may provide that the beneficiary may at any time designate a party to which all or part of the trust assets are to be transferred. Transfer may be conditioned upon the trustee receiving, prior to or simultaneously, other specified assets.

(e) The trust agreement may provide that, upon termination of the trust account, all assets not previously withdrawn by the beneficiary shall, with written approval by the beneficiary, be delivered over to the grantor.

(4) Additional conditions applicable to reinsurance agreements:

(a) A reinsurance agreement may contain provisions that:

(1) Require the assuming insurer to enter into a trust agreement and to establish a trust account for the benefit of the ceding insurer, and specifying what the agreement is to cover;

(2) Require the assuming insurer, prior to depositing assets with the trustee, to execute assignments or endorsements in blank, or to transfer legal title to the trustee of all shares, obligations or any other assets requiring assignments, in order that the ceding insurer, or the trustee upon the direction of the ceding insurer, may whenever necessary negotiate these assets without consent or signature from the assuming insurer or any other entity;

(3) Require that all settlements of account between the ceding insurer and the assuming insurer be made in cash or its equivalent; and

(4) Stipulate that the assuming insurer and the ceding insurer agree that the assets in the trust account, established pursuant to the provisions of the reinsurance agreement, may be withdrawn by the ceding insurer at any time, notwithstanding any other provisions in the reinsurance agreement, and shall be utilized and applied by the ceding insurer or its successors in interest by operation of law, including without limitation any liquidator, rehabilitator,

receiver or conservator of such company, without diminution because of insolvency on the part of the ceding insurer or the assuming insurer, only for the following purposes:

(i) To pay or reimburse the ceding insurer for:

(I) The assuming insurer's share under the specific reinsurance agreement of premiums returned, but not yet recovered from the assuming insurer, to the owners of policies reinsured under the reinsurance agreement because of cancellations of such policies;

(II) The assuming insurer's share of surrenders and benefits or losses paid by the ceding insurer pursuant to the provisions of the policies reinsured under the reinsurance agreement; and

(III) Any other amounts necessary to secure the credit or reduction from liability for reinsurance taken by the ceding insurer.

(ii) To make payment to the assuming insurer of amounts held in the trust account in excess of the amount necessary to secure the credit or reduction from liability for reinsurance taken by the ceding insurer.

(b) The reinsurance agreement also may contain provisions that:

(1) Give the assuming insurer the right to seek approval from the ceding insurer, which shall not be unreasonably or arbitrarily withheld, to withdraw from the trust account all or any part of the trust assets and transfer those assets to the assuming insurer, provided:

(i) The assuming insurer shall, at the time of withdrawal, replace the withdrawn assets with other qualified assets having a current fair market value equal to the market value of the assets withdrawn so as to maintain at all times the deposit in the required amount; or

(ii) After withdrawal and transfer, the current fair market value of the trust account is no less than 102 percent of the required amount.

(2) Provide for the return of any amount withdrawn in excess of the actual amounts required for Paragraph (a)(4) of this subsection, and for interest payments at a rate not in excess of the prime rate of interest on such amounts;

(3) Permit the award by any arbitration panel or court of competent jurisdiction of:

(i) Interest at a rate different from that provided in Subparagraph (2) of this paragraph;

(ii) Court or arbitration costs;

(iii) Attorney's fees; and

(iv) Any other reasonable expenses.

(5) Financial reporting. A trust agreement may be used to reduce any liability for reinsurance ceded to an unauthorized assuming insurer in financial statements required to be filed with this department in compliance with the provisions of this regulation when established on or before the date of filing of the financial statement of the ceding insurer. Further, the reduction for the existence of an acceptable trust account may be up to the current fair market value of acceptable assets available to be withdrawn from the trust account at that time, but such reduction shall be no greater than the specific obligations under the reinsurance agreement that the trust account was established to secure.

(6) Existing agreements. Notwithstanding the effective date of this regulation, any trust agreement or underlying reinsurance agreement in existence prior to [insert date] will continue to be acceptable until [insert date], at which time the agreements will have to fully comply with this regulation for the trust agreement to be acceptable.

(7) The failure of any trust agreement to specifically identify the beneficiary as defined in Subsection (1) of this section shall not be construed to affect any actions or rights that the commissioner may take or possess pursuant to the provisions of the laws of this state.

Cite as Ga. Comp. R. & Regs. R. 120-2-78-.12

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Letters of Credit Qualified under Section 10" adopted. F. May 23, 2013; eff. Jun. 12, 2013.

Repealed: New Rule entitled "Trust Agreements Qualified under Section 10" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-78-.13 Letters of Credit Qualified under Section 11

(1) The letter of credit must be clean, irrevocable, unconditional and issued or confirmed by a qualified United States financial institution as defined in O.C.G.A. § [33-7-14\(c\)\(1\)](#). The letter of credit shall contain an issue date and expiration date and shall stipulate that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain funds and that no other document need be presented. The letter of credit also shall indicate that it is not subject to any condition or qualifications outside of the letter of credit. In addition, the letter of credit itself shall not contain reference to any other agreements, documents or entities, except as provided in Subsection (8)(a) of this section. As used in this section, "beneficiary" means the domestic insurer for whose benefit the letter of credit has been established and any successor of the beneficiary by operation of law. If a court of law appoints a successor in interest to the named beneficiary, then the named beneficiary includes and is limited to the court appointed domiciliary receiver (including conservator, rehabilitator or liquidator).

(2) The heading of the letter of credit may include a boxed section containing the name of the applicant and other appropriate notations to provide a reference for the letter of credit. The boxed section shall be clearly marked to indicate that such information is for internal identification purposes only.

(3) The letter of credit shall contain a statement to the effect that the obligation of the qualified United States financial institution under the letter of credit is in no way contingent upon reimbursement with respect thereto.

(4) The term of the letter of credit shall be for at least one year and shall contain an "evergreen clause" that prevents the expiration of the letter of credit without due notice from the issuer. The "evergreen clause" shall provide for a period of no less than thirty (30) days notice prior to expiration date or nonrenewal.

(5) The letter of credit shall state whether it is subject to and governed by the laws of this state or the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce Publication 600 (UCP 600) or International Standby Practices of the International Chamber of Commerce Publication 590 (ISP98), or any successor publication, and all drafts drawn thereunder shall be presentable at an office in the United States of a qualified United States financial institution.

(6) If the letter of credit is made subject to the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce (Publication 500), or any successor publication, then the letter of credit shall specifically address and provide for an extension of time to draw against the letter of credit in the event that one or more of the occurrences specified in Article 17 of Publication 500 or any other successor publication, occur.

(7) If the letter of credit is issued by a financial institution authorized to issue letters of credit, other than a qualified United States financial institution as described in Subsection (1) of this section, then the following additional requirements shall be met:

(a) The issuing financial institution shall formally designate the confirming qualified United States financial institution as its agent for the receipt and payment of the drafts; and

(b) The "evergreen clause" shall provide for thirty (30) days notice prior to expiration date for nonrenewal.

(8) Reinsurance agreement provisions.

(a) The reinsurance agreement in conjunction with which the letter of credit is obtained may contain provisions that:

(1) Require the assuming insurer to provide letters of credit to the ceding insurer and specify what they are to cover;

(2) Stipulate that the assuming insurer and ceding insurer agree that the letter of credit provided by the assuming insurer pursuant to the provisions of the reinsurance agreement may be drawn upon at any time, notwithstanding any other provisions in the agreement, and shall be utilized by the ceding insurer or its successors in interest only for one or more of the following reasons:

(i) To pay or reimburse the ceding insurer for:

(I) The assuming insurer's share under the specific reinsurance agreement of premiums returned, but not yet recovered from the assuming insurers, to the owners of policies reinsured under the reinsurance agreement on account of cancellations of such policies;

(II) The assuming insurer's share, under the specific reinsurance agreement, of surrenders and benefits or losses paid by the ceding insurer, but not yet recovered from the assuming insurers, under the terms and provisions of the policies reinsured under the reinsurance agreement; and

(III) Any other amounts necessary to secure the credit or reduction from liability for reinsurance taken by the ceding insurer;

(ii) Where the letter of credit will expire without renewal or be reduced or replaced by a letter of credit for a reduced amount and where the assuming insurer's entire obligations under the reinsurance agreement remain unliquidated and undischarged ten (10) days prior to the termination date, to withdraw amounts equal to the assuming insurer's share of the liabilities, to the extent that the liabilities have not yet been funded by the assuming insurer and exceed the amount of any reduced or replacement letter of credit, and deposit those amounts in a separate account in the name of the ceding insurer in a qualified U.S. financial institution apart from its general assets, in trust for such uses and purposes specified in Subsection (8)(a)(2)(i) of this section as may remain after withdrawal and for any period after the termination date.

(3) All of the provisions of Paragraph (a) of this subsection shall be applied without diminution because of insolvency on the part of the ceding insurer or assuming insurer.

(b) Nothing contained Paragraph (a) of this subsection shall preclude the ceding insurer and assuming insurer from providing for:

(1) An interest payment, at a rate not in excess of the prime rate of interest, on the amounts held pursuant to Subparagraph (a)(2) of this subsection; or

(2) The return of any amounts drawn down on the letters of credit in excess of the actual amounts required for the above or any amounts that are subsequently determined not to be due.

Cite as Ga. Comp. R. & Regs. R. 120-2-78-.13

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Other Security" adopted. F. May 23, 2013; eff. Jun. 12, 2013.

Repealed: New Rule entitled "Letters of Credit Qualified Under Section 11" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-78-.14 Other Security

A ceding insurer may take credit for unencumbered funds withheld by the ceding insurer in the United States subject to withdrawal solely by the ceding insurer and under its exclusive control.

Cite as Ga. Comp. R. & Regs. R. 120-2-78-.14

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Reinsurance Contract" adopted. F. May 23, 2013; eff. Jun. 12, 2013.

Repealed: New Rule entitled "Other Security" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-78-.15 Reinsurance Contract

Credit will not be granted, nor an asset or reduction from liability allowed, to a ceding insurer for reinsurance effected with assuming insurers meeting the requirements of Sections 4, 5, 6, 7, 8 or 9 of this regulation or otherwise in compliance with O.C.G.A. § [33-7-14\(a\)](#) after the adoption of this regulation unless the reinsurance agreement:

(1) Includes a proper insolvency clause, which stipulates that reinsurance is payable directly to the liquidator or successor without diminution regardless of the status of the ceding company, pursuant to Section [insert appropriate number] of the Insurance Code;

(2) Includes a provision pursuant to O.C.G.A. § [33-7-14\(a\)](#) whereby the assuming insurer, if an unauthorized assuming insurer, has submitted to the jurisdiction of an alternative dispute resolution panel or court of competent jurisdiction within the United States, has agreed to comply with all requirements necessary to give the court or panel jurisdiction, has designated an agent upon whom service of process may be effected, and has agreed to abide by the final decision of the court or panel; and

(3) Includes a proper reinsurance intermediary clause, if applicable, which stipulates that the credit risk for the intermediary is carried by the assuming insurer.

Cite as Ga. Comp. R. & Regs. R. 120-2-78-.15

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Contracts Affected" adopted. F. May 23, 2013; eff. Jun. 12, 2013.

Repealed: New Rule entitled "Reinsurance Contract" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-78-.16 Contracts Affected

All new and renewal reinsurance transactions entered into after [insert date] shall conform to the requirements of the Act and this regulation if credit is to be given to the ceding insurer for such reinsurance.

Cite as Ga. Comp. R. & Regs. R. 120-2-78-.16

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Contracts Affected" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

**Department 120. OFFICE OF COMMISSIONER OF INSURANCE,
SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN
COMMISSIONER**

Chapter 120-2. RULES OF COMMISSIONER OF INSURANCE

Subject 120-2-108. VALUATION OF LIFE INSURANCE POLICIES

120-2-108-.01 Purpose

(1) The purpose of this regulation is to provide:

- (a) Tables of select mortality factors and rules for their use;
- (b) Rules concerning a minimum standard for the valuation of plans with nonlevel premiums or benefits; and
- (c) Rules concerning a minimum standard for the valuation of plans with secondary guarantees.

(2) The method for calculating basic reserves defined in this regulation will constitute the Commissioners' Reserve Valuation Method for policies to which this regulation is applicable.

Cite as Ga. Comp. R. & Regs. R. 120-2-108-.01

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-10-13](#).

HISTORY: Original Rule entitled "Purpose" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-108-.02 Authority

This regulation is issued under the authority granted by O.C.G.A. § [33-2-9](#).

Cite as Ga. Comp. R. & Regs. R. 120-2-108-.02

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-10-13](#).

HISTORY: Original Rule entitled "Authority" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-108-.03 Applicability

This regulation shall apply to all life insurance policies, with or without nonforfeiture values, issued on or after the effective date of this regulation, subject to the following exceptions and conditions.

(1) Exceptions

- (a) This regulation shall not apply to any individual life insurance policy issued on or after the effective date of this regulation if the policy is issued in accordance with and as a result of the exercise of a reentry provision contained in the original life insurance policy of the same or greater face amount, issued before the effective date of this regulation, that guarantees the premium rates of the new policy. This regulation also shall not apply to subsequent policies issued as a result of the exercise of such a provision, or a derivation of the provision, in the new policy.

(b) This regulation shall not apply to any universal life policy that meets all the following requirements:

(1) Secondary guarantee period, if any, is five (5) years or less;

(2) Specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the CSO valuation tables as defined in Section 4F and the applicable valuation interest rate; and (c) The initial surrender charge is not less than 100 percent of the first year annualized specified premium for the secondary guarantee period.

(3) This regulation shall not apply to any variable life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.

(4) This regulation shall not apply to any variable universal life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.

(5) This regulation shall not apply to a group life insurance certificate unless the certificate provides for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess of one year.

(2) Conditions

(a) Calculation of the minimum valuation standard for policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits (other than universal life policies), or both, shall be in accordance with the provisions of 120-2 -.06.

(b) Calculation of the minimum valuation standard for flexible premium and fixed premium universal life insurance policies, that contain provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period shall be in accordance with the provisions of 120-2 -.07.

Cite as Ga. Comp. R. & Regs. R. 120-2-108-.03

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-10-13](#).

HISTORY: Original Rule entitled "Applicability" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-108-.04 Definitions

For purposes of this regulation:

(1) "Basic reserves" means reserves calculated in accordance with O.C.G.A. § [33-10-13](#).

(2) "Contract segmentation method" means the method of dividing the period from issue to mandatory expiration of a policy into successive segments, with the length of each segment being defined as the period from the end of the prior segment (from policy inception, for the first segment) to the end of the latest policy year as determined below. All calculations are made using the 1980 CSO valuation tables, as defined in Subsection (5) of this section, (or any other valuation mortality table adopted by the National Association of Insurance Commissioners (NAIC) after the effective date of this regulation and promulgated by regulation by the commissioner for this purpose), and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in 120-2 -.05(2).

The length of a particular contract segment shall be set equal to the minimum of the value t for which G_t is greater than R_t (if G_t never exceeds R_t the segment length is deemed to be the number of years from the beginning of the segment to the mandatory expiration date of the policy), where G_t and R_t are defined as follows:

$$G_t = \frac{GP_{x+k+t}}{GP_{x+k+t-1}}$$

where:

x = original issue age;

k = the number of years from the date of issue to the beginning of the segment;

$t = 1, 2, \dots$; t is reset to 1 at the beginning of each segment;

$GP_{x+k+t-1}$ = Guaranteed gross premium per thousand of face amount for year t of the segment, ignoring policy fees only if level for the premium paying period of the policy.

q_{x+k+t}

$R_t = \frac{GP_{x+k+t}}{GP_{x+k+t-1}}$, However, R_t may be increased or $q_{x+k+t-1}$ decreased by one percent in any policy year, at the company's option, but R_t shall not be less than one;

where:

x , k and t are as defined above, and

$q_{x+k+t-1}$ = valuation mortality rate for deficiency reserves in policy year $k+t$ but using the mortality of Section 5B(2) if Section 5B(3) is elected for deficiency reserves. However, if GP_{x+k+t} is greater than 0 and $GP_{x+k+t-1}$ is equal to 0, G_t shall be deemed to be 1000. If GP_{x+k+t} and $GP_{x+k+t-1}$ are both equal to 0, G_t shall be deemed to be 0.

(3) "Deficiency reserves" means the excess, if greater than zero, of

(a) Minimum reserves calculated in accordance with O.C.G.A. § [33-10-13\(l\)](#) over

(b) Basic reserves.

(4) "Guaranteed gross premiums" means the premiums under a policy of life insurance that are guaranteed and determined at issue.

(5) "Maximum valuation interest rates" means the interest rates defined in O.C.G.A. § [33-10-13\(f\)](#) (Computation of Minimum Standard by Calendar Year of Issue) that are to be used in determining the minimum standard for the valuation of life insurance policies.

(6) "1980 CSO valuation tables" means the Commissioners' 1980 Standard Ordinary Mortality Table (1980 CSO Table) without ten-year selection factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law, and variations of the 1980 CSO Table approved by the NAIC, such as the smoker and nonsmoker versions approved in December 1983.

(7) "Scheduled gross premium" means the smallest illustrated gross premium at issue for other than universal life insurance policies. For universal life insurance policies, scheduled gross premium means the smallest specified premium described in 120-2-.07(1)(c), if any, or else the minimum premium described in 120-2-.07(1)(d).

(8) (a) "Segmented reserves" means reserves, calculated using segments produced by the contract segmentation method, equal to the present value of all future guaranteed benefits less the present value of all future net premiums to the mandatory expiration of a policy, where the net premiums within each segment are a uniform percentage of

the respective guaranteed gross premiums within the segment. The uniform percentage for each segment is such that, at the beginning of the segment, the present value of the net premiums within the segment equals:

- (1) The present value of the death benefits within the segment, plus
- (2) The present value of any unusual guaranteed cash value (see 120- 2- .06(4)) occurring at the end of the segment, less
- (3) Any unusual guaranteed cash value occurring at the start of the segment, plus
- (4) For the first segment only, the excess of the Item (i) over Item (ii), as follows:
 - (i) A net level annual premium equal to the present value, at the date of issue, of the benefits provided for in the first segment after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary within the first segment on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy.
 - (ii) A net one year term premium for the benefits provided for in the first policy year.
- (b) The length of each segment is determined by the "contract segmentation method," as defined in this section.
- (c) The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the sum of the lengths of all segments of the policy.
- (d) For both basic reserves and deficiency reserves computed by the segmented method, present values shall include future benefits and net premiums in the current segment and in all subsequent segments.
- (9) "Tabular cost of insurance" means the net single premium at the beginning of a policy year for one-year term insurance in the amount of the guaranteed death benefit in that policy year.
- (10) "Ten-year select factors" means the select factors adopted with the 1980 amendments to the NAIC Standard Valuation Law.
- (11) (a) "Unitary reserves" means the present value of all future guaranteed benefits less the present value of all future modified net premiums, where:
 - (1) Guaranteed benefits and modified net premiums are considered to the mandatory expiration of the policy; and
 - (2) Modified net premiums are a uniform percentage of the respective guaranteed gross premiums, where the uniform percentage is such that, at issue, the present value of the net premiums equals the present value of all death benefits and pure endowments, plus the excess of Item (i) over Item (ii), as follows:
 - (i) A net level annual premium equal to the present value, at the date of issue, of the benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary of the policy on which a premium falls due. However, the net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy.
 - (ii) A net one year term premium for the benefits provided for in the first policy year.
 - (b) The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the length from issue to the mandatory expiration of the policy.

(12) "Universal life insurance policy" means any individual life insurance policy under the provisions of which separately identified interest credits (other than in connection with dividend accumulations, premium deposit funds, or other supplementary accounts) and mortality or expense charges are made to the policy.

Cite as Ga. Comp. R. & Regs. R. 120-2-108-.04

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-10-13](#).

HISTORY: Original Rule entitled "Definitions" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-108-.05 General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves

(1) At the election of the company for any one or more specified plans of life insurance, the minimum mortality standard for basic reserves may be calculated using the 1980 CSO valuation tables with select mortality factors (or any other valuation mortality table adopted by the NAIC after the effective date of this regulation and promulgated by regulation by the commissioner for this purpose). If select mortality factors are elected, they may be:

(a) The ten-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law;

(b) The select mortality factors in the Appendix; or

(c) Any other table of select mortality factors adopted by the NAIC after the effective date of this regulation and promulgated by regulation by the commissioner for the purpose of calculating basic reserves.

(2) Deficiency reserves, if any, are calculated for each policy as the excess, if greater than zero, of the quantity A over the basic reserve. The quantity A is obtained by recalculating the basic reserve for the policy using guaranteed gross premiums instead of net premiums when the guaranteed gross premiums are less than the corresponding net premiums. At the election of the company for any one or more specified plans of insurance, the quantity A and the corresponding net premiums used in the determination of quantity A may be based upon the 1980 CSO valuation tables with select mortality factors (or any other valuation mortality table adopted by the NAIC after the effective date of this regulation and promulgated by regulation by the commissioner). If select mortality factors are elected, they may be:

(a) The ten-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law;

(b) The select mortality factors in the Appendix of this regulation;

(c) For durations in the first segment, X percent of the select mortality factors in the Appendix, subject to the following:

(1) X may vary by policy year, policy form, underwriting classification, issue age, or any other policy factor expected to affect mortality experience;

(2) X is such that, when using the valuation interest rate used for basic reserves, Item (i) is greater than or equal to Item (ii);

(i) The actuarial present value of future death benefits, calculated using the mortality rates resulting from the application of X;

(ii) The actuarial present value of future death benefits calculated using anticipated mortality experience without recognition of mortality improvement beyond the valuation date;

- (3) X is such that the mortality rates resulting from the application of X are at least as great as the anticipated mortality experience, without recognition of mortality improvement beyond the valuation date, in each of the first five (5) years after the valuation date;
- (4) The appointed actuary shall increase X at any valuation date where it is necessary to continue to meet all the requirements of Subsection (2)(c);
- (5) The appointed actuary may decrease X at any valuation date as long as X continues to meet all the requirements of Subsection (2)(c); and
- (6) The appointed actuary shall specifically take into account the adverse effect on expected mortality and lapsation of any anticipated or actual increase in gross premiums.
- (7) If X is less than 100 percent at any duration for any policy, the following requirements shall be met:
- (i) The appointed actuary shall annually prepare an actuarial opinion and memorandum for the company in conformance with the requirements of [120-2-74-.06](#);
 - (ii) The appointed actuary shall disclose, in the Regulatory Asset Adequacy Issues Summary, the impact of the insufficiency of assets to support the payment of benefits and expenses and the establishment of statutory reserves during one or more interim periods; and
 - (iii) The appointed actuary shall annually opine for all policies subject to this regulation as to whether the mortality rates resulting from the application of X meet the requirements of Subsection (2)(c). This opinion shall be supported by an actuarial report, subject to appropriate Actuarial Standards of Practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries. The X factors shall reflect anticipated future mortality, without recognition of mortality improvement beyond the valuation date, taking into account relevant emerging experience.
- (4) Any other table of select mortality factors adopted by the NAIC after the effective date of this regulation and promulgated by regulation by the commissioner for the purpose of calculating deficiency reserves.
- (3) This subsection applies to both basic reserves and deficiency reserves. Any set of select mortality factors may be used only for the first segment. However, if the first segment is less than ten (10) years, the appropriate ten-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law may be used thereafter through the tenth policy year from the date of issue.
- (4) In determining basic reserves or deficiency reserves, guaranteed gross premiums without policy fees may be used where the calculation involves the guaranteed gross premium but only if the policy fee is a level dollar amount after the first policy year. In determining deficiency reserves, policy fees may be included in guaranteed gross premiums, even if not included in the actual calculation of basic reserves.
- (5) Reserves for policies that have changes to guaranteed gross premiums, guaranteed benefits, guaranteed charges, or guaranteed credits that are unilaterally made by the insurer after issue and that are effective for more than one year after the date of the change shall be the greatest of the following: (1) reserves calculated ignoring the guarantee, (2) reserves assuming the guarantee was made at issue, and (3) reserves assuming that the policy was issued on the date of the guarantee.
- (6) The commissioner may require that the company document the extent of the adequacy of reserves for specified blocks, including but not limited to policies issued prior to the effective date of this regulation. This documentation may include a demonstration of the extent to which aggregation with other non-specified blocks of business is relied upon in the formation of the appointed actuary opinion pursuant to and consistent with the requirements of [120-2-74-.06](#).

Cite as Ga. Comp. R. & Regs. R. 120-2-108-.05

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-10-13](#).

HISTORY: Original Rule entitled "General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-108-.06 Calculation of Minimum Valuation Standard for Policies with Guaranteed Nonlevel Gross Premiums or Guaranteed Nonlevel Benefits (Other than Universal Life Policies)

(1) Basic Reserves

Basic reserves shall be calculated as the greater of the segmented reserves and the unitary reserves. Both the segmented reserves and the unitary reserves for any policy shall use the same valuation mortality table and selection factors. At the option of the insurer, in calculating segmented reserves and net premiums, either of the adjustments described in Paragraph (a) or (b) below may be made:

(a) Treat the unitary reserve, if greater than zero, applicable at the end of each segment as a pure endowment and subtract the unitary reserve, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

(b) Treat the guaranteed cash surrender value, if greater than zero, applicable at the end of each segment as a pure endowment; and subtract the guaranteed cash surrender value, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

(2) Deficiency Reserves

(a) The deficiency reserve at any duration shall be calculated:

(1) On a unitary basis if the corresponding basic reserve determined by Subsection (1) is unitary;

(2) On a segmented basis if the corresponding basic reserve determined by Subsection (1) is segmented; or

(3) On the segmented basis if the corresponding basic reserve determined by Subsection (1) is equal to both the segmented reserve and the unitary reserve.

(b) This subsection shall apply to any policy for which the guaranteed gross premium at any duration is less than the corresponding modified net premium calculated by the method used in determining the basic reserves, but using the minimum valuation standards of mortality (specified in 120- 2- .05(2)) and rate of interest.

(c) Deficiency reserves, if any, shall be calculated for each policy as the excess if greater than zero, for the current and all remaining periods, of the quantity A over the basic reserve, where A is obtained as indicated in 120- 2- .05(2).

(d) For deficiency reserves determined on a segmented basis, the quantity A is determined using segment lengths equal to those determined for segmented basic reserves.

(3) Minimum Value

Basic reserves may not be less than the tabular cost of insurance for the balance of the policy year, if mean reserves are used. Basic reserves may not be less than the tabular cost of insurance for the balance of the current modal period or to the paid-to-date, if later, but not beyond the next policy anniversary, if mid-terminal reserves are used. The tabular cost of insurance shall use the same valuation mortality table and interest rates as that used for the calculation of the segmented reserves. However, if select mortality factors are used, they shall be the ten-year select factors incorporated into the 1980 amendments of the NAIC Standard Valuation Law. In no case may total reserves (including basic reserves, deficiency reserves and any reserves held for supplemental benefits that would expire

upon contract termination) be less than the amount that the policyowner would receive (including the cash surrender value of the supplemental benefits, if any, referred to above), exclusive of any deduction for policy loans, upon termination of the policy.

(4) Unusual Pattern of Guaranteed Cash Surrender Values

(a) For any policy with an unusual pattern of guaranteed cash surrender values, the reserves actually held prior to the first unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the first unusual guaranteed cash surrender value as a pure endowment and treating the policy as an n year policy providing term insurance plus a pure endowment equal to the unusual cash surrender value, where n is the number of years from the date of issue to the date the unusual cash surrender value is scheduled.

(b) The reserves actually held subsequent to any unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the policy as an n year policy providing term insurance plus a pure endowment equal to the next unusual guaranteed cash surrender value, and treating any unusual guaranteed cash surrender value at the end of the prior segment as a net single premium, where

(1) n is the number of years from the date of the last unusual guaranteed cash surrender value prior to the valuation date to the earlier of:

(i) The date of the next unusual guaranteed cash surrender value, if any, that is scheduled after the valuation date; or

(ii) The mandatory expiration date of the policy; and

(2) The net premium for a given year during the n year period is equal to the product of the net to gross ratio and the respective gross premium; and

(3) The net to gross ratio is equal to Item (i) divided by Item (ii) as follows:

(i) The present value, at the beginning of the n year period, of death benefits payable during the n year period plus the present value, at the beginning of the n year period, of the next unusual guaranteed cash surrender value, if any, minus the amount of the last unusual guaranteed cash surrender value, if any, scheduled at the beginning of the n year period.

(ii) The present value, at the beginning of the n year period, of the scheduled gross premiums payable during the n year period.

(c) For purposes of this subsection, a policy is considered to have an unusual pattern of guaranteed cash surrender values if any future guaranteed cash surrender value exceeds the prior year's guaranteed cash surrender value by more than the sum of:

(1) One hundred ten percent (110%) of the scheduled gross premium for that year;

(2) One hundred ten percent (110%) of one year's accrued interest on the sum of the prior year's guaranteed cash surrender value and the scheduled gross premium using the nonforfeiture interest rate used for calculating policy guaranteed cash surrender values; and

(3) Five percent (5%) of the first policy year surrender charge, if any.

(5) Optional Exemption for Yearly Renewable Term Reinsurance. At the option of the company, the following approach for reserves on YRT reinsurance may be used:

(a) Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

(b) Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in Subsection (3).

(c) Deficiency reserves.

(1) For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.

(2) Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with Subparagraph (1) above.

(d) For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO mortality tables with or without ten-year select mortality factors, or any other table adopted after the effective date of this regulation by the NAIC and promulgated by regulation by the commissioner for this purpose.

(e) A reinsurance agreement shall be considered YRT reinsurance for purposes of this subsection if only the mortality risk is reinsured.

(f) If the assuming company chooses this optional exemption, the ceding company's reinsurance reserve credit shall be limited to the amount of reserve held by the assuming company for the affected policies.

(6) Optional Exemption for Attained-Age-Based Yearly Renewable Term Life Insurance Policies. At the option of the company, the following approach for reserves for attained-age-based YRT life insurance policies may be used:

(a) Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.

(b) Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in Subsection (3).

(c) Deficiency reserves.

(1) For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.

(2) Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with Subparagraph (1) above.

(d) For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO valuation tables with or without ten-year select mortality factors, or any other table adopted after the effective date of this regulation by the NAIC and promulgated by regulation by the commissioner for this purpose.

(e) A policy shall be considered an attained-age-based YRT life insurance policy for purposes of this subsection if:

(1) The premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) are based upon the attained age of the insured such that the rate for any given policy at a given attained age of the insured is independent of the year the policy was issued; and

(2) The premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) are the same as the premium rates for policies covering all insureds of the same sex, risk class, plan of insurance and attained age.

(f) For policies that become attained-age-based YRT policies after an initial period of coverage, the approach of this subsection may be used after the initial period if:

(1) The initial period is constant for all insureds of the same sex, risk class and plan of insurance; or

(2) The initial period runs to a common attained age for all insureds of the same sex, risk class and plan of insurance; and

(3) After the initial period of coverage, the policy meets the conditions of Paragraph (e) above.

(g) If this election is made, this approach shall be applied in determining reserves for all attained-age-based YRT life insurance policies issued on or after the effective date of this regulation.

(7) Exemption from Unitary Reserves for Certain *n*-Year Renewable Term Life Insurance Policies. Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met:

(a) The policy consists of a series of *n*-year periods, including the first period and all renewal periods, where *n* is the same for each period, except that for the final renewal period, *n* may be truncated or extended to reach the expiry age, provided that this final renewal period is less than 10 years and less than twice the size of the earlier *n*-year periods, and for each period, the premium rates on both the initial current premium scale and the guaranteed maximum premium scale are level;

(b) The guaranteed gross premiums in all *n*-year periods are not less than the corresponding net premiums based upon the 1980 CSO Table with or without the ten-year select mortality factors; and

(c) There are no cash surrender values in any policy year.

(8) Exemption from Unitary Reserves for Certain Juvenile Policies

Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met, based upon the initial current premium scale at issue:

(a) At issue, the insured is age twenty-four (24) or younger;

(b) Until the insured reaches the end of the juvenile period, which shall occur at or before age twenty-five (25), the gross premiums and death benefits are level, and there are no cash surrender values; and

(c) After the end of the juvenile period, gross premiums are level for the remainder of the premium paying period, and death benefits are level for the remainder of the life of the policy.

Cite as Ga. Comp. R. & Regs. R. 120-2-108-.06

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-10-13](#).

HISTORY: Original Rule entitled "Calculation of Minimum Valuation Standard for Policies with Guaranteed Nonlevel Gross Premiums or Guaranteed Nonlevel Benefits (Other Than Universal Life Policies)" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-108-.07 Calculation of Minimum Valuation Standard for Flexible Premium and Fixed Premium Universal Life Insurance Policies That Contain Provisions Resulting in the Ability of a Policyowner to Keep a Policy in Force Over a Secondary Guarantee Period

(1) General

(a) Policies with a secondary guarantee include:

(1) A policy with a guarantee that the policy will remain in force at the original schedule of benefits, subject only to the payment of specified premiums;

(2) A policy in which the minimum premium at any duration is less than the corresponding one year valuation premium, calculated using the maximum valuation interest rate and the 1980 CSO valuation tables with or without ten-year select mortality factors, or any other table adopted after the effective date of this regulation by the NAIC and promulgated by regulation by the commissioner for this purpose; or

(3) A policy with any combination of Subparagraph (1) and (2).

(b) A secondary guarantee period is the period for which the policy is guaranteed to remain in force subject only to a secondary guarantee. When a policy contains more than one secondary guarantee, the minimum reserve shall be the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees. Secondary guarantees that are unilaterally changed by the insurer after issue shall be considered to have been made at issue. Reserves described in Subsections (2) and (3) below shall be recalculated from issue to reflect these changes.

(c) Specified premiums mean the premiums specified in the policy, the payment of which guarantees that the policy will remain in force at the original schedule of benefits, but which otherwise would be insufficient to keep the policy in force in the absence of the guarantee if maximum mortality and expense charges and minimum interest credits were made and any applicable surrender charges were assessed.

(d) For purposes of this section, the minimum premium for any policy year is the premium that, when paid into a policy with a zero account value at the beginning of the policy year, produces a zero account value at the end of the policy year. The minimum premium calculation shall use the policy cost factors (including mortality charges, loads and expense charges) and the interest crediting rate, which are all guaranteed at issue.

(e) The one-year valuation premium means the net one-year premium based upon the original schedule of benefits for a given policy year. The one-year valuation premiums for all policy years are calculated at issue. The select mortality factors defined in 120-2-.05(b), (c) and (d) may not be used to calculate the one-year valuation premiums.

(f) The one-year valuation premium should reflect the frequency of fund processing, as well as the distribution of deaths assumption employed in the calculation of the monthly mortality charges to the fund.

(2) Basic Reserves for the Secondary Guarantees Basic reserves for the secondary guarantees shall be the segmented reserves for the secondary guarantee period. In calculating the segments and the segmented reserves, the gross premiums shall be set equal to the specified premiums, if any, or otherwise to the minimum premiums, that keep the policy in force and the segments will be determined according to the contract segmentation method as defined in 120-2-108-.04(2).

(3) Deficiency Reserves for the Secondary Guarantees Deficiency reserves, if any, for the secondary guarantees shall be calculated for the secondary guarantee period in the same manner as described in 120-2-108-.06(2) with gross premiums set equal to the specified premiums, if any, or otherwise to the minimum premiums that keep the policy in force.

(4) Minimum Reserves The minimum reserves during the secondary guarantee period are the greater of:

(a) The basic reserves for the secondary guarantee plus the deficiency reserve, if any, for the secondary guarantees; or

(b) The minimum reserves required by other rules or regulations governing universal life plans.

Cite as Ga. Comp. R. & Regs. R. 120-2-108-.07

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-10-13](#).

HISTORY: Original Rule entitled "Calculation of Minimum Valuation Standard for Flexible Premium and Fixed Premium Universal Life Insurance Policies That Contain Provisions Resulting in the Ability of a Policyowner to

Keep a Policy in Force Over a Secondary Guarantee Period" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-108-.08 Effective Date

This regulation shall become effective for policies issued on or after January 1, 2000.

Cite as Ga. Comp. R. & Regs. R. 120-2-108-.08

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-10-13](#).

HISTORY: Original Rule entitled "Effective Date" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

**Department 120. OFFICE OF COMMISSIONER OF INSURANCE,
SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN
COMMISSIONER**

Chapter 120-2. RULES OF COMMISSIONER OF INSURANCE

**Subject 120-2-109. TERM AND UNIVERSAL LIFE INSURANCE
RESERVE FINANCING REGULATION**

120-2-109-.01 Authority

This regulation is issued under the authority granted by O.C.G.A. § [33-2-9](#) and O.C.G.A. § [33-7-14\(d\)\(2\)\(B\)](#).

Cite as Ga. Comp. R. & Regs. R. 120-2-109-.01

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Authority" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-109-.02 Purpose and Intent

The purpose and intent of this regulation is to establish uniform, national standards governing reserve financing arrangements pertaining to life insurance policies containing guaranteed nonlevel gross premiums, guaranteed nonlevel benefits and universal life insurance policies with secondary guarantees; and to ensure that, with respect to each such financing arrangement, funds consisting of Primary Security and Other Security, as defined in 120-2-109-.05, are held by or on behalf of ceding insurers in the forms and amounts required herein. In general, reinsurance ceded for reserve financing purposes has one or more of the following characteristics: some or all of the assets used to secure the reinsurance treaty or to capitalize the reinsurer (1) are issued by the ceding insurer or its affiliates; or (2) are not unconditionally available to satisfy the general account obligations of the ceding insurer; or (3) create a reimbursement, indemnification or other similar obligation on the part of the ceding insurer or any if its affiliates (other than a payment obligation under a derivative contract acquired in the normal course and used to support and hedge liabilities pertaining to the actual risks in the policies ceded pursuant to the reinsurance treaty).

Cite as Ga. Comp. R. & Regs. R. 120-2-109-.02

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Purpose and Intent" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-109-.03 Applicability

This regulation shall apply to reinsurance treaties that cede liabilities pertaining to Covered Policies, as that term is defined in 120-2-109-.05(2), issued by any life insurance company domiciled in this state. This regulation and 120-2-78 shall both apply to such reinsurance treaties; provided, that in the event of a direct conflict between the provisions of this regulation and 120-2-78, the provisions of this regulation shall apply, but only to the extent of the conflict.

Cite as Ga. Comp. R. & Regs. R. 120-2-109-.03

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Applicability" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-109-.04 Exemptions from this Regulation

This regulation does not apply to the situations described in Sections (1) through (6).

(1) Reinsurance of:

(a) Policies that satisfy the criteria for exemption set forth in 120-2-108-.06(6) or 120-2-108-.06(7); and which are issued before the later of:

(i) The effective date of this regulation, and

(ii) The date on which the ceding insurer begins to apply the provisions of VM-20 to establish the ceded policies' statutory reserves, but in no event later than Jan. 1, 2020;

(b) Portions of policies that satisfy the criteria for exemption set forth in 120-2-108-.06(5) and which are issued before the later of:

(i) The effective date of this regulation, and

(ii) The date on which the ceding insurer begins to apply the provisions of VM-20 to establish the ceded policies' statutory reserves, but in no event later than Jan. 1, 2020;

(c) Any universal life policy that meets all of the following requirements:

(i) Secondary guarantee period, if any, is five (5) years or less;

(ii) Specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the Commissioners Standard Ordinary (CSO) valuation tables and valuation interest rate applicable to the issue year of the policy; and

(iii) The initial surrender charge is not less than one hundred percent (100%) of the first year annualized specified premium for the secondary guarantee period;

(d) Credit life insurance;

(e) Any variable life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts; nor

(f) Any group life insurance certificate unless the certificate provides for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess of one year.

(2) Reinsurance ceded to an assuming insurer that meets the applicable requirements of O.C.G.A. § [33-7-14\(4\)](#); or

(3) Reinsurance ceded to an assuming insurer that meets the applicable requirements of O.C.G.A. § [33-7-14\(1\), \(2\), and \(3\)](#), and that, in addition:

(a) Prepares statutory financial statements in compliance with the NAIC Accounting Practices and Procedures Manual, without any departures from NAIC statutory accounting practices and procedures pertaining to the admissibility or valuation of assets or liabilities that increase the assuming insurer's reported surplus and are material enough that they need to be disclosed in the financial statement of the assuming insurer pursuant to Statement of Statutory Accounting Principles No. 1 ("SSAP 1"); and

(b) Is not in a Company Action Level Event, Regulatory Action Level Event, Authorized Control Level Event, or Mandatory Control Level Event as those terms are defined in O.C.G.A. § [33-56-1](#) et. seq. when its RBC is calculated in accordance with the life risk-based capital report including overview and instructions for companies, as the same may be amended by the NAIC from time to time, without deviation; or

(4) Reinsurance ceded to an assuming insurer that meets the applicable requirements of O.C.G.A. § [33-7-14\(1\), \(2\), and \(3\)](#), and that, in addition:

(a) Is not an affiliate, as that term is defined in O.C.G.A. § [33-13-1\(1\)](#), of:

(i) The insurer ceding the business to the assuming insurer; or

(iv) Any insurer that directly or indirectly ceded the business to that ceding insurer;

(b) Prepares statutory financial statements in compliance with the NAIC Accounting Practices and Procedures Manual;

(c) Is both:

(i) Licensed or accredited in at least 10 states (including its state of domicile), and

(ii) Not licensed in any state as a captive, special purpose vehicle, special purpose financial captive, special purpose life reinsurance company, limited purpose subsidiary, or any other similar licensing regime; and

(d) Is not, or would not be, below 500% of the Authorized Control Level RBC as that term is defined in O.C.G.A. § [33-51-1](#) et. seq. when its Risk-Based Capital (RBC) is calculated in accordance with the life risk-based capital report including overview and instructions for companies, as the same may be amended by the NAIC from time to time, without deviation, and without recognition of any departures from NAIC statutory accounting practices and procedures pertaining to the admission or valuation of assets or liabilities that increase the assuming insurer's reported surplus; or

(5) Reinsurance ceded to an assuming insurer that meets the requirements of either O.C.G.A. § [33-7-14\(d\)\(4\)\(a\)](#) or O.C.G.A. § [33-7-14\(d\)\(4\)\(b\)](#); or

(6) Reinsurance not otherwise exempt under Sections (1) through (5) if the commissioner, after consulting with the NAIC Financial Analysis Working Group (FAWG) or other group of regulators designated by the NAIC, as applicable, determines under all the facts and circumstances that all of the following apply:

(a) The risks are clearly outside of the intent and purpose of this regulation (as described in 120-2-109-.02 above);

(b) The risks are included within the scope of this regulation only as a technicality; and

(c) The application of this regulation to those risks is not necessary to provide appropriate protection to policyholders. The Commissioner shall publicly disclose any decision made pursuant to this Section (6) to exempt a reinsurance treaty from this regulation, as well as the general basis therefor (including a summary description of the treaty).

Cite as Ga. Comp. R. & Regs. R. 120-2-109-.04

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Exemptions from this Regulation" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-109-.05 Definitions

- (1) "Actuarial Method" means the methodology used to determine the Required Level of Primary Security, as described in 120-2-109-.06.
- (2) "Covered Policies" means the following: Subject to the exemptions described in 120-2-109-.04, Covered Policies are those policies, other than Grandfathered Policies, of the following policy types:
- (a) Life insurance policies with guaranteed nonlevel gross premiums and/or guaranteed nonlevel benefits, except for flexible premium universal life insurance policies; or,
 - (b) Flexible premium universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period.
- (3) "Grandfathered Policies" means policies of the types described in subsections (a) and (b) of section (2) above that were:
- (a) Issued prior to January 1, 2015; and
 - (b) Ceded, as of December 31, 2014, as part of a reinsurance treaty that would not have met one of the exemptions set forth in 120-2-109-.04 had that section then been in effect.
- (4) "Non-Covered Policies" means any policy that does not meet the definition of Covered Policies, including Grandfathered Policies.
- (5) "Required Level of Primary Security" means the dollar amount determined by applying the Actuarial Method to the risks ceded with respect to Covered Policies, but not more than the total reserve ceded.
- (6) "Primary Security" means the following forms of security:
- (a) Cash meeting the requirements of O.C.G.A. § [33-7-14\(b\)\(1\)](#);
 - (b) Securities listed by the Securities Valuation Office meeting the requirements of O.C.G.A. § [33-7-14\(b\)\(2\)](#), but excluding any synthetic letter of credit, contingent note, credit-linked note or other similar security that operates in a manner similar to a letter of credit, and excluding any securities issued by the ceding insurer or any of its affiliates; and
 - (c) For security held in connection with funds-withheld and modified coinsurance reinsurance treaties:
 - (i) Commercial loans in good standing of CM3 quality and higher;
 - (ii) Policy Loans; and
 - (iii) Derivatives acquired in the normal course and used to support and hedge liabilities pertaining to the actual risks in the policies ceded pursuant to the reinsurance treaty.
- (7) "Other Security" means any security acceptable to the commissioner other than security meeting the definition of Primary Security.
- (8) "Valuation Manual" means the valuation manual adopted by the NAIC as described in O.C.G.A. § [33-10-13\(o\)\(2\)\(A\)](#), with all amendments adopted by the NAIC that are effective for the financial statement date on which credit for reinsurance is claimed.
- (9) "VM-20" means "Requirements for Principle-Based Reserves for Life Products," including all relevant definitions, from the Valuation Manual.

Cite as Ga. Comp. R. & Regs. R. 120-2-109-.05

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Definitions" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-109-.06 The Actuarial Method

(1) Actuarial Method

The Actuarial Method to establish the Required Level of Primary Security for each reinsurance treaty subject to this regulation shall be VM-20, applied on a treaty-by-treaty basis, including all relevant definitions, from the Valuation Manual as then in effect, applied as follows:

(a) For Covered Policies described in 120-2-109-.05(2)(a) above, the Actuarial Method is the greater of the Deterministic Reserve or the Net Premium Reserve (NPR) regardless of whether the criteria for exemption testing can be met. However, if the Covered Policies do not meet the requirements of the Stochastic Reserve exclusion test in the Valuation Manual, then the Actuarial Method is the greatest of the Deterministic Reserve, the Stochastic Reserve, or the NPR. In addition, if such Covered Policies are reinsured in a reinsurance treaty that also contains Covered Policies described in 120-2-109-.05(2)(b), the ceding insurer may elect to instead use subsection (b) below as the Actuarial Method for the entire reinsurance agreement. Whether subsection (a) or (b) are used, the Actuarial Method must comply with any requirements or restrictions that the Valuation Manual imposes when aggregating these policy types for purposes of principle-based reserve calculations.

(b) For Covered Policies described in 120-2-109-.05(2)(b) above, the Actuarial Method is the greatest of the Deterministic Reserve, the Stochastic Reserve, or the NPR regardless of whether the criteria for exemption testing can be met.

(c) Except as provided in subsection (d) below, the Actuarial Method is to be applied on a gross basis to all risks with respect to the Covered Policies as originally issued or assumed by the ceding insurer.

(d) If the reinsurance treaty cedes less than one hundred percent (100%) of the risk with respect to the Covered Policies then the Required Level of Primary Security may be reduced as follows:

(i) If a reinsurance treaty cedes only a quota share of some or all of the risks pertaining to the Covered Policies, the Required Level of Primary Security, as well as any adjustment under paragraph (iii) below, may be reduced to a pro rata portion in accordance with the percentage of the risk ceded;

(ii) If the reinsurance treaty in a non-exempt arrangement cedes only the risks pertaining to a secondary guarantee, the Required Level of Primary Security may be reduced by an amount determined by applying the Actuarial Method on a gross basis to all risks, other than risks related to the secondary guarantee, pertaining to the Covered Policies, except that for Covered Policies for which the ceding insurer did not elect to apply the provisions of VM-20 to establish statutory reserves, the Required Level of Primary Security may be reduced by the statutory reserve retained by the ceding insurer on those Covered Policies, where the retained reserve of those Covered Policies should be reflective of any reduction pursuant to the cession of mortality risk on a yearly renewable term basis in an exempt arrangement;

(iii) If a portion of the Covered Policy risk is ceded to another reinsurer on a yearly renewable term basis in an exempt arrangement, the Required Level of Primary Security may be reduced by the amount resulting by applying the Actuarial Method including the reinsurance section of VM-20 to the portion of the Covered Policy risks ceded in the exempt arrangement, except that for Covered Policies issued prior to Jan. 1, 2017, this adjustment is not to exceed $[cx / (2 * \text{number of reinsurance premiums per year})]$ where cx is calculated using the same mortality table used in calculating the Net Premium Reserve; and

(iv) For any other treaty ceding a portion of risk to a different reinsurer, including but not limited to stop loss, excess of loss and other non-proportional reinsurance treaties, there will be no reduction in the Required Level of Primary Security.

It is possible for any combination of paragraphs (i), (ii), (iii), and (d) above to apply. Such adjustments to the Required Level of Primary Security will be done in the sequence that accurately reflects the portion of the risk ceded via the treaty. The ceding insurer should document the rationale and steps taken to accomplish the adjustments to the Required Level of Primary Security due to the cession of less than one hundred percent (100%) of the risk.

The Adjustments for other reinsurance will be made only with respect to reinsurance treaties entered into directly by the ceding insurer. The ceding insurer will make no adjustment as a result of a retrocession treaty entered into by the assuming insurers.

(e) In no event will the Required Level of Primary Security resulting from application of the Actuarial Method exceed the amount of statutory reserves ceded.

(f) If the ceding insurer cedes risks with respect to Covered Policies, including any riders, in more than one reinsurance treaty subject to this Regulation, in no event will the aggregate Required Level of Primary Security for those reinsurance treaties be less than the Required Level of Primary Security calculated using the Actuarial Method as if all risks ceded in those treaties were ceded in a single treaty subject to this Regulation;

(g) If a reinsurance treaty subject to this Regulation cedes risk on both Covered and Non-Covered Policies, credit for the ceded reserves shall be determined as follows:

(i) The Actuarial Method shall be used to determine the Required Level of Primary Security for the Covered Policies, and 120-2-109-.07 shall be used to determine the reinsurance credit for the Covered Policy reserves; and

(ii) Credit for the Non-Covered Policy reserves shall be granted only to the extent that security, in addition to the security held to satisfy the requirements of paragraph (i), is held by or on behalf of the ceding insurer in accordance with O.C.G.A. § [33-7-14\(a\)](#) and [\(b\)](#). Any Primary Security used to meet the requirements of this Subparagraph may not be used to satisfy the Required Level of Primary Security for the Covered Policies.

(2) Valuation used for Purposes of Calculations

For the purposes of both calculating the Required Level of Primary Security pursuant to the Actuarial Method and determining the amount of Primary Security and Other Security, as applicable, held by or on behalf of the ceding insurer, the following shall apply:

(a) For assets, including any such assets held in trust, that would be admitted under the NAIC Accounting Practices and Procedures Manual if they were held by the ceding insurer, the valuations are to be determined according to statutory accounting procedures as if such assets were held in the ceding insurer's general account and without taking into consideration the effect of any prescribed or permitted practices; and

(b) For all other assets, the valuations are to be those that were assigned to the assets for the purpose of determining the amount of reserve credit taken. In addition, the asset spread tables and asset default cost tables required by VM-20 shall be included in the Actuarial Method if adopted by the NAIC's Life Actuarial (A) Task Force no later than the Dec. 31st on or immediately preceding the valuation date for which the Required Level of Primary Security is being calculated. The tables of asset spreads and asset default costs shall be incorporated into the Actuarial Method in the manner specified in VM-20.

Cite as Ga. Comp. R. & Regs. R. 120-2-109-.06

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "The Actuarial Method" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-109-.07 Requirements Applicable to Covered Policies to Obtain Credit For Reinsurance; Opportunity for Remediation

(1) Requirements

Subject to the exemptions described in 120-2-109-.04 and the provisions of section (2), credit for reinsurance shall be allowed with respect to ceded liabilities pertaining to Covered Policies pursuant to O.C.G.A. § [33-7-14\(a\) and \(b\)](#) if, and only if, in addition to all other requirements imposed by law or regulation, the following requirements are met on a treaty-by-treaty basis:

- (a) The ceding insurer's statutory policy reserves with respect to the Covered Policies are established in full and in accordance with the applicable requirements of O.C.G.A. § [33-10-13](#) and related regulations and actuarial guidelines, and credit claimed for any reinsurance treaty subject to this regulation does not exceed the proportionate share of those reserves ceded under the contract; and
- (b) The ceding insurer determines the Required Level of Primary Security with respect to each reinsurance treaty subject to this regulation and provides support for its calculation as determined to be acceptable to the commissioner; and
- (c) Funds consisting of Primary Security, in an amount at least equal to the Required Level of Primary Security, are held by or on behalf of the ceding insurer, as security under the reinsurance treaty within the meaning of O.C.G.A. § [33-7-14\(b\)](#), on a funds withheld, trust, or modified coinsurance basis; and
- (d) Funds consisting of Other Security, in an amount at least equal to any portion of the statutory reserves as to which Primary Security is not held pursuant to Subsection (c) above, are held by or on behalf of the ceding insurer as security under the reinsurance treaty within the meaning of O.C.G.A. § [33-7-14\(b\)](#); and
- (e) Any trust used to satisfy the requirements of 120-2-109-.07 shall comply with all of the conditions and qualifications of [120-2-78-.12](#), except that:
 - (i) Funds consisting of Primary Security or Other Security held in trust, shall for the purposes identified in 120-2-109-.06(2), be valued according to the valuation rules set forth in 120-2-109-.06(2), as applicable; and
 - (ii) There are no affiliate investment limitations with respect to any security held in such trust if such security is not needed to satisfy the requirements of 120-2-109-.07(1)(c); and
 - (iii) The reinsurance treaty must prohibit withdrawals or substitutions of trust assets that would leave the fair market value of the Primary Security within the trust (when aggregated with Primary Security outside the trust that is held by or on behalf of the ceding insurer in the manner required by 120-2-109-.07(1)(c) below 102% of the level required by 120-2-109-.07(1)(c) at the time of the withdrawal or substitution; and
 - (iv) The determination of reserve credit under [120-2-78-.12](#) shall be determined according to the valuation rules set forth in 120-2-109-.06(2), as applicable; and
- (f) The reinsurance treaty has been approved by the commissioner.

(2) Requirements at Inception Date and on an On-going Basis; Remediation

- (a) The requirements of 120-2-109-.07(1) must be satisfied as of the date that risks under Covered Policies are ceded (if such date is on or after the effective date of this regulation) and on an ongoing basis thereafter. Under no circumstances shall a ceding insurer take or consent to any action or series of actions that would result in a deficiency under 120-2-109-.07(1)(c) or (d) with respect to any reinsurance treaty under which Covered Policies have been ceded, and in the event that a ceding insurer becomes aware at any time that such a deficiency exists, it shall use its best efforts to arrange for the deficiency to be eliminated as expeditiously as possible.

(b) Prior to the due date of each Quarterly or Annual Statement, each life insurance company that has ceded reinsurance within the scope of Section 3 shall perform an analysis, on a treaty-by-treaty basis, to determine, as to each reinsurance treaty under which Covered Policies have been ceded, whether as of the end of the immediately preceding calendar quarter (the valuation date) the requirements of 120-2-109-.07(1)(c) and (d) were satisfied. The ceding insurer shall establish a liability equal to the excess of the credit for reinsurance taken over the amount of Primary Security actually held pursuant to 120-2-109-.07(1)(c), unless either:

(i) The requirements of 120-2-109-.07(1)(c) and (d) were fully satisfied as of the valuation date as to such reinsurance treaty; or

(iii) Any deficiency has been eliminated before the due date of the Quarterly or Annual Statement to which the valuation date relates through the addition of Primary Security and/or Other Security, as the case may be, in such amount and in such form as would have caused the requirements of 120-2-109-.07(1)(c) and (d) to be fully satisfied as of the valuation date.

(c) Nothing in 120-2-109-.07(2) shall be construed to allow a ceding company to maintain any deficiency under 120-2-109-.07(1)(c) or

(d) for any period of time longer than is reasonably necessary to eliminate it.

Cite as Ga. Comp. R. & Regs. R. 120-2-109-.07

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Requirements Applicable to Covered Policies to Obtain Credit for Reinsurance; Opportunity for Remediation" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-109-.08 Severability

If any provision of this regulation is held invalid, the remainder shall not be affected.

Cite as Ga. Comp. R. & Regs. R. 120-2-109-.08

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Severability" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-109-.09 Prohibition against Avoidance

No insurer that has Covered Policies as to which this regulation applies (as set forth in 120-2-109-.03) shall take any action or series of actions, or enter into any transaction or arrangement or series of transactions or arrangements if the purpose of such action, transaction or arrangement or series thereof is to avoid the requirements of this regulation, or to circumvent its purpose and intent, as set forth in 120-2-109-.02.

Cite as Ga. Comp. R. & Regs. R. 120-2-109-.09

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Prohibition against Avoidance" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-2-109-.10 Effective Date

This regulation shall become effective [insert date] and shall pertain to all Covered Policies in force as of and after that date.

Cite as Ga. Comp. R. & Regs. R. 120-2-109-.10

AUTHORITY: O.C.G.A. §§ [33-2-9](#), [33-7-14](#).

HISTORY: Original Rule entitled "Effective Date" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

**Department 120. OFFICE OF COMMISSIONER OF INSURANCE,
SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN
COMMISSIONER**

Chapter 120-2. RULES OF COMMISSIONER OF INSURANCE

Subject 120-2-110. RIGHT TO SHOP

120-2-110-.01 Definitions

(1) Pursuant to O.C.G.A. Section 33-24-59.27(c)(4) the Commissioner is responsible for promulgating rules and regulations which include definitions for the following terms:

- (a) Risk adjusted hospital readmission rates;
- (b) Absolute hospital readmission rates;
- (c) Admission volume;
- (d) Utilization volume;
- (e) Risk adjusted rates of adverse events;
- (f) Risk adjusted total cost of care; and
- (g) Absolute relative total cost of care.

We have researched the federal context of these programmatic terms under 42 CFR Parts 412, 413 and 476 and Title XVIII of the Social Security Act, Section 1801. We have determined that at the present time there are no official federal definitions set out for these terms. It is the intention of the Office of Commissioner of Insurance to establish definitions for these terms in keeping with currently developing federal guidance. At such time as federal guidance in this context develops, our Office will act to officially promulgate rule definitions consistent with federal guidance.

(2) Pursuant to O.C.G.A. Section 33-24-59.27(c)(5), the Office of Commissioner of Insurance will work with relevant Georgia governmental, business, and educational partners in development of an All-Payer Health Claims Database and supply Office of Commissioner of Insurance Website links and other information available to Insurers as it is developed and finalized for use in this State. At such time when the All-Payer Claims Database is developed the Department will promulgate final Regulations.

Cite as Ga. Comp. R. & Regs. R. 120-2-110-.01

AUTHORITY: O.C.G.A. § 33-24-59.27.

HISTORY: Original Rule entitled "Definitions" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

**Department 120. OFFICE OF COMMISSIONER OF INSURANCE,
SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN
COMMISSIONER**

Chapter 120-3. RULES OF SAFETY FIRE COMMISSIONER

**Subject 120-3-3. RULES AND REGULATIONS FOR THE STATE
MINIMUM FIRE SAFETY STANDARDS**

120-3-3-.04 State Minimum Fire Safety Standards with Modifications

(1) Unless otherwise stated in this chapter, the edition of the *International Fire Code (IFC)*, and the following editions of the codes, standards, recommended practices, guides and methods, as published in the *National Fire Codes (NFC)* by the National Fire Protection Association (NFPA), as adopted and modified in this Chapter, shall be the state minimum fire safety standards. Where any of the adopted publications of the NFPA references NFPA 1 or NFPA 5000, or any fire code or building code, it shall be construed that such references apply to the *International Fire Code (IFC)* or the *International Building Code (IBC)* respectively, as adopted by this Chapter 120-3-3, and the Georgia Department of Community Affairs. Where the *IFC* or *IBC* does not specifically address the referenced issue, NFPA 1 or NFPA 5000 may be applied subject to the approval of the authority having jurisdiction.

(2) Hospitals, hospices, ambulatory surgical centers, nursing homes, assisted living communities, assisted living homes, memory care units or other health care type occupancies or facilities that are regulated by the federal Centers for Medicare and Medicaid Services (CMS) shall comply with the fire and life safety rules and regulations imposed by that agency even though the codes and standards or the editions of codes and standards adopted by that agency may not be specifically addressed or included in this chapter. The codes and standards adopted and modified herein shall also apply where applicable and shall be deemed to be the minimum state fire and life safety standards where they are at least as protective as the CMS rules and regulations.

(3) International Fire Code (IFC), 2018 Edition

Modifications:

(a) Modifications to Chapter 1:

1. Delete section 101.1 in its entirety and substitute in its place the following:

101.1 "**Title.** The *International Fire Code*, 2018 edition, published by the *International Code Council*, when used in conjunction with this Chapter, shall be known as a *Georgia State Minimum Fire Prevention Code*, hereafter referred to as 'this *Code*'."

2. Delete section 101.3 in its entirety and substitute in its place the following:

101.3 "**Purposes and Intents of This Code.** The primary purpose of this *Code*, as adopted, is to provide, along with other adopted codes and standards, for the reasonable minimum protection of life and property from the hazards created by fire, smoke, explosion, or panic created from a fear of fire or smoke. It is intended that the purposes of this *Code* be accomplished by: (1) Coordinating application and enforcement of its provisions with those of other applicable laws, rules, regulations, codes, and standards; and, (2) By coordinating the application of its provisions, where possible, with educational programs or efforts designed to bring about changes in high risk attitudes and behaviors that are the root causes of most fire related problems in Georgia; and (3) By encouraging or requiring informational and awareness programs designed to make the citizens of Georgia aware of their responsibilities for compliance with this *Code* as well as the other Rules and Regulations of the Safety Fire Commissioner. The intent of this *Code* is to establish the minimum requirements, consistent with nationally recognized good practice, for

providing a reasonable level of life safety and property protection from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises and to provide safety to fire fighters and emergency responders during emergency operations."

3. Add an exception to section 102.1 to read as follows:

"Exception: This Code does not apply to one- and two- family dwellings or one-and two- family row houses (townhouses) separated by a 2-hour fire wall containing not more than three dwelling units per structure."

4. Add an exception to section 102.2 to read as follows:

"Exception: This Code does not apply to one- and two- family dwellings or one-and two- family row houses (townhouses) separated by a 2-hour fire wall containing not more than three dwelling units per structure."

5. Delete section 102.3 in its entirety and substitute in its place the following:

102.3 **"Change of use or occupancy.** No change shall be made in use or occupancy of any building or structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this *Code*, as may be applicable, as well as those of the *International Building Code (IBC)*, as adopted by the Department of Community Affairs. Pursuant to O.C.G.A. [25-2-14](#), due to a change of use or occupancy of a building or structure the building or structure shall be treated as a proposed (new) building. (Refer to 103.3 of this *Code* regarding the requirements applicable to proposed (new) buildings and structures.)"

6. Delete section 102.4 in its entirety and substitute in its place the following:

102.4 **"Application of the building code.** The design and construction of proposed (new) buildings and structures shall comply with the *International Building Code (IBC)*, as modified and adopted by the Georgia Department of Community Affairs. Repairs, alterations, additions, changes in use or occupancy classification, or changes in buildings or structures required by provisions of the *IFC*, and which are within the scope of the *IBC*, shall be made in accordance with the *IBC*, for purposes of this Chapter."

7. Add a new 102.5.1 to read as follows:

102.5.1 "The provisions of 102.5 shall apply to local authorities having jurisdiction unless there is a change of use or occupancy that would apply under 102.3 and which would bring the new use or occupancy under the jurisdiction of O.C.G.A. [25-2-13\(b\)\(1\)](#)"

8. Delete section 102.6 in its entirety and insert in its place the following:

102.6 **"Historic Buildings, General.** O.C.G.A. 25-2-13(a)(2) defines a "Historic building or structure" as "any individual building which contributes to the historic character of a historic district, so designated by the state historic preservation officer pursuant to rules and regulations adopted by the Board of Natural Resources, or so designated pursuant to the provisions of Article 2 of Chapter 10 of Title 44, the "Georgia Historic Preservation Act."

(A) Refer to 102.1 and 102.2 regarding the application of this *Code* to existing buildings. Except to the extent required by applicable laws of Georgia (O.C.G.A. [25-2-13\(b\)\(3\)\(D\)](#) and [\(E\)](#), the provisions of this *Code* are not mandatory for buildings or structures identified and classified by the state, or as appropriate, a local jurisdiction, as historic buildings when such buildings or structures are judged by the fire code official to be safe and in the public interest of health, safety and welfare, based on the criteria established by the referenced provisions of the Official Code of Georgia Annotated. When evaluating the safety of historic buildings the fire official should consult O.C.G.A. Title 8, Chapter 2, Article 3 entitled, 'Uniform Act for the Application of Building and Fire Related Codes to Existing Buildings,' and the provisions of O.C.G.A. Sections [25-2-13\(b\)\(3\)](#) & 25-2-13(b)(4), and NFPA Standard 914, *Code for Fire Protection of Historic Structures*, as adopted by this Chapter as a recommended practice."

9. Delete section 102.7 in its entirety and substitute in its place the following:

102.7 **"Referenced codes and standards.** Where the provisions of this *Code* or the standards referenced thereby and in Chapter 45 of this *Code* do not apply to the specific subjects, situations or conditions encountered that involve risks to life and property from the hazards of fire, panic from fear of fire or smoke, or related hazards, compliance with the applicable chapters of the Rules and Regulations of the Safety Fire Commissioner shall be evidence of compliance with this *Code*."

10. Add a new section 102.13 to read as follows:

102.13 **"Coordination of provisions.** this *Code* shall apply to all buildings, structures and facilities as provided in subsections 102.1 and 102.2, and shall be utilized in conjunction with codes and standards specified in **Table 102.13** entitled, **"CODES REFERENCE GUIDE."**

Table 102.13 Codes Reference Guide		
Area	Primary	Supplement
Occupancy Classification	LSC	IBC
Building Construction Types, including allowable height, allowable building area, and the requirements for sprinkler protection related to minimum building construction types	IBC	LSC
Means of Egress	LSC	NONE
Standpipes	IBC	IFC
Interior Finish	LSC	NONE
HVAC Systems	IMC	NONE
Vertical Openings	LSC	NONE
Sprinklers Systems minimum construction standard	LSC	NONE
Fire Alarm Systems	LSC	NONE
Smoke alarms & Smoke Detection Systems	State Statute & LSC	NONE
Portable Fire Extinguishers	IFC	NONE
Cooking Equipment	LSC & NFPA 96	NONE
Fuel Fired Appliances	IFGC	NFPA 54
Liquid Petroleum Gas	NFPA 58	NFPA 54
Compressed Natural Gas	NFPA 52	NONE

11. Delete section 103 and all sections there-under in their entirety and substitute in its place the following:

SECTION 103. **"GENERAL PROVISIONS FOR EXISTING AND PROPOSED (NEW) BUILDINGS.**

103.1 **General Provisions.** The administration, enforcement and penalty provisions of O.C.G.A. Title 25, Chapter 2, and the administrative provisions of the various chapters of the Rules and Regulations of the Safety Fire Commissioner shall apply to and regulate the application and enforcement of this *Code* by the Safety Fire Division of the Office of the Safety Fire Commissioner.

NOTE: Nothing herein shall be construed as prohibiting any local jurisdiction from adopting the deleted portions of Chapter 1 of this *Code* for local purposes, provided, however, local amendments shall not be less restrictive than this *Code*, and other codes and standards as adopted by the various chapters of the Rules and Regulations of the Safety Fire Commissioner.

103.1.1 The provisions of O.C.G.A. Title 25, 1 Chapter 2, and other applicable state laws, and the applicable provisions of various chapters of the Rules and Regulations of the Safety Fire Commissioner regarding the requirements for certificates, licenses, permits, plan reviews, inspections, approvals, fees, etc. shall apply and are in addition to any requirements of local jurisdictions. Local authorities having jurisdiction need to be consulted to determine if rules and regulations of the local jurisdiction regarding the requirements for local certificates, licenses, permits, plan reviews, inspections, approvals, fees, etc. also apply.

103.1.1.1 The administrative, operational, and maintenance provisions of this *Code*, with regard to the Safety Fire Division of the Office of the Georgia Safety Fire Commissioner, shall be limited to the scope and intents and purposes of the Official Code of Georgia Annotated (O.C.G.A.) Title 25, Chapter 2, and the Commissioner's Rules and Regulations.

103.1.1.1.1 Pursuant to O.C.G.A. [25-2-13\(d\)](#), every person who owns or controls the use of any building, part of a building, or structure described in O.C.G.A. 25-2-13(b)(1), which because of floor area, height, location, use or intended use as a gathering place for large groups, or use or intended use by or for the aged, the ill, the incompetent, or the imprisoned, constitutes a special hazard to property or to the life and safety on account of fire or panic from fear of fire, must so construct, equip, maintain, and use such building or structure as to afford every reasonable and practical precaution and protection against injury from such hazards. No person who owns or controls the use or occupancy of such a building or structure shall permit the use of the premises so controlled for any such specially hazardous use unless he has provided such precautions against damage to property or injury to persons by these hazards as are found and determined by the Commissioner in the manner described in O.C.G.A. [25-2-13\(d\)](#) to be reasonable and practical.

103.2 **Existing buildings.** Every building and structure existing as of April 1, 1968, which building or structure is listed in paragraph (1) of subsection (b) of O.C.G.A. 25-2-13 shall comply with the minimum fire safety standards in the Rules and Regulations of the Safety Fire Commissioner promulgated pursuant to O.C.G.A. 25-2 which were in effect at the time such building or structure was constructed.

Exception 1: Any nonconformance noted under the electrical standards adopted at the time such building or structure was constructed shall be corrected in accordance with the current electrical standards adopted pursuant to O.C.G.A. 25-2.

Exception 2: A less restrictive provision contained in any subsequently adopted minimum fire safety standard pursuant to O.C.G.A. 25-2, may be applied to any existing building or structure.

103.2.1 Existing buildings to be deemed a proposed building. For the purposes of O.C.G.A. [25-2-14\(b\)](#), any existing building or structure listed in paragraph (1) of subsection (b) of O.C.G.A. 25-2-13 and which comes under the jurisdiction of the Office of the Safety Fire Commissioner, pursuant to O.C.G.A. [25-2-12](#), shall be deemed to be a proposed (new) building in the event such building or structure is subject to substantial renovation, a fire or other hazard of serious consequence, or a change in the classification of occupancy, or a change to the occupant load or structure issued as a condition of occupancy. The term "substantial renovation", for purposes of this subsection means any construction project involving exits or internal features of such building or structure costing more than the building's or structure's assessed value according to county tax records at the time of such renovation (O.C.G.A. [25-2-14](#)). Where a change of classification is involved, also refer to 102.3 of this *Code*.

103.3 **Proposed (new) buildings and additions to existing buildings:**

103.3.1 Pursuant to O.C.G.A. [25-2-14.1\(b\)](#), every proposed building and structure listed in paragraph (1) of subsection (b) of O.C.G.A. [25-2-13](#) shall comply with the adopted minimum fire safety standards that were in effect on the date that plans and specifications therefore were received by the state fire marshal, the proper local fire official marshal, or state inspector for review and approval. Complete plans for proposed (new) buildings and structures recorded as received by the authority having jurisdiction for review prior to the effective date of this Chapter, may be reviewed under the codes, standards, and Rules and Regulations of the Safety Fire Commissioner in force prior to the effective date of this Chapter.

103.3.1.1 Projects receiving a construction permit under earlier editions of the codes and standards must start construction no later than 360 days from the issue date of the permit in order not to require resubmittal for review under the newer adopted codes and standards.

103.3.2 Plans and specifications for all proposed buildings which come under classification in paragraph (1) of subsection (b) of O.C.G.A. [25-2-13](#) and which come under the jurisdiction of the Office of the Safety Fire Commissioner pursuant to O.C.G.A. [25-2-12](#) shall be submitted to and receive approval by either the state fire marshal, the proper local fire marshal, or state inspector before any state, municipal, or county building permit may be issued or construction started (O.C.G.A. [25-2-14\(a\)](#)). All such plans and specifications submitted as required by O.C.G.A. [25-2-14\(a\)](#) shall be accompanied by a fee in the amount provided in O.C.G.A. 25-2-4.1 and shall bear the seal and Georgia registration number of the drafting architect or engineer or shall otherwise have the approval of the Commissioner.

103.3.3 Pursuant to O.C.G.A. [25-2-37\(a\)](#), it shall be unlawful for any person to begin construction on any proposed building or structure which comes under the classification in paragraph (1) of subsection (b) of O.C.G.A. 25-2-13 and which comes under the jurisdiction of the Office of the Safety Fire Commissioner pursuant to O.C.G.A. 25-2-12 without first having plans approved in accordance with O.C.G.A. [25-2-14](#).

103.4 Proposed building construction and completion. Pursuant to O.C.G.A. 25-2-14(b), a complete set of plans and specifications approved as set forth in 103.3.3 shall be maintained on the construction site, and construction shall proceed in compliance with the state minimum fire safety standards under which such plans and specifications were approved. The owner of any such building or structure or his authorized representative shall notify the state fire marshal, the proper local fire marshal, or state inspector upon completion of approximately 80 percent of the construction thereof and shall apply for a certificate of occupancy when construction of such building or structure is completed.

103.5 **Certificate of occupancy required.** Pursuant to O.C.G.A. [25-2-14\(c\)](#), every building or structure which comes under classification in paragraph (1) of subsection (b) of O.C.G.A. [25-2-13](#) and which comes under the jurisdiction of the Office of the Safety Fire Commissioner pursuant to O.C.G.A. [25-2-12](#) shall have a certificate of occupancy issued by the state fire marshal, the proper local fire marshal, or state inspector before such building or structure may be occupied. Such certificates of occupancy shall be issued for each business establishment within the building, shall carry a charge in the amount provided in O.C.G.A. [25-2-4.1](#), shall state the occupant load for such business establishment or building, shall be posted in a prominent location within such business establishment or building, and shall run for the life of the building, except as provided in O.C.G.A. [25-2-14\(d\)](#). (See 103.2.1 of the *IFC*, as adopted by this Chapter.)"

12. The provisions of section 105, PERMITS, are not adopted for purposes of this Chapter. Local governing authorities may adopt the provisions for local purposes. Refer to section 103.3 with regard to permits required by the Rules and Regulations of the Safety Fire Commissioner.

13. The provisions of section 109, BOARD OF APPEALS, are not adopted for purposes of this Chapter. Local governing authorities may adopt the provisions for local purposes.

14. Delete section 110.4 and all sections there-under in their entirety and substitute in its place the following:

110.4 **"Violation penalties.** Persons who shall violate a provision of this *Code* or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this *Code*, shall be guilty of violation of Section [25-2-37](#) of the Official Code of Georgia Annotated. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

110.4.1 **Abatement of violation.** In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises."

15. The provisions of section 113, SERVICE UTILITIES, are not adopted for purposes of this Chapter. Local governing authorities may adopt the provisions for local purposes.

(b) Modifications to Chapter 2:

1. Delete section 201.3 in its entirety and substitute in its place the following:

201.3 **"Terms defined in other codes.** Where terms are not defined in 120 3-3-.03 of Chapter 120-3-3 or other applicable chapters of the Rules and Regulations of the Safety Fire Commissioner, or this *Code* and are defined in the *International Building Code (IBC)*, the *International Fuel Gas Code (IFGC)*, the *International Mechanical Code (IMC)*, or the codes and standards of the National Fire Protection Association (NFPA), as adopted by this Chapter and other Rules and Regulations of the Safety Fire Commissioner, such terms shall have the meanings ascribed to them as in those codes and standards."

2. Delete Institutional Group I-2 in its entirety and replace with:

Institutional Group I-2. Institutional Group I-2 occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than five persons who are not capable of self-preservation. This group shall include, but not be limited to, the following:

Foster care facilities

Detoxification facilities

Hospitals

Nursing homes

Psychiatric hospitals

Assisted Living Communities

Memory Care Units

Limited Care Facilities (Limited Healthcare)

(c) Modifications to Chapter 3:

1. Delete section 303.5 in its entirety and substitute in its place the following:

303.5 **"Portable Fire Extinguishers.** There shall be at least one portable fire extinguisher complying with Section 906 and with a minimum 2-A:40-B:C rating within 25 feet (7620 mm) of each asphalt (tar) kettle during the period such kettle is being utilized, and a minimum of one additional portable fire extinguisher with a minimum 3-A:40-B:C rating on the roof being covered."

2. Add new exceptions 4, 5, 6, 7 and 8 to section 308.3 to read as follows:

"Exception #4:

In Group A public assembly occupancies having an occupant load greater than 300, a minimum ceiling height of 25 feet and that are protected throughout by an approved, supervised automatic sprinkler system installed in accordance with NFPA 13, as adopted by this Chapter, pyrotechnic special effect devices shall be permitted to be used on stages before proximate audiences for ceremonial or religious purposes, as part of a demonstration in exhibits, or as part of a performance, provided that precautions satisfactory to the authority having jurisdiction are taken to prevent ignition of any combustible material and use of the pyrotechnic device complies with NFPA 1126, *Standard for the Use of Pyrotechnics before a Proximate Audience*, as adopted by Chapter 120-3-22 Rules and Regulations of the

Safety Fire Commissioner. The ceiling height may be lowered to a minimum of 15 feet upon approval of the authority having jurisdiction having witnessed a demonstration shot of all types of devices being used in the display.

Exception #5:

In Group A public assembly occupancies having an occupant load greater than 300, a minimum ceiling height of 25 feet and that are protected throughout by an approved, supervised automatic sprinkler system installed in accordance with NFPA 13, as adopted by this Chapter, flame effects before an audience shall be permitted in accordance with NFPA 160, *Standard for Flame Effects Before an Audience*, as adopted by Chapter 120-3-22 Rules and Regulations of the Safety Fire Commissioner. The ceiling height may be lowered to a minimum of 15 feet upon approval of the authority having jurisdiction having witnessed a demonstration of all types of devices being used in the display.

Exception #6

On stages and platforms as a necessary part of a performance in public assembly occupancies having an occupant load greater than 300, a minimum ceiling height of 25 feet and that are protected throughout by an approved, supervised automatic sprinkler system installed in accordance with NFPA 13, as adopted by this Chapter. The ceiling height may be lowered to a minimum of 15 feet upon approval of the authority having jurisdiction having witnessed a demonstration of all types of devices being used in the display.

Exception #7

In Group A public assembly occupancies having an occupant load greater than 100 with fixed seating, a minimum ceiling height of 25 feet and that have a minimum of two certified fire fighters on site with proper firefighting equipment as determined by the local fire official, pyrotechnic special effect devices shall be permitted to be used on stages before proximate audiences for ceremonial or religious purposes, as part of a demonstration in exhibits, or as part of a performance, provided that precautions satisfactory to the authority having jurisdiction are taken to prevent ignition of any combustible material and use of the pyrotechnic device complies with NFPA 1126, *Standard for the Use of Pyrotechnics before a Proximate Audience*, as adopted by Chapter 120-3-22 Rules and Regulations of the Safety Fire Commissioner. The ceiling height may be lowered to a minimum of 15 feet upon approval of the authority having jurisdiction having witnessed a demonstration shot of all types of devices being used in the display.

Exception #8:

In public assembly occupancies having an occupant load greater than 100 with fixed seating, a minimum ceiling height of 25 feet and that have a minimum of two certified fire fighters on site with proper firefighting equipment as determined by the local fire official, flame effects before an audience shall be permitted in accordance with NFPA 160, *Standard for Flame Effects Before an Audience*, as adopted by this Chapter. The ceiling height may be lowered to a minimum of 15 feet upon approval of the authority having jurisdiction having witnessed a demonstration of all types of devices being used in the display."

3. Delete section 310.1 'General' its entirety and substitute in its place the following:

310.1 **"General.** The smoking or carrying of a lighted pipe, cigar, cigarette or any other type of smoking paraphernalia or material is prohibited in areas indicated in Sections 310.2 through 31.8, buildings, structures, or areas, or portions of buildings, structures, or areas, as indicated is this in any other code or standard as adopted by the Rules and Regulations of the Safety Fire Commissioner, or where prohibited in accordance Chapter 12A of Title 31 of the O.C.G.A."

4. Delete section 319.1 'General' its entirety and substitute in its place the following:

319.1 **General.** Mobile food preparation vehicles that are equipped with appliances that produce smoke or grease-laden vapors shall comply with NFPA 96, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations* as adopted by this Chapter 120-33 and this section.

5. Delete section 319.3 'Exhaust hood' in its entirety and substitute in its place the following:

319.3 Exhaust hood. Cooking equipment that produces grease-laden vapors shall be provided with a kitchen exhaust hood that complies with NFPA 96, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations* as adopted by this Chapter 120-3-3.

6. Delete section 319.4 'Fire protection' in its entirety and substitute in its place the following:

319.4 **Fire protection.** Fire protection shall be provided in accordance with NFPA 96, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations* as adopted by this Chapter 120-3-3.3-3 of the Rules and Regulations of the Safety Fire Commissioner."

(d) **Modifications to Chapter 4:**

(4) Add section 403.1.1 to read as follows:

403.1.1 "**Caregiver training.** A minimum of three hours' initial fire safety training for receipt of a certificate of training for successful completion shall be required for all directors, operators and all staff members of day-care facilities (adult and children), and for administrator's, directors, operators and all staff of Group I-1 and Group R-4, assisted living communities, assisted living facilities, community living arrangements, memory care units, personal care homes, and residential board and care homes, as defined in Chapter 2 of this *Code* or as defined by the *Life Safety Code*, and or as adopted by Chapter 120-3-3 of the Rules and Regulations of the Georgia Safety Fire Commissioner. The curriculum for the fire safety training shall receive written approval by the State Fire Marshal's Office and be taught by an instructor registered with the Safety Fire Commissioner's Office. All persons as required herein to obtain such required training shall receive this training within 90 days from receipt of a license, being commissioned or the opening of a new facility. Such new persons shall receive a minimum of three hours' initial fire safety training and recommendation for receipt of a certificate of training for successful completion of the training within 90 days of employment. In addition, a minimum of two hours of fire safety refresher training shall be required for receipt of a certificate of training for successful completion of the refresher training. The refresher training shall be required for all persons coming under 403.1.1, every three years from the date initial training is received. Registered instructors shall deliver the training based on policies and direction from the State Fire Marshal's Office. Instructors found not to be delivering the training in accordance with the said policies and direction shall be removed from the registry and prohibited from delivering future training."

2. Delete section 403.8.2 in its entirety and substitute in its place the following:

403.8.2 **Group I-2 occupancies.** Group I-2 occupancies to include Assisted Living Communities, Memory Care Units and Limited Care Facilities (Limited Healthcare) shall comply with Sections 401, 403.8.2.1 through 403.8.2.3 and 404 through 406.

(e) **Modifications to Chapter 5:**

1. Add a new section 501.5 to read as follows:

501.5 "Where buildings or facilities fall under the jurisdiction of the Georgia Safety Fire Commissioner as set forth in the Official Code of Georgia Annotated (O.C.G.A.), Title 25, Chapter 2, except for State owned facilities and State occupied facilities, it is intended that the provisions of Chapter 5 that primarily relate to fire department response, access to facilities, access to building interiors, key boxes, premises identification, fire department connection locations, and fire hydrant locations be administered by the local Fire Chief and/or Fire Code Official responsible for providing fire or other emergency response to the buildings or facilities. With regard to State owned State occupied facilities, that are not provided with a facility fire department, it is intended that the local Fire Chief and/or Fire Code Official providing fire protection to such facilities shall have input in the planning of facilities with regard to the noted provisions covered by Chapter 5."

2. Delete section 503.1.1 in its entirety and substitute in its place the following:

503.1.1 **"Buildings and facilities.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction as determined by the local Fire Chief and/or Fire Code Official of the responding fire department or agency. The fire apparatus access road shall comply with the requirements of this section and Appendix D of this *Code*. The fire apparatus access road shall extend to within 150 feet (45.7 m) of all portions of the facility or any portion of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The local Fire Chief and/or Fire Code Official of the responding fire department or agency is authorized to increase the dimension of 150 feet (45.7 m) where:

1. *The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.*

2. *The fire apparatus access roads cannot be installed because of location on the property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.*

3. *There are not more than two Group R-3 or Group U occupancies."*

3. Add a new section 504.1.1 to read as follows:

504.1.1 **"Access Doors.** For fire department emergency access purposes, there shall be at least one access door in each 100 linear feet (30.5 m) or major fraction thereof of the exterior walls which face the access roadways required by Section 503, unless otherwise required in this code section. In exterior walls designed with continuous rolling dock doors, which face access roadways, there shall be at least one access door in each 200 linear feet (61 m) or fraction thereof. Required access doors shall be a minimum of 3 feet (0.9 m) wide and 6 feet 8 inches (2 m) high and shall be accessible without use of a ladder. Rolling doors are acceptable for such purposes in buildings protected throughout by an approved automatic sprinkler system(s) unless otherwise approved for unsprinklered buildings by the local Fire Chief and /or Fire Code Official."

Exception: The local Fire Chief and / or Fire Code Official of the responding fire department or agency is authorized to increase the 100 linear feet.

4. Delete section 507.5.1 in its entirety and substitute in its place the following:

507.5.1 **"Where required.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 500 feet (152 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrant and mains shall be provided where required by the local Fire Chief and/or Fire Code Official of the responding fire department or agency.

Exceptions:

1. *For group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).*

2. *For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m)."*

5. Delete subsection 507.5.1.1 in its entirety without substitution. Refer to section 905 of this *Code*.

6. Add a new section, Appendix D 107.1, as follows:

Developments of one- or two-family dwellings where the number of dwelling units exceeds 120 shall be provided with two separate and approved fire apparatus access roads.

Exceptions:

1. Where there are more than 120 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.
3. The fire apparatus access roads cannot be installed because of location on the property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

Plans shall accompany the written request that delineate improvements to proposed fire apparatus access roads approved by the fire code official of the local responding fire department. Recommended compliance alternatives for residential developments having less than the minimum of two entrances includes, but is not limited to one of more of the following alternative remedies:

1. Enhanced turning radii to meet local responding fire department requirements; and/or
2. Increased road widths to meet local responding fire department requirements; or
3. Fire Lane signs per D103.6 in locations determined by the Fire Code Official; or
4. The absence of dead-end streets and cul-de-sacs; and unless the requirements meet or exceed Table D103.4 for Fire Apparatus Access Roads; or
5. The primary entrance roadway being a boulevard with medians and each lane meeting fire access road widths; or
6. Single entrance roads providing a dedicated emergency lane separating each drive lane; or
7. Additional fire apparatus access road which is permitted to be a roadway or approved surface not accessible to motor vehicles, designed by a registered design professional to meet the loading requirements and minimum specifications of Appendix D; and this surface provides all weather conditions capabilities for emergency fire department access; or
8. Statement by Fire Code Official that the Plans submitted meet the requirements of Exception 3 and/or Appendix D for access by local responding fire department

Pursuant to O.C.G.A. Title 25-2-12 (e)(4) the local fire official, building official, or developer may obtain a waiver when adequate access appropriate for the fire apparatus of the local responding fire department is not met or provided by using alternative methods on a waiver form designed and prescribed by the Safety Fire Commissioner. The State Fire Marshal or designated representative shall respond within 30 days for the decision for approval or disapproval or recommendations for modifications to the Plan. If the 30-day time frame is not met, the Plans submitted shall be deemed to be approved.

Add a new section, Appendix D 107.2, as follows:

Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

(f) Modifications to Chapter 6:

1. Add exception number 3 to 603.4 to read as follows:

3. In emergency conditions, when approved by the authority having jurisdiction, equipment designed to be portable may be used for a specified time provided such equipment is properly protected and separated from combustibles as specified by the manufacturer's instructions and the authority having jurisdiction. Such devices shall be supervised

during their period of operation by the establishment of a fire watch system based on the definition of "Fire Watch" in Chapter 2 of this Code. Persons assigned to perform fire watch duties shall be instructed as to their duties.

2. Delete section 604.4 in its entirety and substitute in its place the following:

604.4 "Multiplug adapters & Relocatable Power Taps (RPTs).

604.4.1 Multiplug adapters. The use of multiplug electrical outlet adapters, such as but not limited to cube adapters or plug strips, or any other similar device that is not UL listed and is not equipped with overcurrent protection shall be prohibited. Such devices that are UL listed and are equipped with overcurrent protection shall only be used in accordance with the UL listing and in accordance with the manufacturer's instructions. Such listed devices shall not be used where specifically prohibited by a provision of NFPA 70, *National Electrical Code*. Where there is any conflict between the UL listing and the manufacturer's instructions, the UL listing provisions shall prevail. The suitability for the use of RTP's shall be based, by the user, on 110.3(A)(1) of the *National Electrical Code*.

604.4.2 Relocatable Power Taps (RPT's):

604.4.2.1 Relocatable Power Taps (RPT's) shall be UL listed and labeled in accordance with UL1363. They shall be of the polarized or grounded type, and be equipped with overcurrent protection. RPT's shall be used in accordance with their UL listing and the manufacturer's instructions. [NEC, 110.3(B)] Where there is any conflict between the UL listing and the manufacturer's instructions, the UL listing provisions shall prevail. Such listed devices shall not be used where specifically prohibited by a provision of NFPA 70, *National Electrical Code*.

604.4.2.2 RPT power supply. RPT's shall be directly connected to a permanently installed electrical receptacle. An RPT shall not be plugged into another RPT or into an extension cord or flexible cord. A UL listed extension cord or flexible cord having only one outlet and serving only one device may be plugged into an RPT so long as the arrangement does not cause an overcurrent condition in the RPT.

604.4.2.3 RPT power cords. Power cords of RPT's shall not be extended through holes in walls, structural ceilings, or floors. Such cords shall not be run under doors or floor coverings. They shall not be run through doorways, windows, or similar openings.

604.4.2.4 Protection from physical damage. RPT's shall be mounted off floors to a wall or fixture so as to be protected against physical damage. The method of mounting shall not be permanent so that the devices may be easily relocated as need dictates.

604.4.2.5 Restricted use in Health Care Occupancies. "Hospital grade" RPT's listed, based on UL 1363A, for use in "patient care" or "patient sleeping rooms" of a hospital, limited care facility, nursing home, hospice, or ambulatory health care facility may be used in such locations, unless such use is specifically prohibited by this Code, NFPA 70, *National Electrical Code*, NFPA 101, *Life Safety Code*, NFPA 99, *Health Care Facilities Code*, or other applicable State or Federal rule or regulation."

3. Insert an Informational Note following section 604.4.2.4 to read as follows:

"Informational Note: Based on UL1363, RPT's are intended for indoor use as an extension of a grounding alternating-current branch circuit for general use. Where such devices are used or intended to be used for voltage surge suppression, the RPT is also required by UL1363 to meet the provisions of UL1449 for Transient Voltage Surge Suppressors. UL1363 incorporates this compliance. Such devices may be utilized for the protection of personal or laptop computers, computer related devices, word processors, memory typewriters, and other low load devices. They are not intended for use with high load equipment such as, but not limited to, refrigerators, coffee pots, microwave ovens, toasters, toaster ovens, space heaters, and other high power load devices. The labeling and manufacturer's information and instructions need to be consulted to determine if the RPT is also listed for transient voltage suppression. In addition, some RPT devices have additional options included in the device such as "electrical noise" filtration. UL1363 would also require and ensure that component would meet UL1283. The safety requirements relative RPT's regardless of the various extras that may be included in a device covered by UL1363 and the RPT manufacturer's instructions. RPT's have also been referred to as "Temporary Power Taps (TPT's)",

"power strips", "Surge/Spike Protectors", or "Portable Outlets" among other designations. NFPA 70, *National Electrical Code* (NEC), 2011 edition, does not utilize the term "Relocatable Power Tap or RPT, however, for safety provisions similar to those utilized by UL, reference can be made to NEC Article 400, Flexible Cords and Cables, Article 406, Receptacles, Cord Connectors, and Attachment Plugs (CAPS), and Article 517 Health Care Facilities."

4. Delete section 604.10 and the exception thereto, and substitute in its place the following: Sections 604.10.1 through 604.10.4 remain unchanged.

604.10 "Portable, electric space heaters. Portable, electric heaters are prohibited in all portions of occupancies in Groups A, E (including day care), I-1, I-3, R-1, R-2, and R-4. Where not prohibited by other chapters of this *Code*, or by provisions of NFPA 101, *Life Safety Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner, portable, electrical space heaters shall be permitted to be used in all other occupancy groups. Where use is permitted, portable electric space heaters shall comply with Sections 604.10.1 through 604.10.5 and 604.10.6 where applicable."

5. Add a new section 604.10.6 to read as follows:

604.10.6 "Oil filled radiator type, portable electric space heaters that have a maximum surface temperature restriction of 250° F, may be permitted to be used in staff and employee areas that are located on floors not occupied by patient or staff sleeping areas and that are totally sprinkler protected in I-2 occupancies as defined in Chapter 2 of this *Code*. For single story I-2 occupancies, such devices may be used in staff and employee non-sleeping areas that are totally sprinkler protected and that are separated from staff and patient sleeping room areas by 1-hour fire rated construction. Such space heaters shall comply with 604.10.1 through 604.10.5."

6. Add a new 604.12 to read as follows:

604.12 "**Separation from Transformers.** Space separation for transformers shall be as follows:

(1) Transformer pad locations shall be a minimum of 10 feet (3 m) from any building, building overhangs, canopies, exterior walls, balconies, exterior stairs and/or walkways connected to the building.

(2) Transformer pad edges shall be not less than 14 feet (4.3 m) from any doorway.

(3) Transformer pad edges shall be not less than 10 feet (3 m) from any window or other opening.

(4) If the building has an overhang, the 10 foot (3 m) clearance shall be measured from a point below the edge of the overhang only if the building is three stories or less. If the building is four stories or more, the 10 foot (3 m) clearance shall be measured from the outside building wall.

(5) Fire escapes, outside stairs, and covered walkways attached to or between buildings, shall be considered as part of the building.

604.12.1 Transformer pads may be located closer to noncombustible walls than the above required minimum clearances in 605.12(1) upon written approval of the authority having jurisdiction, however, in no case shall the transformer location be less than 3 feet (0.9 m) from the building.

604.12.2 Transformer pads existing prior to December 31, 1994, are exempted from the requirements of 605.11. When buildings are modified, reductions in space separations may be less than the above required minimum clearances upon written approval of the authority having jurisdiction."

7. Delete section 607 in its entirety and substitute in its place the following:

607.1 "General. Commercial kitchen exhaust hoods and residential cooking appliances in commercial and public buildings shall comply with the requirements of NFPA 96, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*, as adopted by this Chapter 120-3-3."

7. Delete section 609.2 in its entirety and substitute in its place the following:

607.2 **"Where required.** A commercial hood complying with NFPA 96, as adopted by this Chapter 120-3-3, shall be installed in any occupancy at or above all commercial cooking appliances, and domestic cooking appliances used for commercial purposes and which produce grease laden vapors.

607.2.1 The provisions of 607.2 shall not apply where provided for in the scoping provisions of subsection 1.1.4 of NFPA 96, as adopted by this Chapter 120-3-3."

8. Delete 607.3 in its entirety and substitute in its place the following:

607.3 **"Operations and maintenance.** Commercial cooking appliances, and domestic cooking appliances used for commercial purposes and which produce grease laden vapors, and all components of ventilation systems serving such appliances shall be installed, operated and maintained in accordance with the provisions of NFPA 96 as adopted by this Chapter 120-3-3."

(g) **Modifications to Chapter 7:**

1. Add a new 701.2.2 to read as follows:

701.2.2 **"Barrier Identification.** All fire and/or smoke barriers or walls shall be effectively and permanently identified with signs or stenciling above a decorative ceiling and/or in concealed spaces with letters a minimum of 2 inches (51 mm) high on a contrasting background spaced a maximum of 12 feet (3.7m) on center with a minimum of one per wall or barrier. The hourly rating shall be included on all rated barriers or walls. Suggested wording is, "(___) Hour Fire and Smoke Barrier-Protect All Openings."

(h) **Modifications to Chapter 8:**

1. Delete section 801.1 in its entirety and substitute in its place the following:

SECTION 801 "GENERAL,

801.1 Scope. The provisions of this *Code*, as adopted by this Chapter shall govern furniture, furnishings, decorative vegetation, and decorative materials, as defined in Chapter 2 of this *Code*, in buildings and structures. Section 803 shall be applicable to all existing buildings, structures, or spaces constructed and issued the required certificate of occupancy prior to the effective date of this Chapter 120-3-3. Sections 804 through 808 shall be applicable to such existing buildings, structures, and or spaces, and to proposed (new) buildings, structures, or spaces. For the purposes of this *Code*, wall padding, wall mounted gym pads, crash pads, or other pads mounted or secured to walls shall meet the provisions of this NFPA 101, *Life Safety Code* applicable to interior finish materials. Gym pads or other pads used on floors shall be considered as furnishings. Interior finish and trim in proposed (new) buildings shall be regulated by NFPA 101, *Life Safety Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

(i) **Modifications to Chapter 9:**

1. Delete section 901.3 in its entirety and substitute in its place the following:

901.3 **"Approvals and Permits.** Fire protection systems shall be approved as set forth by the authority having jurisdiction. Local authorities having jurisdiction may require permits as required and set forth in 105.6 and 105.7 of this *Code*."

2. Delete section 901.4.1 in its entirety and substitute in its place the following:

901.4.1 "Required fire protection systems. Fire suppression systems required by this *Code*, the *International Building Code*, the *Life Safety Code*, or other codes and standards adopted by the Rules and Regulations of the

Georgia Safety Fire Commissioner, shall be installed, operated, tested, repaired and maintained in accordance with this *Code* and applicable standards adopted by the Rules and Regulations of the Georgia Safety Fire Commissioner."

3. Delete section 901.4.2 in its entirety and substitute in its place the following:

901.4.2 "Provisions in excess of the minimum code requirements shall, as a minimum, be installed to meet the provisions of the currently adopted code(s) and/or standard(s) which may be applicable to the provision at the time of its installation. Any non-required fire protection system which is added onto, interconnected with, any required fire protection system (of a similar type), shall be designed, installed, and maintained in accordance with the provisions of the currently adopted code(s) and/or standard(s) which may be applicable to the provision at the time of its installation.

901.4.2.1 The provisions of 901.4.2 shall not apply to other installations not conforming with the provisions of the currently adopted code(s) and/or standard(s) applicable to the provision at the time of its installation if such installations are reported and filed with the local responding fire department and the authority having jurisdiction. In addition such systems shall be identified as required by the authority having jurisdiction.

901.4.2.2 The provisions of 901.4.2 shall not apply for nonrequired systems designed, reviewed, installed and approved in accordance with local codes and/or ordinances."

4. Delete section 903.2 in its entirety and substitute in its place the following:

903.2 "**Where required.**

(a) Approved automatic sprinkler systems for proposed (new) buildings and structures approved for construction as set forth in 103.3.1 of this *Code*, or where specifically required for existing buildings and structures, shall as the minimum level of protection, be that required by the applicable provisions of NFPA 101, *Life Safety Code* and applicable provisions of other codes and standards adopted by Chapter 120-3-3 of the Rules and Regulations of the Georgia Safety Fire Commissioner, and this *Code* section; provided, however, the *International Building Code (IBC)* shall govern the requirements for sprinkler protection that are related to minimum building construction types, or to increases in building area and height limitations imposed by the *IBC*." (Refer to **Table 102.13, CODES REFERENCE GUIDE**)

(b) Where a new automatic sprinkler system is required by this *Code* or other code, standard, rule or regulation, the system shall be designed and installed in accordance with the requirements applicable to systems in proposed (new) buildings and structures.

(c) In addition, an automatic sprinkler system may be required for new or existing buildings, structures, spaces, or conditions by other NFPA standards adopted by this Chapter 120-3-3, or other Rules and Regulations of the Safety Fire Commissioner.

(d) The requirements for the installation, design, and testing of automatic sprinkler systems shall be as applicable, NFPA 13, *Standard for the Installation of Sprinkler Systems*, NFPA 13R, *Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height*; and NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes*, or as adopted and modified by this Chapter 120-3-3.

903.2.1 The sprinkler protection provision of 903.2 shall not be mandatory for spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with a supervised automatic fire alarm system, and are separated from the remainder of the building by fire barriers consisting of walls and floor/ceiling assemblies having a fire resistance rating of not less than 2-hours.

NOTE: NFPA 76, *Fire Protection of Telecommunications Facilities*, should be consulted. Refer to the edition adopted by this Chapter 120-3-3."

5. Delete section 903.3.7 of this *Code* in its entirety and substitute in its place the following:

903.3.7 "**Fire department connections.** The location of fire department connections shall be approved by the Fire Chief as set forth in subsection 501.5 of this *Code*, adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

6. Delete section 904.2.2 in its entirety and substitute in its place the following:

904.2.2 "**Commercial hood and duct systems.** Each required commercial kitchen exhaust hood and duct system required by Section 607 to have a commercial hood complying with NFPA 96, shall be protected with an approved automatic fire-extinguishing system installed in accordance with this *Code* and applicable provisions of NFPA 96."

7. Delete section 904.12 in its entirety and substitute in its place the following: "904.12 Fire Protection for Commercial Cooking Operations.

904.12.1 The requirements for, as well as the design, installation, protection and maintenance of cooking equipment, shall be as required by NFPA 101, *Life Safety Code* and NFPA 96, Standard for the Ventilation Control and Fire Protection of Commercial Cooking Operations, as adopted by this Chapter 120-3-3." (Refer to **Table 102.13, CODES REFERENCE GUIDE**)

904.12.2 Fire suppression systems approved for the protection of commercial cooking appliances shall be designed, installed, and maintained in accordance with the applicable standards adopted in this Chapter.

904.12.3 Portable fire extinguishers for commercial cooking appliances. Portable fire extinguishers shall be installed in kitchens or other commercial cooking areas in accordance with NFPA 10 and NFPA 96, as adopted by this Chapter 120-3-3 of the Rules and Regulations of the Georgia Safety Fire Commissioner. Class K portable fire extinguishers and the required operation sequence signage required by NFPA 10, shall be located between 5 feet and 10 feet from the manual release device(s) of the kitchen exhaust hood fire suppression system(s)."

8. Delete section 905.1 in its entirety and substitute in its place the following:

905.1 "**General.** The State's minimum requirements for standpipe systems shall be as required by the *International Building Code (IBC)* or This *Code*. Standpipe systems shall be designed, installed and tested in accordance with NFPA 14, *Standard for the Installation of Standpipe, and Hose Systems* as adopted by this Chapter 120-3-3. (Refer to **Table 102.13, CODE REFERENCE GUIDE**)"

9. Insert a new subsection 905.13 to read as follows:

905.13 "**Fire department connections.** The location of fire department connections shall be approved by the Fire Chief as set forth in subsection 501.5 of this *Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

10. Delete section 906.1 in its entirety and substitute in its place the following:

906.1 "Portable Fire Extinguishers - General. Portable fire extinguishers shall be installed in all buildings, structures and facilities falling under this *Code* and O.C.G.A. 25-2. For any other building, structure, facility, or condition or special hazard, portable fire extinguishers shall be provided as may be required by this *Code* in Table 906.1, or by various codes and standards adopted by this Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner. (Refer to **Table 102.13, CODES REFERENCE GUIDE**)."

11. Delete section 906.2 in its entirety and substitute in its place the following:

906.2 "**General requirements.** The selection, distribution, installation, and maintenance of portable fire extinguishers shall comply with NFPA 10, *Standard for Portable Fire Extinguishers*, as adopted by this Chapter 120-3-3.

906.2.1 The maximum travel distance to reach an extinguisher shall not apply to the spectator seating portions of Group A-5 occupancies.

906.2.2 Thirty-day inspections shall not be required and maintenance shall be allowed to be once every three years for dry-chemical or halogenated agent portable fire extinguishers that are supervised by a listed and approved electronic monitoring device, provided that all of the following conditions are met:

- (a) Electronic monitoring shall confirm that extinguishers are properly positioned, properly charged and unobstructed.
- (b) Loss of power or circuit continuity to the electronic monitoring device shall initiate a trouble signal.
- (c) The extinguishers shall be installed inside of a building or cabinet in a noncorrosive environment.
- (d) Electronic monitoring devices and supervisory circuits shall be tested every three years when extinguisher maintenance is performed.
- (e) A written log of required hydrostatic test dates for extinguishers shall be maintained by the owner to ensure that hydrostatic tests are conducted at the frequency required by NFPA 10.

906.2.3 In Group E- Educational occupancies, in lieu of locating fire extinguishers in corridors and normal paths of travel as specified in NFPA 10, *Standard for Portable Fire Extinguishers*, fire extinguishers may be located in rooms that open directly onto such corridors and pathways provided all of the following are met:

- (a) The room in which such extinguishers are placed are located in close proximity to that portion of the corridor where a fire extinguisher would otherwise be placed in accordance with NFPA 10; *Standard for Portable Fire Extinguishers*,
- (b) A sign which states in white letters at least one inch in height on a red background, 'FIRE EXTINGUISHER LOCATED IN THIS ROOM,' is placed on the corridor wall immediately adjacent to the entrance way of each such room so that it can be clearly seen at all times;
- (c) The rooms in which such extinguishers are placed shall be constantly supervised during school hours; and,
- (d) Those rooms cannot be subject to being locked at any time the building is occupied."

12. Delete sections 906.3 through 906.10 without substitution (Refer to NFPA 10).

13. Delete section 907.1 in its entirety and substitute in its place the following, while retaining existing subsections:

907.1 **"Fire Alarm Systems- General.**

(a) The State's minimum requirements for fire alarm systems in proposed (new) buildings and structures approved as set forth in 103.3.1 of this *Code* shall be as required by NFPA 101, *Life Safety Code*, as adopted by this Chapter 120-3-3. Fire alarm systems shall be designed, installed, tested, and maintained in accordance with NFPA 72, *National Fire Alarm and Signaling Code*, as adopted by this Chapter 120-3-3. (b) New fire alarm systems to be installed in existing buildings shall be designed, installed, and maintained in accordance with NFPA 72, as adopted by this Chapter 120-3-3. (Refer to **Table 102. 13 CODES REFERENCE GUIDE**)"

17. Delete sections 907.2 through 907.6.6.2 in their entirety and without substitution.

18. Delete section 909.1 in its entirety and substitute in its place the following:

909.1 **"Scope and purpose.** This section applies to mechanical or passive smoke control systems when they are required for proposed (new) buildings or portions thereof by provisions of the *Life Safety Code* (LSC) or this *Code*, as adopted by this Chapter 120-3-3, or by provisions of the *International Building Code* (IBC), as adopted by the

Department of Community Affairs. The purpose of this section is to establish minimum requirements for the design, installation, and acceptance testing of smoke control systems that are intended to provide a tenable environment for the evacuation or relocation of occupants. These provisions are not intended for the preservation of contents, the timely restoration of operations, or for assistance in fire suppression or overhaul activities. Smoke control systems regulated by this section serve a different purpose than the smoke and heat venting provisions found in Section 910. Mechanical smoke control systems shall not be considered exhaust systems under Chapter 5 of the *International Mechanical Code (IMC)*."

19. Delete section 909.2 in its entirety and substitute in its place the following:

909.2 "**General design requirements.** Buildings, structures, or portions thereof required by provisions of the *Life Safety Code* (LSC) or this *Code*, as adopted by this Chapter, or by provisions of the *International Building Code*, as adopted by the Department of Community Affairs, to have a smoke control system or systems shall have such systems designed in accordance with the applicable requirements of Section 909 of this *Code* and the generally accepted and well established principles of engineering relevant to the design. The construction documents shall include sufficient information and detail to describe adequately the elements of the design necessary for the proper implementation of the smoke control systems. These documents shall be accompanied with sufficient information and analysis to demonstrate compliance with these provisions."

20. Add a new section 909.2.1 to read as follows:

909.2.1 "Smoke Control. For the purposes of 909.2 the following publications shall be considered as providing the generally accepted and well established principals of engineering relevant to design of required smoke control systems.

(1) NFPA 92, *Standard for Smoke Control Systems*

(2) NFPA SPP-53, *Smoke Control in Fire Safety Design*

(3) ASHRAE/SFPE, *Design of Smoke Management Systems*

(4) ASHRAE, Guideline 5: *Guideline for Commissioning Smoke Management Systems*"

(5) NFPA 101, *Life Safety Code* (For non-mandatory guidance involving systems for existing detention and correction facilities refer to A.23.3.1.3 of the 2012 Edition)

21. Add a new section 909.2.1 to read as follows:

909.2.1 "**Deactivation of Mechanical Pressurization Systems.** The design of pressurization systems shall ensure that smoke is not introduced into the pressurized enclosure so as to result in the untenable contamination of the fresh air. Approved smoke detectors shall be installed at each intake in such approved manner that the operation of the fan providing mechanical pressurization to the enclosure where smoke is detected shall be deactivated upon detection of smoke."

22. Add a new subsection 912.2.3 to read as follows:

912.2.3 "**Location of fire department connections.** The location of fire department connections for automatic sprinkler systems shall be as approved by the Fire Chief as set forth in accordance with Section 912 and Section 501.5 of this *Code*, as adopted by 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

23. Add a new section 914.7.3 to read as follows:

914.7.3 "**Limited Use Special Amusement Buildings:** Special amusement buildings not open to the public in excess of 45 days in a twelve month period shall be permitted, provided all of the following conditions are met:

1. Portable fire extinguishers with a minimum of a 2A:10B:C rating are placed within 25 feet of each activity or viewing station, so as to be readily accessible and visible to staff;
2. A smoke detection system is placed throughout the facility with a smoke detector located at each activity or viewing station and located throughout corridors and halls not to exceed a spacing more than 15 feet (4.6 m) from a wall or more than 30 feet (9.1 m) on center. Where there is no ceiling or cover over activity or viewing stations, or over exit access routes, other than the standard ceiling, smoke detectors shall be placed so that their area of coverage does not exceed the approval listing of the detectors;
3. Emergency lighting shall be provided which will cause illumination of the means of egress upon loss of power to lighting circuits for the means of egress routes serving the special amusement building. In addition, all staff shall be provided with flashlights;
4. Personnel dedicated for the sole purpose of performing fire watch duties as defined in Chapter 2 of the *International Fire Code* and as be deemed necessary for specific circumstances by the authority having jurisdiction, shall be provided in such numbers to ensure the entire special amusement space is surveyed at least every 30 minutes starting 30 minutes prior to public occupancy. Such personnel shall be provided with a direct communication device for communication with all viewing or activity stations throughout the facility. In addition such personnel shall be provided with appropriate training for the operation of portable fire extinguishing equipment;
5. Communication to the responding fire department or emergency dispatch center is available from the facility (a regular telephone or at least two cell phones are acceptable);
6. "NO SMOKING" signs shall be posted at entrances to the building. Receptacles for the discard of smoking material shall be located a minimum of 15 feet (9.1 m) from the structure and shall be clearly identified by applicable signage;
7. Documentation of fire watch tours required by item 4 above is maintained. The documentation, at the minimum, shall note the time when the tour was conducted the name of personnel conducting the tour, and information about any hazards identified and actions taken to remove such hazards. Such documentation shall be readily available to the code official upon request."

(j) Modifications to Chapter 10:

1. Delete sections 1001 through 1030 in their entirety and substitute in their place the following:

1001.1 "General.

(A) Proposed (new) buildings or portions thereof approved for construction as set forth in 103.3 of this *Code*, shall be provided with means of egress and related safeguards as set forth by NFPA 101, *Life Safety Code*, as adopted this Chapter. (Refer to **Table 102.13, CODES REFERENCE GUIDE**)

(B) Buildings and structures existing and approved prior the effective date of this Chapter 120-3-3, as set forth in 103.3 of this *Code*, having means of egress and related safeguards conforming to NFPA 101, *Life Safety Code*, under which they were approved and constructed shall be considered as complying with this *Code*. Means of egress and related safeguards in existing buildings constructed without approval, may be considered as complying with this code section if, in the judgment of the authority having jurisdiction, they do not constitute a distinct hazard to life. Where, in the judgment of the authority having jurisdiction, the means of egress or related safeguards provided constitute a distinct hazard to life, the hazardous condition or conditions shall be remedied based on the provisions for existing buildings of the *Life Safety Code* as adopted by this Chapter 120-3-3.

(C) Exit discharge termination dispersal areas may be utilized where authorized and designed in accordance with 7.7.1.5 of the *Life Safety Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

2. Add the following section 1001.2 to read as follows:

1001.2 "**Overcrowding and Life Safety Hazard Prevention.** Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. It is the responsibility of the manager and the person in charge of a building, structure, or portion thereof not to allow an overcrowded condition or any condition which constitutes a life safety hazard to exist, and to take prompt action to remedy an overcrowded condition or life safety hazard when evidence of such a condition is noted, or when advised or ordered by the Fire Code Official or his/her representative. (Refer to 107.6)

1001.2.1 **Decreases in the Occupant Load.** For authorized decreases in the occupant load approved by the fire code authority having jurisdiction, the actual number of occupants for whom each occupied space, floor or building is designed, although less than those determined by calculation, shall be permitted to be used in the determination of the design occupant load.

1001.2.2 **Increases in the Occupant Load.** For approved increases in the occupant load by the fire code authority having jurisdiction, refer to 7.3.1.5 of Subsection 7.3.1 of NFPA 101, *Life Safety Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner.

1001.2.3 **Overcrowded Condition or Life Safety Hazard Determined.** The fire code official, upon finding any overcrowded conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected. In addition, a structure, building, room or designated portion thereof shall be deemed overcrowded if the total of occupants exceeds the exit capacity of the structure, building, room or area involved."

(k) Modifications to Chapter 11:

1. Delete 1101.1 and substitute in its place the following:

1101.1 "**Scope.** The provisions of this chapter shall apply to existing buildings constructed prior to the effective date of this Chapter 120-3-3.

2. Delete 1101.2 and substitute in its place the following:

1101.2 "**Intent.** The intent of this chapter is to provide a minimum degree of fire and life safety to persons occupying buildings by providing for existing building rehabilitation activities including repair, renovation, modification, reconstruction, change of use or occupancy classification, and additions to such buildings.

3. Delete 1101.3 and substitute in its place the following:

1101.3 "**Permits.** Construction permits for buildings falling under State jurisdiction, as set forth in O.C.G.A. 25-2.13, shall be required for the activities noted in 4601.1 when the criteria of O.C.G.A. [25-2-14\(d\)](#) for an existing building to be classified as a proposed (new) building or structure are met. For local jurisdictions, permits shall be required as set forth in Section 105.7 of this *Code* and the *International Building Code*.

4. Delete Sections 1102 through 1104 and substitute in their place a new 1102 to read as follows:

SECTION 1102 "FIRE AND LIFE SAFETY REQUIREMENTS FOR EXISTING BUILDINGS AND STRUCTURES"

1102.1 "**General.** The intents and purposes of this section shall be met through the application of the applicable provisions of this *Code*, the *Life Safety Code*, and other codes and standards as adopted by Chapter 120-3-3 of the Rules and Regulations of the Georgia Safety Fire Commissioner, as they apply to existing conditions and routine maintenance of fire and life safety protection systems and devices. For building rehabilitation activities, including repair, renovation, modification, reconstruction, change of use or occupancy classification, and additions to such

buildings, the definitions and requirements of Chapter 43, of the *Life Safety Code*, adopted by Chapter 120-3-3 of the Rules and Regulations of the Georgia Safety Fire Commissioner shall apply."

(l) Modifications to Chapter 20:

1. Delete section 2003.5 in its entirety and substitute in its place the following:

2003.5 "Dispensing of flammable and combustible liquids. No dispensing, transfer or storage of flammable or combustible liquids shall be permitted inside any building or structure.

Exceptions:

1. *As provided in Chapter 57 of this Code, provided, the provisions are not less protective than the provisions of any applicable Codes and standards adopted by the Rules and Regulations of the Safety Fire Commissioner.*

2. *When the procedures used follow the guidelines and requirements set forth in NFPA 410- Standard for Aircraft Maintenance, adopted by this Chapter 120-3-3."*

2. Delete sections 2006.1 through 2006.21.1 in their entirety and substitute in their place a new paragraph 2006.1 to read as follows:

2006.1 "Aircraft motor vehicle fuel-dispensing stations and Airport Fuel Systems. All aircraft motor vehicle fuel-dispensing stations and airport fuel systems shall be in accordance with Chapter 120-3-11 Rules and Regulations of the Safety Fire Commissioner entitled, 'Rules and Regulations for Flammable and Combustible Liquids.'"

3. Delete section 2007.1 in its entirety and substitute in its place the following:

2007.1 "**General.** Helistops and heliports shall be maintained in accordance with Section 2007. Helistops and heliports on buildings or structures shall be constructed in accordance with the *International Building Code* and the requirements set forth by NFPA 418, Standard for Heliports, adopted by this Chapter 120-3-3."

(m) Modification to Chapter 23.

1. Delete sections 2301.1 through 2301.6 in their entirety and substitute in their place a new paragraph 2301.1 to read as follows:

2301.1 "**Scope.** Automotive motor fuel-dispensing facilities, marine motor fuel dispensing facilities, fleet vehicle motor fuel-dispensing facilities and repair garages shall be in accordance with Chapter 120-3-11 Rules and Regulations of the Safety Fire Commissioner entitled, 'Rules and Regulations for Flammable and Combustible Liquids'."

Exception: This chapter shall apply to hydrogen motor fuel-dispensing and generation facilities as specified in section 2309 and repair garages where referenced by subsection 406.6, entitled, 'Repair Garages,' of the International Building Code.

2. Delete sections 2303 through 2308 and all other paragraphs there-under, and section 2310 and all other paragraphs thereunder in their entirety without substitution.

(n) Modification to Chapter 31:

1. Delete 3106.5.2 in its entirety and substitute in its place the following:

3106.5.2 "Cooking Operations. Cooking operations shall be evaluated and comply with NFPA 96, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

(o) **Modification to Chapter 50:**

1. Add two new exceptions 12 and 13 to section 5001.1 to read as follows:

12. "Storage, transportation, use, dispensing, mixing and handling of Flammable and combustible liquids as outlined in Chapter 120-3-11 Rules and Regulations of the Safety Fire Commissioner entitled, "Rules and Regulations for Flammable and Combustible Liquids.

13. Storage, handling, and transportation of liquefied petroleum gas (LP-Gas) and the installation of LP-gas equipment pertinent to systems for such use as outlined Chapter 120-3-16 Rules and Regulations of the Safety Fire Commissioner entitled, 'Rules and Regulations for Liquefied Petroleum Gases.'

2. In Table 5003.11.1, add superscript "k" to Oxidizers in the Material column and add the following footnote "k" to read as follows:

k. "Group M occupancies with Class 2 and Class 3 oxidizers exceeding these quantities shall comply with the applicable provisions of NFPA 400, *Hazardous Materials Code* as adopted by this Chapter 120-3-3."

(p) **Modifications to Chapter 56:**

2. Delete sections 5601 through 5607 and all related paragraphs there under in their entirety and substitute in their place the following:

5601. "**Explosives and blasting.** The provisions of Chapter 120-3-10 Rules and Regulations of the Safety Fire Commissioner entitled, 'Rules and Regulations for Explosives and Blasting Agents' shall govern the possession, manufacture, storage, handling, sale and use of explosives, explosive materials and small arms ammunitions."

3. Delete section 5608.1 in its entirety and substitute in its place the following:

5608.1 "GENERAL PROVISIONS. In addition to the requirements of this Section for the display of fireworks the provisions of O.C.G.A. Title 25, Chapter 2, and Chapter 120-3-22, Rules and Regulations of the Safety Fire Commissioner, shall apply. Where there may be a conflict between a provision of this Section and a provision of the above referenced law or regulation, the provision of the above referenced law or regulation shall apply. Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for the signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports or for the use by military organizations."

2. Insert a new section 5608.11 to read as follows:

5608.11 "Retail display and sale.

(a) Fireworks as defined in the Official Code of Georgia (O.C.G.A.) Title 25, Chapter 10 in 25-10-1(a)(1) shall not be made available for sale at retail or wholesale, except as provided in O.C.G.A. 25-10. (b) Non-explosive sparkling devices as defined in O.C.G.A. [25-10-1\(b\)](#) are permitted for retail sales to the public, provided, however, it is unlawful for any such devices to be sold to any person under 18 years of age (O.C.G.A. [25-10-2\(b\)\(1\)](#)). In addition, it is unlawful to sell such items to any person by any means other than an in-person, face-to-face sale. Further, such person shall provide proper identification to the seller at the time of such purchase. The term 'proper identification' means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth and includes without being limited to, a passport, military identification card, driver's license, or an identification card authorized under O.C.G.A. Sections [40-5-100](#) through [40-5-104](#). (c) In areas where devices are stored or displayed for retail sales, at least one pressurized-water type portable fire extinguisher complying with NFPA 10, as adopted by this Chapter shall be located not more than 20 feet and not closer than 15 feet from the storage or display location. In addition, "NO SMOKING" signs complying with Section 310 shall be conspicuously posted in areas of such storage or display, unless in a building where smoking is clearly marked as prohibited."

(q) Modification to Chapter 57:

1. Add a new non-applicability paragraph number 12 to section 5701.2 to read as follows:

12. "The storage, transportation, use, dispensing, mixing and handling of Flammable and Combustible Liquids as outlined in Chapter 120-3-11 Rules and Regulations of the Safety Fire Commissioner entitled, 'Rules and Regulations for Flammable and Combustible Liquids.'"

(r) Modifications to Chapter 61:

1. Delete Chapter 61 in its entirety and substitute in its place the following:

"CHAPTER 61 LIQUEFIED PETROLEUM GASES. The provisions relating to the storage and handling of liquefied petroleum gases shall be those in NFPA 58, *Liquefied Petroleum Gas Code*, as adopted by Chapter 120-3-16, Rules and Regulations of the Safety Fire Commissioner. (Refer to **Table 102.13, CODES REFERENCE GUIDE**)"

(s) Modifications to Chapter 80:

1. Add an Explanatory Note at the start of the Chapter to read:

"Replace the NFPA Standard Reference numbers with the year edition with the same NFPA Standard Reference numbers and titles however; each year edition shall be those as adopted by the Rules and Regulations of the Georgia Safety Fire Commissioner Chapters 102-3-3, 120-3-10, 120-3-11 and 120-3-12."

(4) NFPA 2, 2020 Edition Hydrogen Technologies Code

Modifications: None

(5) NFPA 3, 2018 Edition, Guide for the Commissioning and Integrated Testing of Fire Protection and Life Safety Systems Modifications:

(a) Modifications to Chapter 1:

1. Add a new subsection 1.1.3 to read as follows:

1.1.3 "This document is recognized strictly as a recommended practice for fire prevention and fire protection. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, and it is not adopted as a minimum state code or standard. It may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards, or it may be adopted and enforced by a local jurisdiction under local ordinance."

(6) NFPA 10, 2018 Edition, Standard for Portable Fire Extinguishers

Modifications:

(a) Modification to Chapter 6:

1. Delete 6.1.3.8.1 in its entirety and insert in its place the following (6.1.3.8.2 and 6.1.3.8.3 remain unchanged:

6.1.3.8.1 "Portable fire extinguishers having a gross weight not exceeding 40 lb. (18.14 kg) shall be installed so that the top of the extinguisher is not more than 48 in (1.19 m) above the floor."

2. Delete 6.1.3.10.5 in its entirety and substitute in its place the following:

6.1.3.10.5 Cabinets or wall recesses for fire extinguishers shall be installed that the top of the opening for the fire extinguisher is at 50 in. (1.27 m) above the finished floor.

6.1.3.10.5.1 The provisions of 6.1.3.10.5 shall not apply to existing installations.

(b) Modifications to Chapter 7:

1. Delete 7.1.2.1* in its entirety and insert in its place the following:

7.1.2.1 "Persons performing maintenance and recharging of extinguishers shall be licensed and/or permitted in accordance with Chapter 12 of Title 25 of the Official Code of Georgia Annotated."

2. Delete subparagraphs 7.1.2.1.1 thru 7.1.2.1.5 in their entirety without substitution.

3. Delete subparagraph 7.1.2.3 in its entirety without substitution.

4. Delete subsection 7.3.4.1.1 in its entirety and substitute in its place the following:

7.3.4.1.1 "Tags shall comply the requirements of Chapter 120-3-23 Rules and Regulations of the Safety Fire Commissioner."

5. Delete subsection 7.3.4.2 in its entirety and substitute in its place the following:

7.3.4.2 "**Verification-of-Service Collar (Maintenance or Recharging).**

Verification-of-Service Collars shall comply with the requirements of Chapter 120-3-23 Rules and Regulations of the Safety Fire Commissioner."

6. Delete subsection 7.3.6.5.3 in its entirety and substitute in its place the following:

7.3.6.5.3 "The 6 year Maintenance internal examination label shall be blue in color and shall comply with the requirements of Chapter 120-323 Rules and Regulations of the Safety Fire Commissioner."

7. Delete subsection 7.11.3 in its entirety and substitute in its place the following:

7.11.3 "Verification-of-Service Collars shall comply with the requirements of Chapter 120-3-23 Rules and Regulations of the Safety Fire Commissioner."

(c) Modifications to Chapter 8:

1. Delete subsection 8.1.2.1 in its entirety and substitute in its place the following:

8.1.2.1 "Hydrostatic testing shall be performed by persons who are, licensed and/or permitted in accordance with Chapter 12 of Title 25 of the Official Code of Georgia Annotated, trained in pressure testing procedures and safeguards complying with 7.1.2, who have testing equipment, facilities, and an appropriate manufacturer's service manual(s) available."

2. Delete subsection 8.1.2.1.2 in its entirety without substitution.

3. Delete subsection 8.1.2.1.3 in its entirety and substitute in its place the following:

8.1.2.1.3 "** Where hydrostatic testing is subcontracted to a facility described in 8.1.2.1.1, the secondary firm actually performing the hydro testing must be listed on the primary firms license(s) application on file in the Georgia State Fire Marshal's Office."

4. Delete subsection 8.7.2.2 in its entirety and substitute in its place the following:

8.7.2.2 "The label shall comply with the requirements of Chapter 120-3-23 Rules and Regulations of the Safety Fire Commissioner."

(7) NFPA 11, 2016 Edition, Standard for Low-, Medium-, and High-Expansion Foam

Modifications: None

(8) NFPA 12, 2018 Edition, Standard on Carbon Dioxide Extinguishing Systems

Modifications: None

(9) NFPA 12A, 2018 Edition, Standard on Halon 1301 Fire Extinguishing Systems

Modifications: None

(10) NFPA 13, 2019 Edition, Standard for the Installation of Sprinkler Systems

Modifications:

(a) Modification to Chapter 4:

1. Add a new Section 4.2.1 to read as follows:

4.2.1.1 **"Modification of Existing Sprinkler Systems.** In existing sprinkler systems, heads may be relocated from original installation locations. All alterations or modifications to existing branch lines shall be submitted with hydraulic calculations if work is outside of scope of subsections 4.4.1 through 4.4.4. New hydraulic data nameplate shall be placed on any modified system at the riser or sectional valve along with the existing hydraulic data nameplate.

4.2.1.2 One additional sprinkler may be added to an original installation location if the additional sprinkler is in a remotely located or non-communicating compartment from the existing or relocated sprinkler.

4.2.1.3 Two sprinklers may be added to an existing branch line if the additional sprinklers are in remotely located or non-communicating compartments from the existing or relocated sprinkler.

4.2.1.4 New branch lines added to existing cross mains shall be sized the same as the existing branch lines.

4.2.1.5 No more than two heads shall be supplied from 1 inch (25.4 mm) pipe unless the existing system was calculated to supply more than two heads. In such case, the calculated maximum for 1 inch (25.4 mm) pipe shall take precedence."

(b) Modification to Chapter 5:

1. Add a new paragraph 5.2.2.3 to read as follows:

5.2.2.3 "A water test taken to determine the period of highest demand and made not more than six months prior to plan submittal shall be submitted to the authority having jurisdiction with all new system designs."

(c) Modification to Chapter 9:

1. Delete the Annex note A.9.3.5.1 to 9.3.5.1* and insert a revised A.9.3.5.1 to read follows: "A.9.3.5.1 It is the intent of this section to apply the requirement for draft stops and closely spaced sprinklers to openings in fire rated floor/ceiling assemblies. It is not the intent of this section to require draft stops and closely spaced sprinklers to the perimeter around mezzanines, raised platforms, lofts or other places where stairs or escalators ascend to a floor or landing that is open to the space below.

2. Insert a new 9.3.5.2.1 to read as follows:

9.3.5.2.1 "Draft stops required by Section 8.15.4.1 shall not be required in Light and Ordinary Hazard Occupancies utilizing quick response sprinklers throughout."

(c) Modification to Chapter 16:

1.) Delete paragraph 16.12.5.7 in its entirety and substitute in its place the following. The annex note shall remain.

16.12.5.7 **"FDC Locations.** The location of fire department connections shall be approved by the Fire Chief as set forth in subsections 501.5 and 912 of the *International Fire Code (IFC)*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner. Where there may be conflict between subsection 501 or 912 of the *IFC* and section 8.17.2 of this *Code*, the provisions of 501 and 912 of the *IFC* shall prevail."

(d) Modification to Chapter 27:

1. Add a new 27.1.2.1 to read as follows:

27.1.2.1 "Where plan review notes returned with submitted plans or comments on submitted plans by the authority having jurisdiction (AHJ), indicating the need for corrections, such corrections shall be made by the Fire Protection Sprinkler Designer. Only after the needed corrections are made and shown on corrected plans shall changes by installation personnel be allowed. Corrected plans shall be kept at the project site and shall be firmly attached to the set of plans stamped as approved with comments by the AHJ. Submitted plans returned without the approval stamp of the AHJ shall have corrections made and be resubmitted to the AHJ for review and approval. The installation of a system shall not be allowed where plans have been returned without an approval stamp until corrected plans have been submitted, reviewed, and stamped as approved by the AHJ."

2. Add new items (48) through (51) to subsection 27.1.3 to read as follows:

(48) "Type of construction, (i.e. obstructed or unobstructed as defined in Section 3.7), and the distance between the sprinkler deflector and the structure in exposed structure areas.

(49) Indicate the system is a NFPA 13 designed system.

(50) Owner's Certificate, provided in accordance with Section 4.2.

(51) Name, number and signature of the Certificate of Competency holder & Designer."

3. Add a new subsection 27.2.4.11.2.1 to read as follows:

27.2.4.11.2.1 "There shall be a minimum 10 psi (0.69 bar) cushion between the hydraulically calculated sprinkler system demand and supply when there is a backflow prevention device present.

27.2.4.11.2.1.1 The 10 psi (0.69 bar) cushion may be lowered to not less than 7 psi with written approval of the authority having jurisdiction based on the capability of the fire department to provide support to the system within 10 minutes of the receipt of notification of the alarm of fire in the building."

4. Add a new subparagraph 27.2.4.11.3 to read as follows:

27.2.4.11.3 "There shall be a minimum 15 psi (1.03 bar) cushion between the hydraulically calculated sprinkler system demand and supply in systems that do not have a backflow prevention device.

27.2.4.11.3.1 The 15 psi (1.05 bar) cushion may be lowered to not less than 7 psi with approval of the authority having jurisdiction based on the capability of the fire department to provide support to the system within 10 minutes of the receipt of notification of the alarm of fire in the building."

(i) **Modification to Chapter 28:**

1. Add a new item (5) to 28.1 to read as follows:

(5) "Attach an initial **"GREEN"** inspection tag to the sprinkler system riser.

(a) After installation, acceptance testing, and inspection, at the time the system is initially accepted as being in a state of operational readiness, an Inspection Tag shall be completed and attached to the system at a conspicuous location so as to permit convenient inspection, and not hamper system activation.

(b) Inspection Tags must be **GREEN** in color and have a minimum dimension of 5¼ inches (133 mm) in length and 2 inches (67 mm) in width.

(c) Inspection tags shall bear at least the following information in an easy to read format:

1. **"DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL."** This order shall be in a minimum of 10pt capital letters.

2. The license number, name, and physical address of the licensed Fire Sprinkler Contractor.

3. The license number, printed name, and signature of the licensed Fire Sprinkler Inspector.

4. The properly punched day, month and year the system was inspected and placed in a state of operational readiness.

5. The name and physical address, including tenant space designation, as applicable of the facility."

2. Add a new Section 28.7 Document Accessibility.

28.7.1 With every new system, a documentation cabinet shall be installed in the system riser room or at another approved location at the protected premises.

28.7.2 The documentation cabinet shall be sized so that it can contain all necessary documentation.

28.7.3 Required minimum documentation shall include copies of Approved Hydraulic calculations, Approved Plans, Above and Below ground contractors test, and Inventory of sprinkler heads.

28.7.4 Where the documentation cabinet is not in the sprinkler riser room, its location shall be identified at the system control valve.

28.7.5 The documentation cabinet shall be prominently labeled **SPRINKLER SYSTEM DOCUMENTS**.

28.7.6 The contents of the cabinet shall be accessible by authorized personnel only.

(11) **NFPA 13D, 2019 Edition, *Standard for the Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes***

Modifications: None

(12) **NFPA 13R, 2019 Edition, *Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height***

Modifications:

(a) Modification to Chapter 1:

Delete Section 1.1 in its entirety and substitute in its place the following. Subsection 1.1.1 and 1.1.2 shall remain.

1.1 "**Scope.** This standard deals with the design and installation of automatic sprinkler systems for protection against fire hazards in residential occupancies, personal care homes, day-care centers and group day-care homes, up to and including four stories in height. When a single-story open air parking structure of fire-restrictive construction having a rating greater than 2-hours is below a four-story residential occupancy, the structure is considered within this scope."

1. Delete Section 1.2 in its entirety and substitute in its place the following:

1.2 "**Purpose.** The purpose of this standard is to provide design and installation requirements for a sprinkler system to aid in the detection and control of fires in residential occupancies, day-care centers, group day-care homes, and personal care homes, and thus provide improved protection against injury, loss of life, and property damage. A sprinkler system designed and installed in accordance with this standard is expected to prevent flashover (total involvement) in the room of fire origin, where sprinklered, and to improve the chance for occupants to escape or be evacuated. This standard shall not be applied to "new assisted living communities" or new "memory care units" as defined in [120-3-3-.03](#) of Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner, and as regulated by Chapter 34 or 35, as applicable, of the *Life Safety Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

(b) Modification to Chapter 3:

1. Delete subsection 3.3.10 in its entirety and substitute in its place the following:

3.3.10 "**Residential Occupancies.** Residential Occupancies, as specified in the scope of this standard and for the purposes of this standard, include the following, as defined by State law, or by the Rules and Regulations of the Georgia Safety Fire Commissioner: (1) Apartment buildings, (2) Lodging and rooming houses, (3) Board and care facilities, (4) Hotels, motels, and dormitories, (5) Personal care homes (prompt and slow evacuation type only), (6) Day-care centers and group day-care homes."

2. Add a new paragraph 3.3.9.1 to read as follows:

3.3.10.1 "Day-care Center- For purposes of NFPA 13R, a day-care facility subject to licensure or commission by the Department of Human Resources where more than 12 clients receive care. A day-care center is within the definition of a dwelling unit."

3. Add a new paragraph 3.3.10.2 to read as follows:

3.3.10.2 "**Group Day-care Home** - For purposes of NFPA 13R, a daycare facility subject to licensure or commission by the Department of Human Resources where at least seven but not more than 12 clients receive care. A group day-care home is within the definition of a dwelling unit."

4. Add a new paragraph 3.3.10.3 to read as follows:

3.3.10.3 "**Dwelling** - For purposes of NFPA 13R, any building which contains not more than one or two 'dwelling units' intended to be used, rented, leased, hired out to be occupied for habitation purposes, or for use as a day-care center, a group day-care home, or as a personal care home or community living arrangement."

5. Add a new paragraph 3.3.10.4 to read as follows:

3.3.10.4 "**Outside Dwelling Unit** - Any area such as, but not limited to, storage, mechanical and equipment rooms and/or other area(s) that, in the opinion of the authority having jurisdiction, constitutes a fire hazard in excess of the hazards normally found within the dwelling unit."

6. Add a new paragraph 3.3.10.5 to read as follows:

3.3.10.5 **"Personal Care Home** - For the purposes of NFPA 13R, any building or part thereof that is used as defined in Chapter 120-3-3 in [120-3-3-.03\(11\)](#) of the Rules and Regulations of the Safety Fire Commissioner."

(c) Modification to Chapter 4:

1. Add a new Section 4.6 to read as follows:

4.6 **"Minimum Pipe Sizes.** Minimum pipe sizes shall be ¾ inch (19.1 mm) for copper and 1-inch (25.4 mm) for steel. For other approved pipe or tubing used, a minimum size of ¾ inch (19.1 mm) for those with a Hazen-Williams 'C' value of 150 or more and 1 inch (19.1 mm) for those less than 150."

(d) Modification to Chapter 6:

1. Delete paragraph 6.6.1 in its entirety and substitute in its place the following:

6.6.1 "Sprinklers shall be installed in all areas except where omission is permitted by 6.6.2 through 6.6.9 excluding day-care facilities. Sprinklers shall be installed in all areas of day-care facilities except where omission is permitted by 6.6.4 and 6.6.5."

2. Add a new paragraph 6.8.11 to read as follows:

6.8.11 "A non-multipurpose piping system shall be isolated from the domestic water system by not less than two spring-loaded check valves or equivalent."

3. Add a new paragraph 6.8.12 to read as follows:

6.8.12 "All valves controlling water supplies for sprinkler systems or portions thereof, including floor control valves, shall be easily accessible to authorized persons. Water supply connections shall not extend into or through a building unless such connection is under control of an outside listed indicating valve or an inside listed indicating valve located near an outside wall of the building."

(e) Modification to Chapter 9:

1. Delete subsection 9.6.2.1 in its entirety and substitute in its place the following:

"Where a waterflow test is used for the purpose of system design, the test shall be conducted no more than 6 months prior to working plan submittal unless otherwise approved by the authority having jurisdiction."

2. Add a new subsection 9.7.2.1 to read as follows:

9.7.2.1 "A fire pump not meeting NFPA 20, *Standard for the Installation of Stationary Pumps for Fire Protection*, may be acceptable for small community living arrangements, day-care centers, day-care homes, and small personal care homes based upon documentation and subject to written approval of the authority having jurisdiction."

(f) Modification to Chapter 10:

1. Add a new subsection 10.1.5 to read as follows:

10.1.5 "Upon completion of the acceptance test as set forth in this section, the installer shall attach an initial **"GREEN"** inspection tag to the sprinkler system riser.

(a) After installation, testing, and inspection, at the time the system is initially accepted as being in a state of operational readiness, an Inspection Tag shall be completed and attached to the system at a conspicuous location so as to permit convenient inspection, and not hamper system activation.

(b) Inspection Tags must be GREEN in color and have a minimum dimension of 5¼ inches (133 mm) in length and 2 inches (67 mm) in width.

(c) Inspection tags shall bear at least the following information in an easy to read format:

(1) **"DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL."** This order shall be in a minimum of 10pt capital letters.

(2) The license number, name, and physical address of the licensed Fire Sprinkler Contractor.

(3) The license number, printed name, and signature of the licensed Fire Sprinkler Inspector.

(4) The properly punched day, month and year the system was inspected and placed in a state of operational readiness.

(5) The name and physical address (including tenant space as applicable) of the facility."

(13) **NFPA 14, 2019 Edition, *Standard for the Installation of Standpipe, and Hose Systems***

Modifications:

(a) **Modifications to Chapter 1:**

1. Delete Section 1-1 in its entirety and substitute in its place the following:

1-1 **"Scope.** The State's minimum requirements for standpipes shall be established by the *IBC* (Refer to **Table 102.13, CODES REFERENCE GUIDE**) of the *International Fire Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner). In addition, the requirements for occupant hoses are eliminated for new and existing buildings subject to the approval of the authority having jurisdiction. Where the installation of standpipes and/or hose systems is required, this standard covers the minimum requirements for the installation of standpipes and hose systems for buildings and structures. This standard does not cover requirements for periodic inspection, testing, and maintenance of standpipe systems. (See NFPA 25, *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*.)"

(b) **Modification to Chapter 7:**

1. Delete 7.8 in its entirety and substitute in its place the following:

7.8 "Minimum and Maximum Pressure Limits

7.8.1 Hydraulically designed standpipe systems shall be designed to provide the waterflow rate required by Section 7.10 at a minimum residual pressure of 100 psi (6.9 bar) at the outlet of the hydraulically most remote 2-1/2 inch (65 mm) hose connection and 65 psi (4.5 bar) at the outlet of the hydraulically most remote 1-1/2 (38 mm) hose connection.

7.8.1.1 Where the local Fire Chief or local Fire Code Official having fire suppression jurisdiction permits lower than 100 psi (6.9 bar) for 2-1/2 inch (65 mm) hose connections, based upon local suppression tactics, the pressure shall be permitted to be reduced to not less than 65 psi (4.5 bar).

7.8.1.2 Where the building is protected throughout by a supervised automatic sprinkler system and the building is not a high-rise, as defined in 3.3.5, the minimum residual pressure provisions shall not be mandatory when the standpipe system piping is a minimum of eight inches (8") nominal diameter.

7.8.1.3 Existing high-rise buildings, as defined in 3.3.5, that are protected throughout by a supervised automatic sprinkler system shall be permitted a reduction of the minimum residual pressure requirement of 100 psi (6.9 bar) at the hydraulically most remote 2-1/2 inch (63.5 mm) hose connection to 65 psi (4.5 bar).

7.8.1.4 Manual standpipe systems shall be designed to provide 100 psi (6.9 bar) at the topmost outlet with the calculations terminating at the fire department connection."

2. Insert a new subsection 7.12.3.4 to read as follows:

7.12.3.4 "**Location.** The location of fire department connections shall be approved by the Fire Chief as set forth in subsection 501.5 of the *International Fire Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

(d) Modification to Chapter 10:

1. Add a new subsection 10.3 to read as follows:

10.3 "A letter certifying that all pressure restricting and pressure reducing equipment is installed and set per NFPA requirements and manufacturer's instructions shall be presented to the inspector along with test certificates at the time of final inspection."

(e) Modification to Annex A:

1. Add a New Annex Note A.7.8.1.4 to read as follows:

A.7.8.1.4 "It is not the intent of this standard to provide an automatic water supply for manual standpipe systems. Manual standpipe systems are designed (sized) to provide 100 psi (6.9 bar) at the topmost outlet using a fire department pumper as the source of flow and pressure."

(14) NFPA 15, 2012 Edition, *Standard for Water Spray Fixed Systems for Fire Protection*

Modifications: None

(15) NFPA 16, 2019 Edition, *Standard for the Installation of Foam-Water Sprinkler and Foam- Water Spray Systems*

Modifications: None

(16) NFPA 17, 2017 Edition , *Standard for Dry Chemical Extinguishing Systems*

Modifications:

(a) Modification to Chapter 1:

1. Delete Section 1.6 in its entirety and substitute in its place the following:

1.6 "*** Qualifications.** Only persons who are properly trained and licensed and/or permitted in accordance with Chapter 12 of Title 25 of the Official Code of Georgia Annotated, shall be considered competent to design, install, and service dry chemical systems."

(b) Modification to Chapter 11:

1. Delete subsection 11.1.3 in its entirety and substitute in its place the following:

11.1.3 "Only persons trained and licensed and/or permitted in accordance with Chapter 12 of Title 25 of the Official Code of Georgia Annotated, shall be considered competent to design, install, and service dry chemical extinguishing systems, in accordance with this standard and the manufacturer's instructions."

2. Delete paragraph 11.1.3.1 in its entirety without substitution.

3. Delete subparagraph 11.3.1.2.4 in its entirety and substitute in its place the following:

11.3.1.2.4 "The label shall comply with the requirements of Chapter 1203-23 Rules and Regulations of the Safety Fire Commissioner."

4. Delete subparagraph 11.3.1.2.7 in its entirety and substitute in its place the following:

11.3.1.2.7 "The collar shall comply with the requirements of Chapter 1203-23 Rules and Regulations of the Safety Fire Commissioner."

5. Delete paragraph 11.3.1.10 in its entirety and substitute in its place the following:

11.3.1.10 "Each dry chemical system shall have the required tags or labels complying with the requirements of Chapter 120-3-23 Rules and Regulations of the Safety Fire Commissioner after each service has been conducted on the system. Only the current applicable tag or label shall remain on the system."

6. Delete subsection 11.4.2 in its entirety and substitute in its place the following:

Systems shall be recharged by persons who are properly trained and licensed under the requirements of Chapter 120-3-23, Rules and Regulations of the Safety Fire Commissioner, in accordance with the manufacturer's listed installation and maintenance manual."

(17) NFPA 17A, 2013 Edition, Standard for Wet Chemical Extinguishing Systems

Modifications:

(a) Modification to Chapter 1:

1. Delete Section 1.7 in its entirety and substitute in its place the following:

1.7 **"*Qualifications.** Only persons who are properly trained and licensed and/or permitted in accordance with Chapter 12 of Title 25 of the Official Code of Georgia Annotated, shall be considered competent to design, install, and service wet chemical systems."

(b) Modification to Chapter 7:

1. Delete subsection 7.3.1 in its entirety and substitute in its place the following:

7.3.1 "A service technician who performs maintenance on an extinguishing system shall be trained and shall possess a licensed and/or permitted in accordance with Chapter 12 of Title 25 of the Official Code of Georgia Annotated."

2. Delete paragraph 7.3.1.1 in its entirety without substitution.

3. Delete subparagraph 7.3.3.6.1 in its entirety and substitute in its place the following:

7.3.3.6.1 "The owner or owner's representative shall retain all maintenance reports for a period of 3 years after the next maintenance of that type required by the standard."

4. Delete paragraph 7.3.3.7 in its entirety and substitute in its place the following:

7.3.3.7 **"* Each wet chemical system shall have a tag or label securely attached, complying with the requirements of Chapter 120-3-23 Rules and Regulations of the Safety Fire Commissioner. Only the current tag or label shall remain in place."**

5. Add a new paragraph 7.5.2.4 to read as follows:

7.5.2.4 "Each stored pressure system agent cylinder that has undergone maintenance or hydrostatic testing that includes internal examination, or that has been recharged shall have 'Verification of Service' collar located around the neck of the cylinder. The collar shall contain a single circular piece of uninterrupted material forming a hole of a size that will not permit the collar assembly to move over the neck of the cylinder unless the valve is completely removed. The collar shall not interfere with the operation and actuation of the system cylinder. The 'Verification of Service' collar shall comply with the requirements of NFPA 10, *Standard for Portable Fire Extinguishers*, as adopted by Chapter 120-3-3, Rules and Regulations of the Safety Fire Commissioner.

7.5.2.4.1 The provisions of 7.5.2.4 do not apply to stored pressure system cylinders undergoing maintenance before March 1, 2002.

7.5.2.4.2 Non-stored pressure cylinders such as cartridge cylinders for cartridge-operated systems do not require a 'Verification of Service' collar for the cartridge."

(18) NFPA 18, 2017 Edition, *Standard on Wetting Agents*

Modifications: None

(19) NFPA 18A, 2017 Edition, *Standard on Water Additives for Fire Control and Vapor Mitigation*

Modifications: None

(20) NFPA 20, 2019 Edition, *Standard for the Installation of Stationary Pumps for Fire Protection*

Modifications:

(a) Modification to Chapter 4:

1. Add new paragraphs 4.6.2.3.4 and 4.6.2.3.5 to read as follows:

4.6.2.3.4 "At 150% rated capacity or below, the pump suction supply shall not drop below 20 psi (1.38 bar).

4.6.2.3.5 Suction supply pressure may be lowered upon approval of the authority having jurisdiction."

(21) NFPA 22, 2018 Edition, *Standard for Water Tanks for Private Fire Protection*

Modifications: None

(22) NFPA 24, 2019 Edition, *Standard for the Installation of Private Fire Service Mains and Their Appurtenances*

Modifications:

(a) Modifications to Chapter 4:

1. Delete 4.1.3 (10) in its entirety and substitute in its place the following:

(10) "Size, location, and piping arrangement of fire department connections as approved by the local Fire Chief having jurisdiction as set forth in 501.5 of the *International Fire Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

(b) Modifications to Chapter 13:

1. Delete Section 13.1 in its entirety and substitute in its place the following: "13.1* Private Service Mains.

13.1.1 No pipe smaller than a nominal 8 inches (203 mm) in diameter shall be used to supply more than one hydrant or one hydrant on dead end mains over 500 feet (152 m).

13.1.2 No pipe smaller than a nominal 8 inches (203 mm) in diameter shall be used to supply one hydrant and automatic extinguishing systems.

13.1.3 No pipe smaller than a nominal 8 inches (203 mm) in diameter shall be used to supply more than one hydrant and automatic extinguishing systems on looped mains over 1,000 feet (305 m)."

2. Add the following in Annex A, A13.1:

A.13.1 "Pipe sizing should be based upon good engineering practices based on the projected water demand, firefighting capabilities and water supply characteristics. Pipe sizes other than those specified in 13.1 may be acceptable in new or existing installations with the written approval of the authority having jurisdiction."

(23) NFPA 25, 2017 Edition, *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*

Modifications:

(a) Modifications to Chapter 4:

1. Add a new Subsection 4.3.1.2 to read as follows:

4.3.1.2 "On non-compliant or impaired systems, a copy of the inspection report shall be forwarded to the authority having jurisdiction by the owner and/or the occupant."

2. Delete 4.3.3* in its entirety and substitute in its place the following:

4.3.3 "*" Records shall be maintained by the property owner for a period of at least three years."

3. Delete Section 4.3.5 and replace with the following:

4.3.5 "Subsequent records shall be retained for a period of 3 years after the next inspection of that type required by the standard."

4. Add a new subsection 4.3.6 to read as follows:

4.3.6 "Tagging.

4.3.6.1 Inspection Tag.

(a) After inspection and testing, an Inspection Tag shall be completed indicating all work that has been done, and then attached to the system in such a position as to permit convenient inspection and not hamper its activation or operation. A new Inspection Tag shall be attached to each system each time an inspection and test service is performed.

(b) Inspection Tags must be GREEN in color having a minimum dimension of 133 mm (5 1/4 inches) in height and 67 mm (2 5/8 inches) in width.

(c) Inspection tags shall bear the following information in an easily read format:

1. **'DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL.'** This particular information shall be in a minimum of 10pt type and in all capital letters.

2. The licensed Fire Sprinkler Contractor's name and physical address;

3. The license number of the Fire Sprinkler Contractor;
4. The license number of the fire sprinkler inspector;
5. The licensed fire sprinkler inspector's signature;
6. The day, month and year (to be punched);
7. The facility name and address.

(d) Inspection Tags may be printed and established for any period of time. After each printing, a minimum of three sample tags must be forwarded to the State Fire Marshal's office.

(e) An Inspection Tag shall only be removed by an authorized representative of a licensed fire sprinkler contractor.

(f) Should impairments or noncompliance items be found, the licensed inspector shall notify the building owner or his representative and the authority having jurisdiction in writing of all noncompliance items and/or impairments found. A fire sprinkler system compliance Inspection Tag shall not be installed on each system until the impairments or noncompliance items have been corrected and each system has been re-inspected and found to be in a state of operational readiness.

4.3.6.2 Noncompliance Tag.

(a) If a fire sprinkler system is found in noncompliance with the applicable NFPA standards, a completed Noncompliance Tag shall be attached to the main control valve of each system to indicate that corrective action is necessary.

(b) Noncompliance Tags must be YELLOW in color having a minimum dimension of 133 mm (5 1/4 inches) in height and 67 mm (2 5/8 inches) in width.

(c) Noncompliance Tags shall bear the following information in an easily read format:

1. 'DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL-SYSTEM NOT IN COMPLIANCE WITH NFPA STANDARDS.' This particular information shall be in a minimum of 10pt type and in all capital letters.

2. The licensed Fire Sprinkler Contractor's name and physical address;
3. The license number of the Fire Sprinkler Contractor;
4. The license number of the fire sprinkler inspector;
5. The licensed fire sprinkler inspector's signature;
6. The day, month and year (to be punched);
7. The noncompliance issue(s);
8. The facility name and address.

(d) Noncompliance Tags may be printed and established for any period of time. After each printing, a minimum of three sample tags must be forwarded to the State Fire Marshal's office.

(e) The signature of the licensee on a Noncompliance Tag certifies the impairments listed on the label cause the system to be out of compliance with NFPA standards.

(f) A Noncompliance Tag shall only be removed by an authorized representative of a licensed fire sprinkler contractor upon re-inspection of the fire sprinkler system.

(g) A letter of noncompliance conditions shall be sent to the building owner or authorized representative within five working days of the date of the inspection.

4.3.6.3 Impairment Tag.

(a) Should impairments constitute an emergency impairment as defined in this standard, then the inspector shall complete and attach an Impairment Tag to the main control valve of each system and the fire department connection to indicate that corrective action is necessary.

(b) Impairment Tags must be RED in color having a minimum dimension of 133 mm (5 1/4 inches) in height and 67 mm (2 5/8 inches) in width.

(c) Impairment Tags shall bear the following information in an easily read format:

1. **'DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL.'** This particular information shall be in a minimum of 10pt type and in all capital letters.

2. The licensed Fire Sprinkler Contractor's name and physical address;

3. The license number of the Fire Sprinkler Contractor;

4. The license number of the fire sprinkler inspector;

5. The licensed fire sprinkler inspector's signature;

6. The day, month and year (to be punched);

7. The emergency impairment(s);

8. The facility name and address.

(d) Impairment Tags may be printed and established for any period of time. After each printing, a minimum of three sample tags must be forwarded to the State Fire Marshal's office.

(e) The signature of the licensee on an Impairment Tag certifies the impairments listed on the label cause the system to be out of compliance with NFPA standards.

(f) An Impairment Tag shall only be removed by an authorized representative of a licensed fire sprinkler contractor upon re-inspection of the fire sprinkler system.

(g) A letter of emergency impairment conditions shall be sent to the building owner or authorized representative and to the occupant within 24 hours of the time of the inspection. The building owner and/or occupant shall notify the authority having jurisdiction within 24 hours of the time of the impairment notification."

(b) Modifications to Chapter 6:

1. Add a new 6.1.1.1.1 to read as follows:

6.1.1.1.1 "In new and existing buildings, the requirements for hose for occupant use are eliminated, subject to the approval of the local Fire Chief or local Fire Code Official having fire suppression jurisdiction."

(24) **NFPA 30, *Flammable and Combustible Liquids Code***

Modifications:

(a) Refer to Chapter 120-3-11, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(25) NFPA 30A, *Code for Motor Fuel Dispensing Facilities and Repair Garages*

Modifications:

(a) Refer to Chapter 120-3-11, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(26) NFPA 30B, *Code for the Manufacture and Storage of Aerosol Products*

Modifications:

(a) Refer to Chapter 120-3-11, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(27) NFPA 31, *Standard for the Installation of Oil-Burning Equipment*

Modifications:

(a) Refer to Chapter 120-3-11, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(28) NFPA 32, *Standard for Drycleaning Plants*

Modifications:

(a) Refer to Chapter 120-3-11, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(29) NFPA 33, *Standard for Spray Application Using Flammable or Combustible Materials*

Modifications:

(a) Refer to Chapter 120-3-11, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(30) NFPA 34, *Standard for Dipping, Coating and Printing Processes Using Flammable or Combustible Liquids*

Modifications:

(a) Refer to Chapter 120-3-11, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(31) NFPA 35, *Standard for the Manufacture of Organic Coatings*

Modifications:

(a) Refer to Chapter 120-3-11, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(32) NFPA 36, *Standard for Solvent Extraction Plants*

Modifications:

(a) Refer to Chapter 120-3-11, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(33) NFPA 37, *Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines*

Modifications:

(a) Refer to Chapter 120-3-11, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(34) NFPA 40, 2019 Edition, *Standard for the Storage and Handling of Cellulose Nitrate Film*

Modifications: None

(35) NFPA 45, 2019 Edition, *Standard on Fire Protection for Laboratories Using Chemicals*

Modifications:

(a) Modification to Chapter 10:

1. Delete paragraph 10.2.3.4 in its entirety and substitute in its place the following:

10.2.3.4 **"Emergency shutoff valves for laboratories.** In addition to point of use manual shutoff valves required by 10.2.3, each laboratory space containing two or more gas outlets installed on tables, benches, or in hoods in business, educational, healthcare, research, commercial, and industrial occupancies shall have a single valve through which all such gas outlets are supplied. This emergency shutoff valve shall be accessible, located within the laboratory or adjacent to the laboratory's primary egress door, and clearly identified by approved signage stating at the least, 'GAS SHUTOFF'."

(36) NFPA 51, 2018 Edition, *Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes*

Modifications:

(a) Refer to Chapter 120-3-13, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(37) NFPA 51B, 2019 Edition, *Standard for Fire Prevention During Welding, Cutting, and Other Hot Work*

Modifications:

(a) Refer to Chapter 120-3-13, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(38) NFPA 52, 2019 Edition, *Gaseous Vehicular Fuel Systems Code*

Modifications:

(a) Refer to Chapter 120-3-14, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(39) NFPA 53, 2016 Edition, *Materials, Equipment, and Systems Used in Oxygen-Enriched Atmospheres*

Modifications:

(a) Modifications to Chapter 1:

1. Add a new subsection 1.3.1 to read as follows:

1.3.1 "This document is recognized strictly as a recommended practice that may be used in evaluating fire hazards in oxygen-enriched atmospheres. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone code or standard, however, it may be used in conjunction with and in the support of the applicable provisions of other adopted codes or standards."

(40) NFPA 54, 2018 Edition, *National Fuel Gas Code*

Modifications:

(a) Refer to Chapter 120-3-14, Rules and Regulations of the Safety Fire Commissioner, and Chapter 120-3-16, Rules and Regulations of the Safety Fire Commissioner, for the adopted edition and any modifications.

(41) NFPA 55 2020 Edition, *Compressed Gases and Cryogenic Code*

Modifications: None

(43) NFPA 56, 2017 Edition, *Standard for Fire and Explosion Prevention During Cleaning and Purging of Flammable Gas Piping Systems*

Modifications: None

(44) NFPA 58, 2017 Edition, *Liquefied Petroleum Gas Code*

Modifications:

(a) Refer to Chapter 120-3-16, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(45) NFPA 59, *Utility LP-Gas Plant Code (LNG)*

Modifications:

(a) Refer to Chapter 120-3-16, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(46) NFPA 59A, 2019 Edition, *Standard for the Production, Storage, and Handling of Liquefied Natural Gas*

Modifications:

(a) Refer to Chapter 120-3-16, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(47) NFPA 61, 2017 Edition, *Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities*

Modifications:

(a) Refer to Chapter 120-3-24, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(48) NFPA 68, 2018 Edition, *Standard on Explosion Protection by Deflagration Venting*

Modifications:

(a) Refer to Chapter 120-3-24, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(49) NFPA 69, 2019 Edition, *Standard on Explosion Prevention Systems*

Modifications: None

(50) NFPA 70, 2020 Edition, *National Electrical Code*

Modifications:

(a) Modifications to Article 110, I:

1. Add a new section 110.29 to read as follows:

110.29 "Relocatable Power Tap's (RPT's. Relocatable power taps (RPT's) shall comply with the provisions of 605.4.2 of the *International Fire Code (IFC)* as adopted by this Chapter."

(51) NFPA 70B, 2019 Edition, *Electrical Equipment Maintenance*

Modifications:

(a) Modifications to Chapter 1:

1. Add a new subsection 1.1.3 to read as follows:

1.1.3 "This document is recognized strictly as a recommended practice that may be used in evaluating the effectiveness of electrical equipment within its scope. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards."

(52) NFPA 70E, 2018 Edition, *Standard for Electrical Safety Requirements for Employee Workplaces*

Modifications:

(a) Modifications to Article 90 Introduction:

1. Delete 90.1 in its entirety and substitute in its place the following:

90.1 "This standard addresses those electrical safety requirements for employee workplaces that are necessary for practical safeguarding of employees in their pursuit of gainful employment. This document is recognized strictly as a recommended practice that may be used in evaluating electrical safety requirements for employee workplaces. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards. This standard covers:

(a) Electrical conductors and equipment installed within or on buildings or other structures, including mobile homes and recreational vehicles, and other premises such as yards, carnival, parking and other lots, and industrial substations.

(b) Conductors that connect the installations to a supply of electricity.

(c) Other outside conductors on the premises."

(53) NFPA 72, 2019 Edition, *National Fire Alarm and Signaling Code*

Modifications:

(a) Modification to Chapter 1:

1. Delete Section 1.1.1 in its entirety and substitute in its place the following:

1.1.1 **"Scope.** this *Code* covers the application, installation, location, performance, inspection, testing, and maintenance of fire alarm systems, supervising station alarm systems, public emergency alarm reporting systems, fire and carbon monoxide detection and warning equipment, and emergency communications systems (ECS), and their components, whether such system or component is required or not.

1.1.1.1 Where the requirements of this *Code* have technical differences and requirements from those established, as applicable, by Chapter 120-3-20 or 120-3-20A, of the Safety Fire Commissioner's Rules and Regulations for Accessibility to Buildings and Facilities, the technical provisions and requirements of Chapter 120-3-20 and 120-3-20A shall take precedence over the requirements of this *Code* where applicable."

(b) Modifications to Chapter 7:

1. Add a new paragraph (5) to 7.5.3 to read as follows:

(5) "For software-based systems, all access codes and passwords to grant access to the software by authorized personnel."

(c) Modifications to Chapter 10:

1. Add a new subsection 10.4.7 to read as follows:

10.4.7 "Protection shall not be required in Existing building installations acceptable to the authority having jurisdiction."

(d) Modifications to Chapter 17:

1. Add a new subparagraph 17.7.3.1.4 to read as follows:

17.7.3.1.4 "Alternate locations of smoke detectors as allowed by the *International Fire Code*, or where applicable, the *Life Safety Code*, and acceptable to the authority having jurisdiction, may be utilized and may be considered to be in compliance with this *Code*."

(e) Modification to Annex A:

1. Add a new Annex note A.18.4.4.2 to read as follows:

A.18.4.4.2 "For example, in critical care patient areas, it is often desirable to not have an audible fire alarm even at reduced private mode levels. Another example would be classrooms for small children in day care or educational occupancies, where verbal communication is vital between caregivers or teachers and children during drills or during an actual fire or other emergency condition. Audible alarms often frighten small children and valuable time may be lost while trying to calm such children. Also, audible alarms at or near locations, where clear communications is required, may present a problem. A school office or a receptionist desk common to various occupancies are examples. An additional example of where an audible fire alarm could be a problem would be high noise level work areas where an audible signal needed to overcome background noise at one time of the day would

be excessively loud and potentially dangerous at another time of lower ambient noise. A sudden increase of more than 30 dB over 0.5 seconds is considered to cause sudden and potentially dangerous fright. Each case requires individual consideration by the authority having jurisdiction."

(54) NFPA 75, 2017 Edition, *Standard for the Protection of Electronic Computer/Data Processing Equipment*

Modifications: None

(55) NFPA 76, 2016 Edition, *Standard for Fire Protection of Telecommunications Facilities*

Modifications: None

(56) NFPA 77, 2019 Edition, *Recommended Practice on Static Electricity*

Modifications:

(a) Modifications to Chapter 1:

1. Add a new subsection 1.1.9 to read as follows:

1.1.9 "This document is recognized strictly as a recommended practice that may be used in evaluating systems or devices installed for the purposes of safeguarding life and/or property against the hazards of static electricity. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards."

(57) NFPA 78, 2020 Edition, *Guide on Electrical Inspections*

(a) Modifications to Chapter 1:

1. Add a new subsection 1.1.4 to read as follows:

1.1.4 "This document is recognized strictly as a recommended practice that may be used in evaluating electrical/electronic equipment, apparatus, or systems of industrial machines within its scope. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards. This standard is not meant to add any requirements not found in the NEC, nor change the intent of the requirements found in the NEC. If any conflict occurs between this standards and the NEC, the NEC shall control."

(58) NFPA 79, 2019 Edition, *Electrical Standard for Industrial Machinery*

Modifications:

(a) Modifications to Chapter 1:

1. Add a new subsection 1.1.3 to read as follows:

1.1.3 "This document is recognized strictly as a recommended practice that may be used in evaluating electrical/electronic equipment, apparatus, or systems of industrial machines within its scope. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards. This standard is not meant to add any requirements not found in the *NEC*, nor change the intent of the requirements found in the *NEC*. If any conflict occurs between this standards and the *NEC*, the *NEC* shall control."

(59) NFPA 80, 2019 Edition, *Standard for Fire Doors and Other Opening Protectives*

Modifications: None

(60) NFPA 80A, 2017 Edition, *Protection of Buildings from Exterior Fire Exposures*

Modifications:

(a) Modifications to Chapter 1:

1. Add a new subsection 1.1.5 to read as follows:

1.1.5 "This document is recognized strictly as a recommended practice that may be used in evaluating the exterior fire exposure risks of buildings. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards."

(61) NFPA 82, 2019 Edition, *Standard on Incinerators and Waste and Linen Handling Systems and Equipment*

Modifications: None

(62) NFPA 85, 2019 Edition, *Boiler and Combustion Systems Hazards Code*

Modifications: None

(63) NFPA 86, 2019 Edition, *Standard for Ovens and Furnaces*

Modifications: None

(64) NFPA 87, 2018 Edition, *Standard for Fluid Heaters*

Modifications: None

(65) NFPA 88A, 2019 Edition, *Standard for Parking Structures*

Modifications: None

(66) NFPA 90A, 2018 Edition, *Standard for the Installation of Air-Conditioning and Ventilating Systems*

Modifications: None

NOTE: *The International Mechanical Code*, as adopted by the Georgia Department of Community Affairs (DCA), shall be the applicable code replacing 90A with the exception of its application to Hospitals, hospices, ambulatory surgical centers, nursing homes, assisted living homes or other health care type facilities that are regulated by the federal Centers for Medicare and Medicaid Services (CMS) shall comply with the fire and life safety rules and regulations imposed by that agency even though codes and standards adopted by that agency may not be specifically included herein. The codes and standards adopted and modified herein shall also apply where applicable and shall be deemed to be the minimum state fire and life safety standards where they are at least as protective as the CMS rules and regulations. (Refer to **Table 102.13, CODES REFERENCE GUIDE** in the *International Fire Code* adopted by this Chapter 120-3-3.)

(67) NFPA 90B, 2018 Edition, *Standard for the Installation of Warm Air Heating and Air-Conditioning Systems*

Modifications: None

NOTE: *The International Mechanical Code*, as adopted by the Georgia Department of Community Affairs (DCA), shall be the applicable code replacing 90B with the exception of its application to Hospitals, hospices, ambulatory surgical centers, nursing homes, assisted living communities or other health care type facilities that are regulated by the federal Centers for Medicare and Medicaid Services (CMS) shall comply with the fire and life safety rules and regulations imposed by that agency even though codes and standards adopted by that agency may not be specifically included herein. The codes and standards adopted and modified herein shall also apply where applicable and shall be deemed to be the minimum state fire and life safety standards where they are at least as protective as the CMS rules and regulations. (Refer to **Table 102.13, CODES REFERENCE GUIDE** in the *International Fire Code* adopted by this Chapter 120-3-3.)

(68) NFPA 91, 2015 Edition, Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids

Modifications: None

(69) NFPA 92, 2018 Edition, Standard for Smoke Control Systems

Modifications: None

[Note: Also see 909.2.1 (1) of the *International Fire Code*]

(70) NFPA 96, 2017 Edition, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations

Modifications:

(a) Modification to Chapter 1:

1. Delete subsection 1.1.3 in its entirety and substitute in its place the following:

1.1.3 "This standard shall apply to all commercial cooking equipment used for commercial cooking operations."

2. Delete subsection 1.1.4 in its entirety and substitute in its place the following:

1.1.4 "This standard shall not apply to residential cooking equipment located in a single dwelling unit or to cooking equipment in facilities where all of the following are met:

(1) Only residential cooking equipment such as: stoves, ranges or cooking surfaces traditionally used in dwelling units are being utilized.

(2) The defined residential cooking equipment contains a maximum of four standard surface cooking elements and is not used for frying operations.

(3) The defined residential equipment is used for food warming, limited cooking, rehabilitation training or in a home economic education classroom setup.

(4) The residential cooking equipment is protected by a listed self-contained residential fire suppression system located in an approved residential hood which is vented directly to the outside and providing protection to each cooking surface. The self-contained fire suppression system for the defined residential cooking equipment need not be provided where protection is provided by an approved automatic sprinkler system protecting the cooking surface, subject to approval of the authority having jurisdiction. The self-contained residential fire suppression system shall automatically disconnect electric power to electric stoves, and shut off the gas supply and electric power to gas fueled stoves, provided, however, this provision shall not be retroactive for installations approved prior to the effective adoption date of this standard.

(5) The facility is not an assembly occupancy, provided, this shall not apply to church facilities with a single residential stove or range complying with (2) above.

(6) Fire Extinguishers are located in all kitchen areas in accordance with NFPA 10, *Standard for Portable Fire Extinguishers*, and this *Code*, as adopted with modifications."

1. Add a new subsection 1.1.5 to read as follows:

1.1.5 "This standard, except for operational and maintenance provisions, shall not apply for conditions existing prior to March 9, 2010, subject to the approval of the authority having jurisdiction, and where a notarized statement that no frying operations will be performed is provided. This approval shall be void for cause when the authority having jurisdiction finds cooking operations involve frying operations. (See also 1.4.1)"

(b) Modification to Chapter 10:

1. Delete subsection 10.2.6 in its entirety and substitute in its place the following:

10.2.6 "Automatic fire extinguishing systems shall be installed by competent personnel meeting Chapter 120-3-23, Rules and Regulations of the Safety Fire Commissioner, licensing and permit requirements. In addition, such systems shall be installed in accordance with the terms of their listing, the manufacturer's instructions, and the following applicable standard(s):

(1) NFPA 12, *Standard on Carbon Dioxide Extinguishing Systems*

(2) NFPA 13, *Standard for the Installation of Sprinkler Systems*

(3) NFPA 17, *Standard for Dry Chemical Extinguishing Systems*

(4) NFPA 17A, *Standard for Wet Chemical Extinguishing Systems*"

2. Add a New Subsection 10.4.4.1 to read as follows:

10.4.4.1 Shut off devices shall be located below any ceiling and be accessible.

(c) Modification to Chapter 13:

1. Delete Section 13.2 in its entirety and substitute in its place the following:

13.2 "**Design Restrictions.** All recirculating systems shall comply with the requirements of Section

13.2. Recirculating systems shall be limited to outdoor vending areas or rooms that are fully sprinklered."

(d) Add a New Chapter 16:

Chapter 16: Mobile and Temporary Cooking Operations

16.1 General Requirements

16.1.1 Annex B shall be adopted as mandatory requirements for mobile and temporary cooking operations.

16.1.2 Cooking equipment used in fixed, mobile, or temporary concessions, such as trucks, buses, trailers, pavilions, tents or any form of roofed enclosure shall comply with this chapter.

(70) **NFPA 99, 2018 Edition, *Standard for Health Care Facilities***

Modifications: None

NOTE: Hospitals, hospices, ambulatory surgical centers, nursing homes, or other health care type facilities that are regulated by the federal Centers for Medicare and Medicaid Services (CMS) shall comply with the fire and life safety rules and regulations imposed by that agency even though codes and standards adopted by that agency may not be specifically included herein. The codes and standards adopted and modified herein shall also apply where applicable and shall be deemed to be the minimum state fire and life safety standards where they are at least as protective as the CMS rules and regulations. (Refer to [120-3-3-.03](#) of Chapter [120-3-3-.03](#) of the Rules and Regulations of the Safety Fire Commissioner for definitions of "assisted living communities" and "memory care units. Such facilities are regulated, as appropriate by Chapters 34 or 35 of the *Life Safety Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner.)

(71) NFPA 99B, 2018 Edition, *Standard for Hypobaric Facilities*

Modifications: None

(72) NFPA 101, 2018 Edition, *Life Safety Code*

Modifications:

The 2018 Edition of the *Life Safety Code* is adopted with modifications so as to be applicable to proposed (new) and existing buildings and structures. Unless noted otherwise herein, operational provisions such as fire drills, emergency egress and relocation drills, development of fire or emergency plans, and regulation of decorations and contents of building and structures of the various provisions of NFPA 101, *Life Safety Code* shall not be applicable to proposed (new) or existing buildings, structures, facilities, or conditions. The operational provisions of the *International Fire Code (IFC)*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner shall apply to proposed (new) and existing buildings, structures, facilities, and conditions, unless such provisions are less protective than or are in conflict with the rules and regulations of the Centers for Medicare and Medicaid Services (CMS) as they apply to health care related occupancies.

(a) Modifications to Chapter 1:

1. Delete paragraph (1) of subsection 1.1.9 in its entirety and substitute in its place the following:

(1) "General fire prevention or building construction features are normally a function of fire prevention codes and building codes. The *International Fire Code (IFC)*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner, and the *International Building Code (IBC)*, as adopted by the Georgia Department of Community Affairs, are applicable, and their use along with other codes and standards shall be coordinated with this *Code*, as set forth in 1.4.4 and Table 1.4.4, **CODES REFERENCE GUIDE**

2. Add a new subsection 1.4.4 to read as follows:

1.4.4 **"Code Coordination.** this *Code* shall apply to all proposed (new) and existing buildings, structures and facilities, except as herein provided, and shall be utilized in conjunction with the *IBC*, the *IFC*, the *IMC*, and the *IFGC*, to the degree provided in Table 1.4.4 **CODES REFERENCE GUIDE**.

1.4.4.1 This *Code* does not apply to one- and two-family dwellings or one- and two-family row houses (townhouses) separated by a 2-hour firewall, except as specified in Chapters 26, 30 and 31."

Table 102.13 Codes Reference Guide		
Area	Primary	Supplement
Occupancy Classification	LSC	IBC
Building Construction Types, including allowable height, allowable building area, and the requirements for sprinkler protection related to minimum building construction types	IBC	LSC
Means of Egress	LSC	NONE
Standpipes	IBC	IFC
Interior Finish	LSC	NONE
HVAC Systems	IMC	NONE
Vertical Openings	LSC	NONE
Sprinklers Systems minimum construction standard	LSC	NONE
Fire Alarm Systems	LSC	NONE
Smoke alarms & Smoke Detection Systems	State Statute & LSC	NONE
Portable Fire Extinguishers	IFC	NONE
Cooking Equipment	LSC & NFPA 96	NONE
Fuel Fired Appliances	IFGC	NFPA 54
Liquid Petroleum Gas	NFPA 58	NFPA 54
Compressed Natural Gas	NFPA 52	NONE

(b) Modification to Chapter 3:

[Note: Refer to [120-3-3-.03](#) of Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner for modified or special definitions that apply to this *Code*, unless otherwise advised by the various chapters of this *Code*.]

(c) Modification to Chapter 4:

1. Delete Section 4.7 in its entirety (4.7.1 through 4.8.2.3) and substitute in its place the following: "SECTION 4.7 Fire Safety and Evacuation Plans and Emergency Evacuation Drills.

4.7.1 Fire Safety and Evacuation Plans. Fire safety and evacuation plans shall be developed, made available, and maintained in various occupancies as required by Section 404 of the *IFC*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner.

4.7.1.1 Resources for Development of Fire Safety and Evacuation Plans. The provisions of A.4.7, A.4.7.2, A.4.7.4, A.4.7.6, A.4.8.2.1, and Table A.4.8.2.1(3), and as applicable, A.12.7.6, A.7.7, A.12.7.7.3, A.13.7.6, A.13.7.7, A.14.7.2.1, A.15.7.2.1, A.16.7.1, A.16.7.2.1, A.17.7.1, A.18.7, A.18.7.2.1, A.19.7, A.19.7.2.1, A.20.7, A.20.7.2.1, A.21.7, A.21.7.2.1, A.22.7.1.3, A.23.7.1.3, A.28.7.1.1, and A.29.7.1.1 of this *Code* shall be deemed acceptable resources for use in the development of fire safety and evacuation plans required by the *IFC*, as set forth by the provisions of 4.7.1 of this *Code*.

4.7.2 Emergency Evacuation Drills. Emergency evacuation drills shall be conducted in various occupancies as required by Section 405 of the *IFC*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner.

4.7.3 Employee Training and Response Procedures. Employees in various occupancies shall be trained in fire emergency procedures and evacuation procedures as required by Section 406 of the *IFC*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

(d) Modifications to Chapter 6:

1. Delete subparagraph 6.1.14.4.1 in its entirety and substitute in its place the following:

6.1.14.4.1 "Where separated occupancies are provided, each part of the building comprising a distinct occupancy as described in this chapter, shall be completely separated from other occupancies by fire resistive assemblies as specified in 6.1.14.4.2, and in Section 508 of the *International Building Code*, adopted by the Georgia Department of Community Affairs, as applicable to "separated occupancies", unless separation is provided by approved existing separations."

2. Delete subparagraph 6.1.14.4.3 in its entirety without substitution.

3. Delete Table 6.1.14.4.1(a) in its entirety without substitution.

4. Delete Table 6.1.14.4.1(b) in its entirety without substitution.

(e) Modifications to Chapter 7:

1. Add a new item (8) to subparagraph 7.2.1.4.1 to read as follows:

(8) "For conditions or circumstances not covered herein, vertical fire shutters, roll down fire doors, or similar assemblies shall not be installed in means of egress, except where expressly permitted due to special hazards or circumstances by other chapters of this *Code*, or by approval of the Office of the State Fire Marshal for buildings coming under O.C.G.A. [25-2-13](#), or by the fire authority having jurisdiction over other buildings."

2. Add a new subparagraph 7.2.1.8.2.1 to read as follows:

7.2.1.8.2.1 "Where fire doors are used within the means of egress, they shall comply with the applicable provisions of 7.2.1. Spring loaded hinges or spring operated self-closing devices not listed for use with rated fire door assemblies are prohibited for use as closing devices for fire rated doors.

7.2.1.8.2.1.1 Existing applications utilizing spring loaded hinges in existing buildings may be continued in use where acceptable to the authority having jurisdiction.

7.2.1.8.2.1.2 Spring loaded hinges or spring operated self-closing devices shall not be permitted for use on fire-rated smoke doors, provided, however, spring loaded hinges may be used on non-rated doors designed and installed to resist the passage of smoke, unless otherwise specified in Chapters 11 through 43.

7.2.1.8.2.1.3 Existing installations in existing buildings of spring loaded hinges on fire-rated smoke doors may be continued in use where acceptable to the authority having jurisdiction."

3. Add a new subparagraph 7.2.3.10.3 to read as follows:

7.2.3.10.3 "**Deactivation of Mechanical Pressurization Systems.** The design of pressurization systems shall ensure that smoke is not introduced into the pressurized enclosure so as to result in the untenable contamination of the fresh air. Approved smoke detectors shall be installed at each intake in such approved manner that the operation of the fan providing mechanical pressurization to the enclosure where smoke is detected shall be deactivated upon detection of smoke."

4. Add a new paragraph 7.3.1.2.1 to read as follows:

7.3.1.2.1 "Where substantial evidence and documentation is provided, the authority having jurisdiction may decrease the occupant load for some occupancy use areas. The determined occupant load capacity shall be posted at an obvious location indicating the total occupant load capacity."

5. Add to Table 7.3.1.2 entitled "Occupant Load Factor" the additional use areas to read as follows:

"Locker Rooms	15	(1.4)
Free Weight Rooms	20	(1.9)
Running Tracks	50	(4.7)
Art Museums	30	(2.8)
Pool Halls	75	(6.9)
Multi-Purpose room	7	(0.65)
Airport terminals:		
Concourse	100	(9.3)
Waiting area	15	(1.4)
Baggage Claim	20	(1.9)
Baggage Handling	300	(27.9)"

6. Add a new subparagraph 7.4.1.1.1 to read as follows:

7.4.1.1.1 "Egress stairways from mezzanines shall conform to the requirements of Chapter 7 of this *Code*. They may be open to the floor of the room in which they are located provided all of the following conditions are met:

(1) The space beneath the mezzanine is totally open and unencumbered by partitioned rooms or spaces. The space beneath the mezzanine may be enclosed provided the enclosed space is protected throughout with a smoke detection system installed in accordance with NFPA 72, *National Fire Alarm and Signaling Code*, which sounds an alarm in the mezzanine.

(2) The travel distance from the most remote point on the floor of the mezzanine to the building exit or to a protected egress corridor, exit court, horizontal passageway, enclosed stair, or exterior exit balcony does not exceed the travel distance limitations of Chapters 11 through 42.

(3) The occupant load of the mezzanine is added to the occupant load of the story or room in which it is located for the purposes of determining the minimum egress requirements.

(4) The mezzanine is not occupied for sleeping purposes unless there are exterior windows accessible to the mezzanine and located not more than two stories above grade."

7. Add a new paragraph 7.7.1.5 to subsection 7.7.1 to read as follows:

7.7.1.5 "Where the exit discharge termination cannot be at a public way, or the authority having jurisdiction determines it to be a significant hardship to provide the termination at a public way, the authority having jurisdiction may approve the exit discharge termination to be a safe dispersal area that complies with the following:

(1) The area shall be of an area that accommodates at the least 5 square feet (0.46 m²) for each person calculated to be served by the exit(s) for which the dispersal area is provided.

(2) The dispersal area shall be located on the same lot at least 50 feet (15240 mm) away from the building requiring egress. A greater distance may be required by the authority having jurisdiction based on the evaluated fire severity or other risk from the building requiring egress.)

(3) The area shall be clearly identified and permanently maintained as a safe dispersal area.

(4) The area shall be provided with a clearly identified and unobstructed exit discharge route, and comply with the applicable provisions of 7.1.6 of this *Code*.

(5) The exit discharge route and the dispersal area shall be illuminated by normal and emergency lighting, where the building requiring egress is occupied during periods of darkness."

8. Add a new subsection 7.7.7 to read as follows:

7.7.7 "Discharge from exits into fenced or walled courtyards or yards.

7.7.7.1 For occupancies covered by Chapters 14, 15, 16, 17, 32 and 33, exits shall be permitted to discharge into fenced or walled courtyards or yards, provided the courtyard or yard is provided with a gate at least 32 inches (0.81 m) in clear width. Where the population served exceeds 50, two gates shall be provided. There shall be adequate exit capacity provided for the population served. The requirements of 7.4.1.2 shall apply. Gates are permitted to be locked if adequate provisions are made for the rapid removal of occupants by means such as remote control of locks, keying of all locks to keys carried by staff at all times, or other such reliable means available to the staff at all times that is approved by the authority having jurisdiction. Only one locking device shall be permitted on each gate.

7.7.7.2 The provisions of 7.7.7.1 shall not be construed as prohibiting the use of fenced or walled courtyards as components of the discharge of exits as set forth in Chapters 22 and 23.

7.7.7.3 The provisions of 7.7.7.1 may be applied, as approved by the authority having jurisdiction, to an "Assisted Living Community" or "Memory Care Unit" as defined in 120-3-3.03 of Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner.

7.7.7.4 The provisions of various occupancy chapters dealing with a "lock-up", as defined in 3.3.164, shall not be construed as applying to the exit discharge provisions of 7.7.7.1, provided, however, exits from approved lock-ups may discharge into fenced or walled areas complying with the provisions of Chapter 22 or 23 as may be applicable, and as approved by the authority having jurisdiction."

(f) **Modification to Chapter 8:**

1. Delete paragraph 8.2.1.2* in its entirety and substitute in its place the following:

8.2.1.2 "*" The *International Building Code (IBC)* as adopted by the Department of Community Affairs (DCA) shall be used to determine the requirements for the construction classification."

2. Add a new subparagraph 8.2.1.2.1 and Table 8.2.1.2.1 to read as follows:

8.2.1.2. 1 "**Construction Conversion Table.** The table noted herein provides a comparison of acceptable construction types as defined in NFPA

Standard 220 and the *International Building Code (IBC)*."

Table 8.2.1.2.1 Conversion Table for the IBC and NFPA 220 Construction Types										
NFPA 220	Type I (443)	Type I (332)	Type II (222)	Type II (111)	Type II (000)	Type III (211)	Type III (200)	Type IV (2 HH)	Type V (111)	Type V (000)
IBC	---	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB

3. Add a new to sub-paragraph 8.2.2.2.1 to read as follows:

8.2.2.2.1 "Fire barriers/walls required for tenant separation by the *IBC* may terminate at exit access corridors with a lower fire rating including a non-rated smoke resistive barrier, if such barriers are allowed by the requirements for the protection rating of exit access corridors."

4. Add a new paragraph 8.3.1.2.1 to read follows:

8.3.1.2.1.2 "hour fire barriers shall occur at the junction of new and existing construction when the existing construction does not meet the minimum requirements of the code for existing facilities. Such barriers shall not be extended into the new construction."

5. Add new paragraph 8.3.1.5 to read as follows:

8.3.1.5 "All fire and/or smoke barriers or walls shall be effectively and permanently identified with signs or stenciling above a decorative ceiling and/or in concealed spaces with letters a minimum of 2 inches (51 mm) high on a contrasting background spaced a maximum of 12 feet (3.7 m) on center with a minimum of one per wall or barrier. The hourly rating shall be included on all rated barriers or walls. Wording shall be similar to the following: '() Hour Fire and Smoke Barrier Protect All Openings. Where signs are utilized, they shall be designed and installed to resist peeling or detaching from the barrier."

8.3.1.5.1 Existing stenciling, acceptable to the authority having jurisdiction, shall be permitted to remain in use. Existing signs that are not peeling or detaching from the barrier shall be permitted to remain in use, subject to the approval of the authority having jurisdiction."

6. Add a new 8.3.3.6.12 to read as follows:

8.3.3.6.12 "Tested and listed fire-rated glazing material installed in separately tested fire-rated frame assemblies not tested in a single unit with fire-rated glazing material may be permitted to be used subject to approval of the authority having jurisdiction in fire rated barriers that are not part of an exit enclosure or enclosures around unsprinklered hazardous areas not containing flammable liquids or gases, combustible liquids, or other materials having the potential for rapid oxidation or explosion potential."

7. Delete 8.7.3.1 in its entirety and substitute in its place the following:

8.7.3.1 "The use, handling and storage of flammable or combustible liquids, flammable gases, or other materials deemed hazardous to the safety of life shall be in accordance with the applicable provisions of the *International Fire Code (IFC)*, as adopted by Chapter 120-3-3, of the Rules and Regulations of the Safety Fire Commissioner, or in accordance with the applicable codes or standards adopted by other Chapters of the Rules and Regulations of the Safety Fire Commissioner."

(g) Modification to Chapter 9:

1. Delete 9.1.1 in its entirety and insert in its place the following:

9.1.1 "Gas. Equipment using gas and related gas piping shall be in accordance with the *International Fuel Gas Code (IFGC)*, NFPA 54, National Fuel Gas Code, or NFPA 58, *Liquefied Petroleum Gas Code*, as may be applicable and as adopted by the applicable Chapters of the Rules and Regulations of the Safety Fire Commissioner. (Refer to **Table 1.4.4, CODES REFERENCE GUIDE**. Existing installations, subject to approval of the authority having jurisdiction, shall be permitted to be continued in service."

2. Delete 9.2.1 in its entirety and substitute in its place the following:

9.2.1 "Air Conditioning, Heating, Ventilating, Ductwork, and Related Equipment. Air conditioning, heating, ventilating ductwork, and related equipment shall be in accordance with the *International Mechanical Code (IMC)*, as adopted by the Georgia Department of Community Affairs. (Refer to **Table 1.4.4, CODES REFERENCE GUIDE**)"

3. Delete section 9.3 in its entirety and substitute in its place the following:

9.3.1 "*** General.** Smoke control systems, where required or permitted by Chapters 11 through 42, shall be designed, installed, tested, and maintained in conformance with Section 909 of the *International Fire Code (IFC)*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

4. Add a new subsection 9.3.2 to read as follows:

9.3.2 "Detention, holding or processing cell(s) which are used for the containment of an individual for not more than two hours in a 12-hour period shall not be required to be provided with vent openings, smoke shafts, or an

engineered smoke control system to provide ventilation provided each cell is monitored by closed circuit television or dedicated personnel located outside the holding area and which have visual supervision of the cell(s)."

5. Delete subsection 9.4.2.1 in its entirety and substitute in its place the following:

9.4.2.1 "New elevators, escalators, dumbwaiters, and moving walks shall be installed in accordance with the requirements of ANSI/ASME A17.1, Safety Code for Elevators and Escalators. The elevator lobby of the designated floor and the alternate floor specified by Rule 211.3(a), and determined by the Fire Chief of the fire department having emergency response jurisdiction, shall be separated from the remainder of the building by 1-hour fire-rated construction. In buildings equipped with automatic sprinkler protection, smoke partitions in accordance with Section 8.4 may be used in lieu of 1-hour fire rated construction. Except health care occupancies as approved by the AHJ, openings in the elevator lobby shall be limited to those required for access to the elevators from exit access corridors or exits only. Elevator lobbies may be used as part of the means of egress from the building.

Exception No. 1: Elevator lobbies are not required within an atrium.

Exception No. 2: Elevator lobbies are not required where elevators are installed on open exterior walls.

Exception No. 3: Elevator lobbies are not required where elevators are installed in open air parking structures.

Exception No 4: Elevator lobbies are not required in buildings three stories or less with vertical openings protected in accordance with the applicable occupancy chapter.

Exception No 5: Elevator lobbies are not required in mercantile occupancies that have properly protected openings for escalators or stairs.

Exception No 6: Existing installations acceptable to the authority having jurisdiction."

6. Add a new subparagraph 9.6.2.10.8.1 to read as follows:

9.6.2.10.8.1 "Existing battery-powered smoke alarms as permitted by other sections of this *Code* shall be permitted to remain in use provided the following criteria are met:

1. The device is no older than 10 years of the manufactures date on the device; and,
2. The device is installed in a facility that was legally permitted before July 1, 1987, as a residential occupancy; and,
3. The facility has demonstrated to the authority having jurisdiction that the testing, maintenance, and battery replacement program will ensure reliability of power to the smoke alarms,

7. Add a new subparagraph 9.6.2.10.8.2 to read as follows:

9.6.2.10.8.2 "Existing battery-powered smoke alarms as permitted by other sections of this *Code* and which meet the provisions of subparagraph 9.6.2.10.8.1 shall be replaced with smoke alarms whose device housing is tamper resistant and is powered by a non-replaceable, non-removable energy source capable of powering the alarm for a minimum of ten years from the manufacture's date on the device when any of the following apply:

1. The device is replaced for any reason; or,
2. The provisions of subparagraph 9.6.2.10.8.1 or not met; or,
3. There is no manufactures date that exist on the device; or,
4. The device does not meet all of the provisions of subparagraph 9.6.2.10.8.1.

8. Delete 9.6.3.6.3 and its place substitute the following:

9.6.3.6.3 "*" Where occupants are incapable of evacuating themselves because of age, dependence on verbal communication with caregivers, physical or mental disabilities, or physical restraint, the private operating mode as described in NFPA 72, *National Fire Alarm and Signaling Code*, shall be permitted to be used. Only attendants, caregivers, and other personnel that are required to relocate or assist in the relocation occupants from a zone, area, floor, or building shall be required to be notified. The notification shall include means to readily identify the zone, area, floor, or building in need of evacuation. Where approved by the authority having jurisdiction, the requirements for audible signaling shall be permitted to be further reduced or eliminated when visible signaling is provided in accordance with NFPA 72.

9. Add an Annex Note to 9.6.3.6.3 to read as follows:

A.9.6.3.6.3 "For example, in critical care patient areas, it is often desirable to not have an audible fire alarm even at reduced private mode levels. Another example would be classrooms for small children in day care or educational occupancies, where verbal communication is vital between caregivers or teachers and children during drills or during an actual fire or other emergency condition. Audible alarms often frighten small children and valuable time may be lost while trying to calm such children. Also, audible alarms at or near locations where clear communications is required may present a problem. A school office or a receptionist desk common to various occupancies are examples. An additional example of where an audible fire alarm could be a problem would be high noise level work areas where an audible signal needed to overcome background noise at one time of the day would be excessively loud and potentially dangerous at another time of lower ambient noise. A sudden increase of more than 30 dB over 0.5 seconds is considered to cause sudden and potentially dangerous fright. Each case requires individual consideration by the authority having jurisdiction."

10. Add a new subparagraph 9.7.1.1.1 to read as follows:

9.7.1.1.1 "NFPA 13R, *Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Heights*, shall be permitted for use as specifically referenced in Chapters 24 through 33 of this *Code*. This standard shall also be permitted for the design and installation of automatic sprinkler systems in personal care homes, community living arrangements, day-care centers, and day-care homes in buildings up to and including four stories. When a single-story open-air parking structure of fire-restrictive construction is below a four-story residential occupancy the structure is considered within this scope. NFPA 13R automatic sprinkler systems shall not be permitted in assisted living communities or memory care units, as defined in [120-3-3-.03](#) of Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner, unless authorized by the State Fire Marshal's Office."

11. Delete paragraph 9.9* in its entirety and substitute in its place the following:

9.9 "*" Portable fire extinguishers shall be installed in all buildings, structures and facilities as set forth in this *Code* and as established in 906.1 of the *International Fire Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner. (Refer to **Table 1.4.4, CODES REFERENCE GUIDE**)

12. Delete paragraph 9.10 in its entirety and substitute in its place the following:

9.10 "Where required by either the provisions of another section of this *Code*, the *International Building Code (IBC)* as adopted by the Department of Community Affairs or the *International Fire Code (IFC)* as adopted by Chapter 120-3-3 Rules and Regulations of the Safety Fire Commissioner, standpipe and hose systems shall be provided in accordance with NFPA 14, *Standard for the Installation of Standpipe and Hose Systems*. Where standpipe and hose systems are installed in combination with automatic sprinkler systems, installation shall be in accordance with the appropriate provisions established by NFPA 13, *Standard for the Installation of Sprinkler Systems*, and NFPA 14, *Standard for the Installation of Standpipe and Hose Systems*."

(h) Modifications to Chapter 10:

1. Delete SECTION 10.3 in its entirety and substitute in its place the following:

SECTION 10.3 "Decorations and Furnishings.

10.3.1 The use of decorative materials (vegetative and non-vegetative), as defined in Chapter 2 of the *International Fire Code*, and furnishings in proposed (new) and existing buildings shall be regulated as set forth by Sections 805, 806, 807, and 808 of the *International Fire Code (IFC)*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

(i) Modifications to Chapter 11:

1. Delete subsection 11.1.6 in its entirety and substitute in its place the following:

11.1.6 "**Minimum Construction requirements.** The minimum construction requirements for the location of occupants of health care and ambulatory health care occupancies shall be as specified in accordance with the applicable occupancy chapter."

2. Delete paragraph 11.3.3.5 in its entirety and substitute in its place the following:

11.3.3.5 "**Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in all enclosed and normally occupied towers in accordance with 9.9 of this *Code*."

3. Add a new item (4) to paragraph 11.7.3.4 to read follows:

(4) "This requirement shall not apply to existing windowless or underground structures, excluding Chapter 15, with an occupant load of 100 or fewer persons in the windowless or underground portions of the structure."

4. Delete subsection 11.8.2.3 in its entirety and substitute in its place the following:

11.8.2.3 "**Smoke Proof Enclosures.** High-rise buildings shall be provided with smoke proof exit enclosures in accordance with 7.2.3."

5. Add a new paragraph 11.8.3.3 to read as follows:

11.8.3.3 "**Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in all high-rise buildings in accordance with 9.9."

6. Add a new subsection 11.9.6 to read as follows: "11.9.6 Extinguishing Equipment:

11.9.6.1 **Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in all permanent membrane structures in accordance with 9.9."

7. Delete subsection 11.10.3 in its entirety and substitute in its place the following: "11.10.3 Extinguishing Equipment.

11.10.3.1 **Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in all temporary membrane structures in accordance with 9.9."

8. Delete subsection 11.11 Tents and all subsections thereunder in its entirety and substitute in its place the following:

11.11.5.1 **Tents.** Tents shall comply with all applicable requirements of Chapter 31 of the International Fire Code as adopted in the Rules and Regulations of the Safety Fire Commissioner Chapter 120-33."

(j) Modification to Chapter 12:

1. Add a new subparagraph 12.1.1.2.1 to read as follows:

12.1.1.2.1 "Pursuant to O.C.G.A. [25-2-13\(b\)\(1\)\(F\), \(G\)](#) and G.1) and 25-2-14(c), "Racetracks, stadiums, grandstands, theaters, auditoriums, restaurants, bars, lounges, nightclubs, dance halls, recreation halls and other places of public assembly having an occupant load of 300 or more, except that the occupant load shall be 100 or more persons where alcoholic beverages are served, shall have a certificate of occupancy issued by the appropriate authority having jurisdiction. For churches the occupant load requirement is 500 or more persons in a common area or having an occupant load greater than 1,000 persons based on the total occupant load of the building or structure."

2. Reserved.

3. Add a new paragraph 12.3.5.5 to read as follows:

12.3.5.5 "**Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in all assembly occupancies in accordance with 9.9"

4. Add a note following Table 12.4.2.3 to read as follows:

"**Note:** See 12.4.2.6 for factors A, B and C in Tables 12.4.2.3 and 12.4.2.4."

5. Delete paragraph 12.4.6.11 in its entirety and substitute in its place the following:

12.4.6.11 "**Scenery, Decorations, and Furnishings.** Combustible decorations and scenery of cloth, film, foam plastic, vegetation, and similar materials shall meet the applicable provisions of 805, 806, 807, and 808 of the *International Fire Code (IFC)*, as set forth in SECTION 10-3 of this Code. Scenery and stage properties not separated from the audience by proscenium openings shall be either noncombustible or limited-combustible."

6. Add a new subparagraph 12.4.8.9 to read as follows:

12.4.8.9 "Special amusement buildings not open to the public in excess of 45 days in a twelve month period shall be permitted, provided all of the following conditions are met:

1. Portable fire extinguishers with a minimum of a 2A:10B:C rating are placed within 25 feet of each activity or viewing station, so as to be readily accessible and visible to staff;

2. A smoke detection system is placed throughout the facility with a smoke detector located at each activity or viewing station and located throughout corridors and halls not to exceed a spacing more than 15 feet (4.6 m) from a wall or more than 30 feet (9.1 m) on center. Where there is no ceiling or cover over activity or viewing stations, or over exit access routes, other than the standard ceiling, smoke detectors shall be placed so that their area of coverage does not exceed the approval listing of the detectors;

3. Emergency lighting shall be provided which will cause illumination of the means of egress upon loss of power to lighting circuits for the means of egress routes serving the special amusement building. In addition, all staff shall be provided with flashlights;

4. Personnel dedicated for the sole purpose of performing fire watch duties as defined in Chapter 2 of the *International Fire Code* and as be deemed necessary for specific circumstances by the authority having jurisdiction, shall be provided in such numbers to ensure the entire special amusement space is surveyed at least every 30 minutes starting 30 minutes prior to public occupancy. Such personnel shall be provided with a direct communication device for communication with all viewing or activity stations throughout the facility. In addition such personnel shall be provided with appropriate training for the operation of portable fire extinguishing equipment;

5. Communication to the responding fire department or emergency dispatch center is available from the facility (a regular telephone or at least two cell phones are acceptable);

6. **"NO SMOKING"** signs shall be posted at entrances to the building. Receptacles for the discard of smoking material shall be located a minimum of 15 feet (9.1 m) from the structure and shall be clearly identified by applicable signage;

7. Documentation of fire watch tours required by item 4 above is maintained. The documentation, at the minimum, shall note the time when the tour was conducted the name of personnel conducting the tour, and information about any hazards identified and actions taken to remove such hazards. Such documentation shall be readily available to the code official upon request.

8. Interior wall and ceiling finish materials complying with Section 10.2 shall be Class A throughout."

7. Delete subsection 12.7.3 in its entirety and substitute in its place the following:

12.7.3 **"Open Flame and Pyrotechnics.** No open flame devices or pyrotechnic devices shall be used in any assembly occupancy, unless otherwise provided by 12.7.3.1 through 12.7.3.4.

12.7.3.1 As set forth in the exceptions to 308.3 of the *IFC*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner.

12.7.3.2 This requirement shall not apply to heat-producing equipment complying with 9.2.2.

12.7.3.3 This requirement shall not apply to food service operations in accordance with 13.7.1.

12.7.3.4 Gas lights shall be permitted to be used, provided that precautions subject to the approval of the authority having jurisdiction are taken to prevent ignition of any combustible materials."

8. Delete subsection 12.7.4 in its entirety and substitute in its place the following:

12.7.4 **"Scenery, Decorations, and Furnishings.** Combustible decorations, curtains, draperies, similar furnishings, and scenery of cloth, film, foam plastic, vegetation, and similar materials shall meet the applicable provisions of 805, 806, 807, and 808 of the *International Fire Code (IFC)*, as set forth in SECTION 10-3 of this *Code*. The authority having jurisdiction shall impose additional controls, as he or she deems necessary, on the quantity and arrangement of combustible contents in assembly occupancies to provide an adequate level of safety to life from fire. (Refer to the definition for "decorative materials" in Chapter 2 of the *International Fire Code*."

9. Delete section 12.7.5.4 and subsections 12.7.5.4.1 through 12.7.5.4.4 and substitute in its place the following:

"12.7.5.4 **Vehicles.** Vehicles on display indoors or within an exhibition facility shall comply with 2018 International Fire Code Section 314.4 as adopted in rules and regulations of the Safety Fire Commissioner Chapter 120-3-3."

10. Delete subsection 12.7.6 in its entirety and substitute in its place the following:

12.7.6 **"Crowd Managers.** Crowd managers shall be provided as required by 403.12.3 of the *IFC*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

11. Delete subsection 12.7.13 in its entirety and substitute in its place the following:

12.7.13 **"Emergency Planning and Preparedness.** Assembly occupancies (Group A) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

(k) Modification to Chapter 13:

1. Add a new subparagraph 13.3.5.1.1 to read as follows:

13.3.5.1.1 "The provisions of 13.3.5.1 shall not apply to locations that were approved for occupancy prior to the adoption of the 2012 edition of the *Life Safety Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner, adopted 1/1/2014, and provided the conditions approved have not been modified without subsequent required review and approval by the authority having jurisdiction, and provided the provisions of 13.1.1.4 and 13.1.1.5 of this *Code*, as applicable, and the provisions of Section 103 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner, and as applicable to existing buildings are met."

2. Add a new paragraph 13.3.5.5 to read as follows:

13.3.5.5 "**Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in all assembly occupancies in accordance with 9.9."

3. Add a note following Table 13.4.2.3 to read as follows:

"**Note:** See 12.4.2.6 for factors A, B and C in Tables 13.4.2.3 and 13.4.2.4.1."

4. Add a new paragraph 13.4.8.9 to read as follows:

13.4.8.9 "Special amusement buildings not open to the public in excess of 45 days in a twelve month period shall be permitted, provided all of the following conditions are met:

1. Portable fire extinguishers with a minimum of a 2A:10B:C rating are placed within 25 feet of each activity or viewing station, so as to be readily accessible and visible to staff;
2. A smoke detection system is placed throughout the facility with a smoke detector located at each activity or viewing station and located throughout corridors and halls not to exceed a spacing more than 15 feet (4.6 m) from a wall or more than 30 feet (9.1 m) on center. Where there is no ceiling or cover over activity or viewing stations, or over exit access routes, other than the standard ceiling, smoke detectors shall be placed so that their area of coverage does not exceed the approval listing of the detectors;
3. Emergency lighting shall be provided which will cause illumination of the means of egress upon loss of power to lighting circuits for the means of egress routes serving the special amusement building. In addition, all staff shall be provided with flashlights;
4. Personnel dedicated for the sole purpose of performing fire watch duties as defined in Chapter 2 of the *International Fire Code* and as be deemed necessary for specific circumstances by the authority having jurisdiction, shall be provided in such numbers to ensure the entire special amusement space is surveyed at least every 30 minutes starting 30 minutes prior to public occupancy. Such personnel shall be provided with a direct communication device for communication with all viewing or activity stations throughout the facility. In addition such personnel shall be provided with appropriate training for the operation of portable fire extinguishing equipment;
5. Communication to the responding fire department or emergency dispatch center is available from the facility (a regular telephone or at least two cell phones are acceptable);
6. "**NO SMOKING**" signs shall be posted at entrances to the building. Receptacles for the discard of smoking material shall be located a minimum of 15 feet (9.1 m) from the structure and shall be clearly identified by applicable signage;
7. Documentation of fire watch tours required by item 4 above is maintained. The documentation, at the minimum, shall note the time when the tour was conducted the name of personnel conducting the tour, and information about any hazards identified and actions taken to remove such hazards. Such documentation shall be readily available to the code official upon request.

8. Interior wall and ceiling finish materials complying with Section 10.2 shall be Class A throughout."

5. Delete subsection 13.7.3 in its entirety and substitute in its place the following:

13.7.3 **"Open Flame and Pyrotechnics.** No open flame devices or pyrotechnic devices shall be used in any assembly occupancy.

13.7.3.1 This requirement shall not apply as set forth in the exceptions to 308.3.1 of the *International Fire Code (IFC)*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner.

13.7.3.2 This requirement shall not apply to heat-producing equipment complying with 9.2.2.

13.7.3.3 This requirement shall not apply to food service operations in accordance with 13.7.2.

13.7.3.4 Gas lights shall be permitted to be used, provided that precautions subject to the approval of the authority having jurisdiction are taken to prevent ignition of any combustible materials."

6. Delete section 13.7.5.4 and subsections 13.7.5.4.1 through 13.7.5.4.4 and substitute in its place the following:

"13.7.5.4 **Vehicle.** Vehicles on display indoors or within an exhibition facility shall comply with 2018 International Fire Code Section 314.4 as adopted in rules and regulations of the Safety Fire Commissioner Chapter 120-3-3. "

7. Delete subsection 13.7.6 in its entirety and substitute in its place the following:

13.7.6 **"Crowd Managers.** Crowd managers shall be provided as required by 403.12.3 of the *IFC*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

8. Delete subsection 13.7.7 in its entirety and substitute in its place the following:

13.7.7 **"Emergency Planning and Preparedness.** Assembly occupancies (Group A) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of The *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

(l) **Modifications to Chapter 14:**

1. Add a new paragraph 14.1.1.6 to read as follows:

14.1.1.6 **"Mobile/Portable Classrooms.** Each mobile/portable classroom shall not be occupied until the required Certificate of Occupancy has been authorized by the State Fire Marshal's Office, the proper local fire marshal, state inspector, or others authorized by O.C.G.A Section [25-2-12](#)."

2. Add a new subparagraph 14.1.1.6.1 to read as follows:

14.1.1.6.1 **"Classification.** Mobile/portable classroom structures, as defined in [120-3-3-.03](#) of Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner shall also be classified as Group E-Educational occupancies and shall comply with the provisions of this section and other sections applicable to Group E-Educational occupancies, except as may be provided otherwise elsewhere in this *Code* or in Chapter 120-3-3, of the Rules and Regulations of the Safety Fire Commissioner.

3. Add a new paragraph 14.1.1.6.2 to read as follows:

14.1.1.6.2 "Plans and specifications for proposed (new) mobile/portable classrooms shall be submitted to and receive approval by either the State Fire Marshal's Office, the proper local fire marshal, state inspector, or others authorized by O.C.G.A 25-2-12 prior to construction. A Georgia registered architect or engineer must place his or

her seal on the plans submitted. Submitted plans must include a site plan that is drawn to scale and showing clearances from other mobile/portable classroom structures and other structures. Such site plan shall also show the exit discharge route(s) to a public way in accordance with this *Code*, or where such is not possible, to an approved area of refuge."

4. Add a new paragraph 14.1.1.6.3 to read as follows:

14.1.1.6.3 "Proposed (new) mobile/portable classrooms shall comply with the various provisions of this *Code* applying to classrooms in educational occupancies (Group E- Educational), unless otherwise specified."

5. Add a new paragraph 14.1.1.5.4 to read as follows:

14.1.1.6.4 "Locating Mobile/Portable Classroom Structures. Mobile/portable classrooms shall not be installed within 25 feet (7.6 m) of any exposed building or structure, or within 10 feet (3.05 m) of another exposed mobile/portable classroom unit. The mobile/portable classroom unit shall not be connected to any other unit, or to other buildings or structures by a canopy of combustible construction. The distance between a mobile/portable classroom unit and an exposed building or structure, that is totally protected by an approved automatic sprinkler system, may be reduced to 10 feet (3.05 m), provided, the exposed exterior wall is of noncombustible construction, and there are no windows or doors in the exposed wall of the building within 25 feet (7.6 m) of the mobile/portable classroom unit. The distance may be reduced to 0 feet if the exposed wall is of noncombustible construction having a certified fire resistance rating of at least 2-hours and without openings within 25 feet of the exposing mobile/portable classroom unit."

6. Add a new paragraph 14.2.1.4.1, to read as follows:

14.2.1.4.1 "The provisions of 14.2.1.2 and 14.2.1.3 shall not apply to educational facilities that meet the requirements of 16.1.6."

7. Add a new subparagraph 14.2.2.2.2.1 to read as follows:

14.2.2.2.2.1 "Doors serving as exits from mobile/portable classrooms shall not be less than 32 inches (0.91 m) in clear width, swing outward with exit travel onto landings at least 4 feet by 4 feet (1.2 m by 1.2 m), and have steps and/or ramps complying with applicable provisions of this *Code*. This includes guardrails and graspable handrails. Steps and ramps serving fewer than 50 persons may be 36 inches (0.91m) in clear width."

8. Add a new paragraph (5) to 14.2.11.1.1 to read as follows:

(5) "Windows may open onto a court or an enclosed court provided all of the following criteria are met:

(a) The court shall be of sufficient width such that persons exiting through the courtyard will be at a minimum dimension not less than 10 feet (3 m) from any portion of the building that could present an exposure condition to a fire.

(b) The court has exits directly to the exterior of the building through an exit passageway that is separated out from all other parts of the building by 2-hour fire-rated construction. No space other than exit corridors protected by 'B' labeled 1½-hour fire doors, whether normally occupied or not, shall open onto this required exit passageway.

(c) The exit capacity for the exit passageway shall be of sufficient width for the corridors connected to it as well as the enclosed court calculated at 15 square feet (1.4 sq. m) per person or minimum number of students subject to exiting into the court, whichever is the greater of the two.

(d) The travel distance from any point in a connecting classroom to the exterior of the building through the exit passageway shall not exceed 150 feet (45.7 m).

(e) The court is provided with emergency lighting to direct occupants to the exit(s) in accordance with Section 5.9.

(f) The exit(s) from the court is/are clearly marked in accordance with Section 7.10."

9. Add a new paragraph 14.2.11.4 to read as follows:

14.2.11.4 **"School Hallway Interior Emergency Lockdown Defense (SHIELD).** The installation of a School Hallway Interior Emergency Lockdown Defense (SHIELD) shall be permitted in educational occupancies provided all of the following criteria are met:

- (1) Activation shall be by means of depressing a panic button or pull station marked for emergency SHIELD available to school administration at a central location. Additional activation may be by telephone code.
- (2) System activation shall automatically contact law enforcement authorities upon activation.
- (3) Cross corridor doors may be provided with magnetic hold open devices to release upon activation of the system.
- (4) Upon activation of the system, cross corridor doors shall be permitted to be kept in the closed position with magnetic locks.
- (5) System hardware shall be provided with emergency power or battery back-up in event of loss of power.
- (6) Smoke detectors shall be provided within 15 feet of cross corridor doors on the classroom egress side for each corridor zone and be identified distinctly from other required detectors. Such detectors upon activation by smoke shall release door mag locks for the locked zone to freely open. Detectors are not required to be interconnected into the building's fire alarm system.
- (7) Card readers with keypad shall be installed on the ingress side of the doors requiring a PIN code and card swipe to deactivate for the activated corridor zone.
- (8) Keypad shall be installed on the egress side of the doors only requiring a PIN code for deactivation of the door mag locks for the activated corridor zone.
- (9) A blue light strobe and siren, distinct from that of the fire alarm may be provided to deter intruders.
- (10) Staff shall be adequately trained on the intent and operation of the system with the conduction of mock drills.

14.2.11.4.1 **(SHIELD) Activation.** The SHIELD system shall only be activated in the following

- (1) The event of intrusion or active shooter upon school premises.
- (2) For the purposes of testing the system.
- (3) For the purposes of conducting drills related to the intrusion or active shooter upon school premises."

10. Delete subparagraph 14.3.2.1(1)(a) in its entirety and substitute in its place the following:

(a) "Boiler and furnace rooms, unless such rooms enclose only air handling equipment, compressor equipment, furnaces or other heating equipment with a total aggregate input rating less than 200,000 Btu. Such rooms shall not be used for any combustible storage. In addition, a minimum of 30 inches (0.76 m) shall be provided and maintained to equipment and electrical or emergency control panels or devices for emergency response purposes."

11. Delete the term "Laundries" from 14.3.2.1(2)(a) and substitute in its place the following:

(a) "Laundry areas utilizing commercial equipment, multiple residential appliances, or exceeding 100 square feet (9.3 sq. m)."

12. Add a new subparagraph 14.3.2.2.1 to read as follows:

14.3.2.2.1 "Residential type cooking equipment. Residential type cooking equipment located in food preparation areas of home economic labs may be protected by a listed self-contained residential fire suppression systems located in a residential hood over each cooking surface, with the exhaust hood vented directly to the outside of the building. The fire suppression system shall automatically disconnect electric power to electric stoves or shut off the gas supply to gas fueled stoves. Food preparation areas located in home economics labs need not be so protected where located in a fully sprinklered building or where protection is provided in accordance with 9.7.1.2, provided, however, the exhaust hood shall still be required to be vented to the outside of the building."

13. Add a new subparagraph 14.3.4.2.3.3 to read as follows:

14.3.4.2.3.3 "Manual fire alarm boxes may be located in rooms which open directly onto such corridors and normal paths of travel provided all of the following are met:

- (1) The rooms in which such manual fire alarm boxes are placed are constantly supervised all school hours.
- (2) The rooms in which such manual fire alarm boxes are placed are located in close proximity to the to that portion of the corridors and normal paths of travel where a manual fire alarm box would be placed in accordance with 9.6.2.5.
- (3) A sign is placed on the corridor wall immediately adjacent to the entry door(s) of such room so that it can be readily seen at all times. The sign shall state "**MANUAL FIRE ALARM BOX LOCATED IN THIS ROOM**". The sign shall have a red background and the letters shall be white and be at least one inch in height."

14. Delete subparagraph 14.3.4.3.1.1 in its entirety and substitute in its place the following:

14.3.4.3.1.1 "Occupant notification shall be by means of audible and visual alarm devices in accordance with 9.6.3 and Chapter 120-2-20, Rules and Regulations of the Safety Fire Commissioner. Where visual alarm devices are located inside classrooms the installation of an audible device or component shall not be required, provided the audible alarm signal from alarm devices located in adjacent corridors or compartments is clearly audible in the classrooms, and is subject to the approval of the authority having jurisdiction."

15. Add a new subparagraph 14.3.5.6 to read as follows:

14.3.5.6 "**Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in educational occupancies, including mobile/portable classrooms, in accordance with 9.9.

14.3.5.6.1 In lieu of locating portable fire extinguishers in corridors and normal paths of travel as specified in NFPA Standard 10, *Standard for Portable Fire Extinguishers*, portable fire extinguishers may be located in rooms that open directly onto such corridors and paths of travel, provided, all of the following are met:

- (a) The rooms in which such portable fire extinguishers are placed are located in close proximity to that portion of the corridor where a portable fire extinguisher would normally be placed in accordance with NFPA Standard 10.
- (b) A sign which states, in white letters at least one inch in height on a red background, "**PORTABLE FIRE EXTINGUISHER LOCATED IN THIS ROOM**," is placed on the corridor wall immediately adjacent to the entrance(s) of each such room so that it can be clearly seen at all times."
- (c) The rooms in which such portable fire extinguishers are placed shall be constantly supervised during school hours.
- (d) These rooms cannot be subject to being locked at any time the building is occupied."

16. Add a new item 6 to subsection 14.3.6 to read as follows:

6. "Door closing devices are not required on doors in corridor wall openings other than those serving exits or required enclosures of hazardous areas."

17. Add a new paragraph 14.4.3.6 to read as follows:

14.4.3.6 "Corridor walls in flexible plan buildings shall comply with subsection 14.3.6 as modified.

18. Add a new paragraph 14.5.2.3 to read as follows:

14.5.2.3 "Portable electric and liquefied petroleum gas or liquid fuel fired space heating devices designed to be portable are prohibited in all portions of educational buildings, unless such use is permitted by 603.4 of the *IFC*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

19. Add new subparagraph 14.7.1.1 to read as follows:

14.7.1.1 "Emergency Planning and Preparedness. Educational occupancies (Group E- Educational) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency situation. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with the applicable provisions of Chapter 4 of the *IFC*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

(m) Modifications to Chapter 15:

1. Add a new subparagraph 15.1.1.1.1 to read as follows:

15.1.1.1.1 "**Existing Mobile/Portable Classroom Structures.**

(a) Existing mobile/portable classroom structures, which have been installed prior to the effective date of this *Code*, and which were deemed to be in compliance with provisions in effect at the time of their installation, shall be permitted to remain in use, if deemed to have been maintained as approved, and meet specific provisions of this chapter applicable to existing mobile/portable classroom structures.

(b) When an existing mobile/portable classroom structure is removed from a school system, the certificate of occupancy for that structure becomes void, provided, however, the structure shall retain the status of an existing structure if continued in service as a classroom structure in another school system. This shall also apply to leased or rented mobile/portable classroom structures. A new certificate of occupancy shall be required for the relocated structure, and shall be issued provided the structure meets the provisions of this *Code* that are applicable to existing mobile/portable classrooms."

2. Add a new paragraph 15.1.1.6 to read as follows:

15.1.1.6 "Existing mobile/portable classrooms shall comply with the various provisions of this *Code* applying to classrooms in existing educational occupancies, unless otherwise specified in this chapter."

3. Add a new paragraph 15.1.1.7 to read as follows:

15.1.1.7 "When relocated, a mobile/portable classroom structure shall not be placed within 25 feet (7.6 m) of any building or structure or within 10 feet (3.1 m) of another mobile/portable classroom structure. Such mobile/portable classroom structures shall not be connected to any building or other mobile classroom structure by a canopy of combustible construction. An existing canopy of combustible components may be continued in use provided no combustible components are within 25 feet (7.6 m) of any building or structure or within 10 feet (3.1 m) of another mobile/portable classroom structure. The distance between a mobile/portable classroom unit and an exposed building or structure, that is totally protected by an approved automatic sprinkler system, may be reduced to 10 feet (3.05 m), provided, the exposed exterior wall is of noncombustible construction, and there are no windows or doors of the exposed wall of the building within 25 feet (7.6 m) of the mobile/portable classroom unit. The distance may be reduced to 0 feet if the exposed wall is of noncombustible construction having a certified fire resistance rating of at least 2-hours and without openings within 25 feet of exposing mobile/portable classroom unit."

4. Add a new paragraph 15.2.1.5 to read as follows:

15.2.1.5 "The provisions of 15.2.1.2 and 15.3.2.3 shall not apply to facilities that meet the requirements of 16.1.6."

5. Add a new subparagraph 15.2.2.2.3 to read as follows:

15.2.2.2.3 "Doors serving as exits from existing mobile/portable classrooms shall not be less than 32 inches (0.91 m) in clear width, unless originally approved for a clear width of not less than 28 inches. Such exit doors shall open onto landings 4 feet by 4 feet (1.2 m by 1.2 m) and have stairs and or ramps, as needed, complying with applicable provisions of this *Code*. Landings, stairs, ramps, guardrails, and handrails installed and approved prior to the effective date of this *Code*, if maintained in a state of good repair, may be continued in use. When a mobile/portable classroom structure is moved to another site at the same school or another school, landings, stairs, ramps, guardrails, and graspable handrails shall comply with the applicable requirements of this *Code* for new construction."

6. Add a new item (4) to paragraph 15.2.11.1 to read as follows:

(4) "Windows may open onto a court or an enclosed court provided all of the following criteria are met:

(a) The court shall be of sufficient width such that persons exiting through the courtyard will be at a minimum dimension not less than 10 feet (3 m) from any portion of the building that could present an exposure condition to a fire.

(b) The court has exits directly to the exterior of the building through an exit passageway that is separated out from all other parts of the building by 2-hour fire-rated construction. No space other than exit corridors protected by 'B' labeled 1½-hour fire doors, whether normally occupied or not, shall open onto this required exit passageway.

(c) The exit capacity for the exit passageway shall be of sufficient width for the corridors connected to it as well as the enclosed court calculated at 15 square feet (1.4 sq. m) per person or minimum number of students subject to exiting into the court, whichever is the greater of the two.

(d) The travel distance from any point in a connecting classroom to the exterior of the building through the exit passageway shall not exceed 150 feet (45.7 m).

(e) The court is provided with emergency lighting to direct occupants to the exit(s) in accordance with Section 5.9.

(f) The exit(s) from the court is/are clearly marked in accordance with Section 7.10."

7. Add a new paragraph 15.2.11.3 to read as follows:

15.2.11.3 "School Hallway Interior Emergency Lockdown Defense (SHIELD). The installation of a School Hallway Interior Emergency Lockdown Defense (SHIELD) shall be permitted in educational occupancies provided all of the following criteria are met:

(1) Activation shall be by means of depressing a panic button or pull station marked for emergency SHIELD available to school administration at a central location. Additional activation may be by telephone code.

(2) System activation shall automatically contact law enforcement authorities upon activation.

(3) Cross corridor doors may be provided with magnetic hold open devices to release upon activation of the system.

(4) Upon activation of the system, cross corridor doors shall be permitted to be kept in the closed position with magnetic locks.

(5) System hardware shall be provided with emergency power or battery back-up in event of loss of power.

(6) Smoke detectors shall be provided within 15 feet of cross corridor doors on the classroom egress side for each corridor zone and be identified distinctly from other required detectors. Such detectors upon activation by smoke shall release door mag locks for the locked zone to freely open. Detectors are not required to be interconnected into the building's fire alarm system.

(7) Card readers with keypad shall be installed on the ingress side of the doors requiring a PIN code and card swipe to deactivate for the activated corridor zone.

(8) Keypad shall be installed on the egress side of the doors only requiring a PIN code for deactivation of the door mag locks for the activated corridor zone.

(9) A blue light strobe and siren, distinct from that of the fire alarm may be provided to deter intruders.

(10) Staff shall be adequately trained on the intent and operation of the system with the conduction of mock drills.

15.2.11.3.1 **(SHIELD) Activation.** The SHIELD system shall only be activated in the following situations:

(1) The event of intrusion or active shooter upon school premises.

(2) For the purposes of testing the system.

(3) For the purposes of conducting drills related to the intrusion or active shooter upon school premises."

8. Delete subparagraph 15.3.2.1(1)(a) in its entirety and substitute in its place the following:

(a) "Boiler and furnace rooms, unless such rooms enclose air handling equipment, compressor equipment, furnaces or other heating equipment with a total aggregate input rating less than 200,000 BTU input. Such rooms shall not be used for any combustible storage. A minimum of 30 inches (0.76 m) unobstructed access shall be provided and maintained to equipment and electrical or emergency control panels or devices for emergency response purposes."

9. Delete the term "Laundries" from subparagraph 15.3.2.1(2)(a) and substitute in its place the following:

(a) "Laundry areas utilizing commercial equipment, multiple residential appliances, or exceeding 100 square feet (9.3 sq. m)."

10. Add a new paragraph 15.3.2.2.1 to read as follows:

15.3.2.2.1 "Food preparation areas located in home economic labs may be protected by listed self-contained residential fire suppression systems located in a residential hood over each cooking surface, with the exhaust hood vented directly to the outside. Required use of automatic disconnects of fuel source or power source is subject to the approval of the authority having jurisdiction. Food preparation areas located in home economic labs need not be protected where in a fully sprinklered building or where protection is provided in accordance with 9.7.1.2. The exhaust hood is still required to be vented to the outside if installed after July 28, 1998."

11. Add items (3) and (4) to paragraph 15.3.4.2.1 to read as follows:

(3) "Where each classroom in a mobile/portable classroom structure is provided with a two-way communication system that will permit initiation of the communication from the classroom as well as from a constantly attended location in the main administrative office of the school from which a general alarm can be sounded, if needed, and the fire department can be summoned. A telephone mounted in each classroom and equipped with speed dialing, or a similar function, to provide contact with the constantly attended location noted above, shall be acceptable as a two-way communication system for purposes of this provision. The procedure for using the system for emergency alerting shall be clearly posted near the system actuation device in each classroom and at the constantly attended location.

(4) Fire alarm alerting provisions for existing mobile/portable classroom structures approved prior to the effective date of this *Code*, and which are in a state of operational readiness. At the minimum, such provisions shall provide alerting of a fire condition in each mobile/portable classroom structure. Where alerting is by an alarm bell or horn, the sound/signal shall be distinctive from other bells or horns."

12. Add a new subparagraph 15.3.4.2.3.3 to read as follows:

15.3.4.2.3.3 "In lieu of locating manual fire alarm boxes in educational occupancies in corridors and normal paths of travel, the fire alarm boxes may be located in rooms which open directly onto such corridors and normal paths of travel provided all of the following are met:

- (1) The rooms in which such manual fire alarm boxes are placed are constantly supervised all school hours.
- (2) The rooms in which such manual fire alarm boxes are placed are located in close proximity to the to that portion of the corridors and normal paths of travel where a manual fire alarm box would be placed in accordance with 9.6.2.5.
- (3) A sign is placed on the corridor wall immediately adjacent to the entry door(s) of such room so that it can be readily seen at all times. The sign shall state **"MANUAL FIRE ALARM BOX LOCATED IN THIS ROOM"**. **The sign shall have a red background and the letters shall be white and be at least one inch in height."**

13. Add a new paragraph 15.3.5.6 to read as follows:

15.3.5.6 **"Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in educational occupancies, including mobile/portable classrooms, in accordance with 9.9.

15.3.5.6.1 In lieu of locating portable fire extinguishers in corridors and normal paths of travel as specified in NFPA 10, *Standard for Portable Fire Extinguishers*, portable fire extinguishers may be located in rooms that open directly onto such corridors and normal paths of travel provided all of the following are met:

- (a) The room in which such portable fire extinguishers are placed are located in close proximity to that portion of the corridor where a fire extinguisher would otherwise be placed in accordance with NFPA 10; *Standard for Portable Fire Extinguishers*,
- (b) A sign which states in white letters at least one inch in height on a red background, **'PORTABLE FIRE EXTINGUISHER LOCATED IN THIS ROOM,'** is placed on the corridor wall immediately adjacent to the entrance way of each such room so that it can be clearly seen at all times;
- (c) The rooms in which such portable fire extinguishers are placed shall be constantly supervised during school hours; and,
- (d) Those rooms cannot be subject to being locked at any time the building is occupied."

14. Add a new item (6) to subsection 15.3.6 to read as follows:

(6) "Door closing devices are not required on doors in corridor wall openings other than those serving exits or required enclosures of hazardous areas."

15. Add new paragraph 15.5.2.3 to read as follows:

15.5.2.3 "Portable electric and liquefied petroleum gas or liquid fuel fired space heating devices designed to be portable are prohibited in all portions of educational buildings.

15.5.2.3.1 As permitted by 603.4 of the *IFC*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

16. Delete subsection 15.7.1 in its entirety and substitute in its place the following:

15.7.1 "Emergency Planning and Preparedness. Educational occupancies (Group E) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

(n) Modification to Chapter 16:

1. Add a new 16.1.1.2.1 to read as follows:

16.1.1.2.1 "Pursuant to O.C.G.A. [25-2-13\(b\)\(1\)\(I\)](#) the term Group Day Care Home applies to day-care facilities where at least seven (7) but not more than twelve (12) children receive care. Further, the term Day Care Center applies where more than twelve (12) children receive care. Where such facilities are required to be licensed or commissioned as set forth by O.C.G.A. [25-2-13\(b\)\(1\)\(I\)](#), the facilities are also required to comply with the Rules and Regulations of the Safety Fire Commissioner and to obtain a Certificate of Occupancy pursuant to O.C.G.A. [25-2-14\(c\)](#)."

2. Add a new subparagraph 16.1.3.1.1 to paragraph 16.1.3.1 to read as follows:

16.1.3.1.1 "The provisions of 6.1.14 shall not apply to one- and two-family dwellings."

3. Delete paragraph 16.1.6.1 and its corresponding table in its entirety and substitute in its place the following:

16.1.6.1 "The location of day-care occupancies and clients of such shall be limited as shown in Table 16.1.6.1.

16.1.6.1.1 Day-Care occupancies with exits directly to the outside from each room normally occupied by clients may be of any construction type without being protected throughout by an automatic sprinkler system.

Table 17.1.6.1 Day-Care Occupancy Location					
Type of Construction	Age Group	Number of Stories			
		(Stories are counted starting at the floor of exit)			
		1	2	3	4+
I(443), I(332) and II(222)	0 through 4	YES	YES	YES	YES+
	5 and older	YES	YES	YES	YES+
II(111), III(211) and V(111)	0 through 4	YES	YES+	NO	NO
	5 and older	YES	YES	YES+	NO
IV(2HH)	0 through 4	YES	YES+	NO	NO
	5 and older	YES	YES+	NO	NO
II(000)	0 through 4	YES	YES+	NO	NO
	5 and older	YES	YES+	NO	NO
III(200) and V(000)	0 through 4	YES+	YES+	NO	NO
	5 and older	YES	YES+	NO	NO

The types of construction in the Table are from NFPA 220, *Standard on Types of Building Construction*. Refer to 8.2.1.2 and 8.2.1.2.1 of this *Code* and the conversion chart for cross-referencing to the construction types established by the *International Building Code*.

YES: Day-care occupancy location permitted in type of construction.

YES+: Day-care occupancy location permitted in type of construction if entire building is protected throughout by an approved automatic sprinkler system.

NO: Day-care occupancy location not permitted in type of construction."

4. Add a new paragraph 16.1.6.3 to read as follows:

16.1.6.3 "**Day-Care Facilities Located Below the LED.** The story below the level of exit discharge shall be permitted to be used in buildings of any construction type, other than Type II(000), Type III(200) and Type V(000) provided, the building is protected throughout by an approved automatic sprinkler system."

5. Add a new subparagraph 16.1.6.3.1 to read as follows:

16.1.6.3.1 "Where the story below the level of exit discharge is occupied as a day-care center, both of the following shall apply:

(1) One means of egress shall be an outside or interior stair in accordance with 7.2.2. An interior stair, if used, shall only serve the story below the level of exit discharge. The interior stair shall be permitted to communicate with the level of exit discharge; however, the required exit route from the level of exit discharge shall not pass through the stair enclosure.

(2) The second means of egress shall be permitted to be via an unenclosed stairway separated from the level of exit discharge in accordance with 8.6.5. The path of egress travel on the level of exit discharge shall be protected in accordance with 7.1.3.1."

6. Delete subsection 16.2.9 in its entirety and substitute in its place the following:

16.2.9 "**Emergency Lighting.** Emergency lighting shall be provided in accordance with Section 7.9 in the following areas:

1. In all interior stairs and corridors.

2. In all normally occupied spaces

3. Emergency lighting is not required in the following locations:

(1) Administrative areas other than receptionist areas.

(2) Mechanical rooms, storage areas, and rooms or areas not normally occupied by students."

7. Delete item (a) to paragraph 16.3.2.1(1) (a) in its entirety and substitute in its place the following:

(a) "Rooms enclosing air handling equipment compressor equipment, furnaces or other heating equipment with a total aggregate input rating less than 200,000 BTU input. Such rooms shall not be used for any combustible storage. A minimum of 30 inches (0.76 m) unobstructed access shall be provided and maintained to equipment and electrical or emergency control panels or devices for emergency response purposes."

8. Add an item (4) to paragraph 16.3.2.1 to read as follows:

(4) "In areas where documentation is provided indicating an unreliable water source, the authority having jurisdiction may accept separation of these areas from the remainder of the building by fire barriers having not less than a 2-hour fire-resistance rating."

9. Delete the term "Laundries" from subparagraph 16.3.2.1 (2) a. and substitute in its place the following:

a. "Laundry areas utilizing commercial equipment, multiple residential appliances, or exceeding 100 square feet (9.3 sq. m)."

10. Delete paragraph 16.3.2.3 in its entirety and substitute in its place the following:

16.3.2.3 "Food preparation facilities protected in accordance with 9.2.3 are not required to have openings protected between food preparation areas and dining areas. Where domestic cooking equipment is used for food warming or limited cooking, a listed self-contained residential fire suppression system may be installed in a residential hood to cover the area of the cooking surface, with the exhaust hood vented directly to the outside. The fire suppression system shall automatically disconnect electric power to electric stoves or automatically shut off the gas supply to gas stoves. Such system shall be interconnected to the building fire alarm system where one is provided.

16.3.2.3.1 Subject to the approval of the authority having jurisdiction approval, where domestic cooking equipment is used for food warming or limited cooking, the requirements for a residential fire suppression system may be waived if the room is protected by approved automatic sprinkler protection. The provisions of 9.7.1.2 may be permitted. The exhaust hood is still required to be vented to the outside."

11. Delete subsection 16.3.5 in its entirety and substitute in its place the following:

16.3.5 **"Extinguishment Requirements.** Buildings containing day-care occupancies shall be sprinkler protected throughout for construction types as specified in Table 16.1.6.1 entitled "Day-Care Occupancy Location Limitations" and paragraph 16.1.6.3. Any required sprinkler system based upon Table 16.1.6.1 and paragraph 16.1.6.3 shall be in accordance with 9.7."

12. Add a new paragraph 16.3.5.1 to read as follows:

16.3.5.1 **"Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in all daycare occupancies in accordance with 9.9."

13. Add new paragraph 16.5.2.4 to read as follows:

16.5.2.4 "Portable electric and liquefied petroleum gas or liquid fuel fire space heating devices designed to be portable are prohibited in all portions of day-care facilities.

16.5.2.4.1 In emergency conditions when approved by the authority having jurisdiction, equipment designed to be portable may be used for a specified time provided such equipment is properly protected and separated from combustibles as specified by the manufacturer's instructions and the authority having jurisdiction."

14. Delete paragraph 16.6.1.6 in its entirety and substitute in its place the following:

16.6.1.6 **"Minimum Construction requirements.** The minimum construction requirements for new day-care homes shall be limited to the types of building construction permitted by the *IBC* as specified in 8.2.1. Clients of a group day-care home in a multistory building shall be restricted to the level of exit discharge, unless the provisions of 16.1.6 are met."

15. Add a new paragraph 16.6.3.6 to read as follows:

16.6.3.6 **"Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in all daycare home occupancies in accordance with 9.9."

16. Delete subsections 16.7.1 and 16.7.2 in their entirety and substitute in their place the following:

16.7.1 **"Emergency Planning and Preparedness.** Day-care occupancies (Group E and I-4) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented

in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

(o) Modifications to Chapter 17:

1. Delete paragraph 17.1.1.4 in its entirety and substitute in its place the following:

17.1.1.4 "Pursuant to O.C.G.A. [25-2-13\(b\)\(1\)\(I\)](#) the term Group Day-Care Home applies to daycare facilities where at least seven (7) but not more than twelve (12) children receive care. Further, the term Day Care Center applies where more than twelve (12) children receive care. Where such facilities are required to be licensed or commissioned as set forth by O.C.G.A. [25-2-13\(b\)\(1\)\(I\)](#), the facilities are also required to comply with the Rules and Regulations of the Safety Fire Commissioner and to obtain a Certificate of Occupancy pursuant to O.C.G.A. [25-2-14\(c\)](#)."

2. Delete paragraph 17.1.1.5 in its entirety and substitute in its place the following:

17.1.1.5 "This section establishes life safety requirements for existing daycare occupancies, adult day-care facilities, and head start facilities in which more than 12 clients receive care, maintenance, and supervision by other than their relative(s) or legal guardian(s) for less than 24 hours per day. An existing day-care occupancy shall be allowed the option of meeting the requirements of Chapter 16 in lieu of Chapter 17. Any day-care occupancy that meets the requirements of Chapter 16 shall be judged to meet the requirements of Chapter 17."

3. Add a new subparagraph 17.1.3.1.1 to read as follows:

17.1.3.1.1 "The provisions of 6.1.14 shall not apply to one- and two-family dwellings."

4. Add a new subparagraph 17.1.4.1.1 to read as follows:

17.1.4.1.1 "Existing day-care centers that include part-day preschools, head-start programs, kindergartens, and other schools whose purpose involves education primarily for a group of children may continue to meet the requirements of this section or may be allowed the option of meeting the requirements of Chapter 15."

5. Delete subsection 17.1.6.1 and its corresponding table in its entirety and substitute in its place the following:

17.1.6.1 "**Location and Minimum Construction Requirements.** The location of day-care occupancies and clients of such shall be limited as shown in Table 17.1.6.1

17.1.6.1.2 Day-Care occupancies with exits directly to the outside from each room normally occupied by clients may be of any construction type without being protected throughout by an automatic sprinkler system.

17.1.6.1.3 "Centers located on the level of exit discharge in buildings of any construction type without a complete approved automatic sprinkler system, may be continued in use as a child day-care center housing children ages zero through four, or non-ambulatory children, as long as at least one exit door is provided directly to the outside of the building at ground level from every room or space normally occupied by children, except restrooms. For centers existing prior to April 12, 1985, where direct access to the outside of the building is not possible from interior rooms, and such interior rooms are normally subject to occupancy by children, the interior room may continue to be used provided there are two remote exits from the rooms that provide access to two separate and distinct exits to the outside."

Table 17.1.6.1 Day-Care Occupancy Location

Table 17.1.6.1 Day-Care Occupancy Location					
Type of Construction	Age Group	Number of Stories			
		(Stories are counted starting at the floor of exit)			
		1	2	3	4+

Table 17.1.6.1 Day-Care Occupancy Location					
I(443), I(332) and II (222)	0 through 4	YES	YES	YES	YES
	5 and older	YES	YES	YES	YES
II(111), III(211) and V(111)	0 through 4	YES	YES+	NO	NO
	5 and older	YES	YES	YES+	NO
IV(2HH)	0 through 4	YES	YES+	NO	NO
	5 and older	YES	YES+	NO	NO
II(000)	0 through 4	YES	YES+	NO	NO
	5 and older	YES	YES+	NO	NO
III(200) and V(000)	0 through 4	YES+	YES+	NO	NO
	5 and older	YES	YES+	NO	NO

The types of construction in the Table are from NFPA 220, *Standard on Types of Building Construction*. Refer to 8.2.1.2 and 8.2.1.2.1 of this *Code* and the conversion chart for cross-referencing to the construction types established by the *International Building Code*.

YES: Day-care occupancy location permitted in type of construction.

YES+: Day-care occupancy location permitted in type of construction if entire building is protected throughout by an approved automatic sprinkler system.

NO: Day-care occupancy is not permitted in this construction type."

6. Delete subsection 17.2.9 in its entirety and substitute in its place the following:

17.2.9 "**Emergency Lighting**. Emergency lighting shall be provided in accordance with Section 7.9 in the following areas:

1. In all interior stairs and corridors.
2. In all normally occupied spaces.

17.2.9.1 Emergency lighting is not required in the following areas:

- (1) Administrative areas other than receptionist areas.
- (2) Mechanical rooms, storage areas, and rooms not normally occupied by students."

7. Add a new subparagraph 17.3.2.1(1)(a)(1) to read as follows:

17.3.2.1(1)(a)(1) "Rooms enclosing air handling equipment compressor equipment, furnaces or other heating equipment with a total aggregate input rating less than 200,000 BTU input are not required to comply with 17.3.2.1(1) provided, such rooms shall not be used for any combustible storage. A minimum of 30 inches (0.76 m) unobstructed access shall be provided and maintained to equipment and electrical or emergency control panels or devices for emergency response purposes."

8. Delete paragraph 17.3.2.3 in its entirety and substitute in its place the following:

17.3.2.3 "Food preparation facilities protected in accordance with 9.2.3 are not required to have openings protected between food preparation areas and dining areas. Where domestic cooking equipment is used for food warming or limited cooking, a listed self-contained residential fire suppression system may be installed in a residential hood to cover the cooking surface, with the exhaust hood vented directly to the outside. Required use of automatic disconnects of the fuel source or power source is subject to the authority having jurisdiction. Upon receipt of a

sworn affidavit, no protection is required for existing domestic cooking equipment used for limited cooking or warming of foods.

17.3.2.3.1 Subject to the approval of the authority having jurisdiction, where domestic cooking equipment is used for food warming or limited cooking, the requirements for a residential fire suppression system may be waived if the room is protected by approved automatic sprinkler protection. The provisions of 9.7.1.2 may be permitted. The exhaust hood is still required to be vented to the outside."

9. Delete the term "Laundries" from subparagraph 17.3.2.1 (2)(a) and substitute in its place the following:

(a) "Laundry areas utilizing commercial equipment, or multiple residential appliances, or having a floor area exceeding 100 square feet (9.3 m)."

10. Add a new paragraph 17.3.5.3.1 to read as follows:

17.3.5.3.1 **"Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in all day- care occupancies in accordance with 9.9."

11. Delete subsection 17.4.1 in its entirety and substitute in its place the following:

17.4.1 **"Windowless or Underground Buildings.** Windowless or underground buildings or structures shall comply with the applicable provisions of Section 11.7. All such buildings and structures housing a day-care occupancy shall be protected throughout by an approved automatic sprinkler system.

17.4.1.1 "Buildings or structures existing prior to January 28,1993, and housing day-care occupancies with an occupant load not greater than 100 may remain in use without being protected throughout by an automatic sprinkler system."

12. Add a subparagraph 17.5.1.2.1 to read as follows:

17.5.1.2.1 "In existing day-care occupancies, in lieu of special protective covers, receptacles may be placed at a minimum of six feet above the finished floor."

13. Add a new paragraph 17.5.2.4 to read as follows:

17.5.2.4 "Portable electric and liquefied petroleum gas or liquid fuel fire space heating devices designed to be portable are prohibited in all portions of day-care facilities.

17.5.2.4.1 "In emergency conditions when approved by the authority having jurisdiction, equipment designed to be portable may be used for a specified time provided such equipment is properly protected and separated from combustibles as specified by the manufactures instructions and the authority having jurisdiction."

14. Delete subparagraph 17.6.1.4.1.2 in its entirety and substitute in its place the following:

17.6.1.4.1.2 "This section establishes life safety requirements for group day-care homes, adult daycare homes and head start facilities in which at least seven but not more than 12 clients receive care, maintenance, and supervision by other than their relative(s) or legal guardian(s) for less than 24 hours per day (generally within a dwelling unit). An existing day-care home shall be allowed the option of meeting the requirements of Section 16.6 in lieu of Section 17.2. Any day-care home that meets the requirements of Chapter 16 shall be judged to meet the requirements of Chapter 17."

15. Add an exception to subsection 17.6.1.4.1 to read as follows:

17.6.1.4.1 "Existing day-care homes that include part-day preschools, head-start programs, kindergartens, and other schools whose purpose involves education primarily for a group of children may continue to meet the requirements of this section or may be allowed the option of meeting the requirements of Chapter 15."

16. Delete paragraph 17.6.1.6 in its entirety and substitute in its place the following:

17.6.1.6 "Clients of a group day-care home in a multi-story building shall be restricted to the level of exit discharge, unless the provisions of 17.1.6.1 are met."

17. Add a new paragraph 17.6.3.6 to read as follows:

17.6.3.6 **"Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in all daycare home occupancies in accordance with 9.9."

18. Add a new subsection 17.6.3.7 to read as follows:

17.6.3.7 "In existing day-care homes in lieu of special protective covers, receptacles may be placed at a minimum of 6 feet (1.8 m) above the finished floor."

19. Delete subsections 17.7.1 and 17.7.2 in their entirety and substitute in their place the following:

17.7.1 **"Emergency Planning and Preparedness.** Day-care occupancies (Group E and I-4) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

(p) Modifications to Chapter 18:

1. Delete subsection 18.1.1.1.8 in its entirety and in its place substitute the following:

18.1.1.1.8 "Buildings, or sections of buildings, that house older persons and that provide activities that foster continued independence but that do not include services distinctive to health care occupancies (see 18.1.4.2), as defined in 3.3.196.7, shall be permitted to comply with the requirements of other chapters of this *Code*, such as Chapters 30, 32 or 34 based upon appropriate licensing if required."

2. Add a new subparagraph 18.1.1.4.3.4.1 to read as follows:

18.1.1.4.3.4.1 "Minor renovations, alterations, modernizations or repairs as used in 18.1.1.4.3.4 shall mean that construction is less than 40% of the floor area within a smoke compartment."

3. Add the following to the list of hazardous areas in Subparagraph 18.3.2.1.2 to read as follows:

(8) "Soiled utility rooms also used for combustible storage- 1 hour."

4. Add a new subparagraph 18.3.2.5.2.1 to read as follows:

18.3.2.5.2.1 "Where a residential stove (a maximum of four surface burners or cooking elements), is used for food warming, limited cooking, or rehabilitation training, a residential style hood system ducted to the outside shall be installed to cover each cooking surface. Other protection or segregation shall not be required unless subsequent inspections reveal conditions have changed and a higher level of risk to life is deemed to exist by the authority having jurisdiction."

5. Delete subsections 18.7.1 and 18.7.2 in their entirety and substitute in their place the following:

18.7.1 **"Emergency Planning and Preparedness.** Health care occupancies (Group I-2) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented

in accordance with applicable provisions of Chapter 4 of the *International Fire Code (IFC)*, and NFPA 99, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

6. Delete subsection 18.7.4 in its entirety and in its place substitute the following:

18.7.4 **"* Smoking.** Smoking regulations shall be adopted and shall include, at the least, the applicable provisions of Section 310 of the *International Fire Code (IFC)*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

(q) Modifications to Chapter 19:

1. Delete subsection 19.1.1.1.8 in its entirety and in its place substitute the following:

19.1.1.1.8 "Buildings, or sections of buildings, that house older persons and that provide activities that foster continued independence but do not include services distinctive to health care occupancies (see 19.1.4.2), as defined in 3.3.196.7, shall be permitted to comply with the requirements of other chapters of this *Code*, such as Chapters 31, 33 or 35 based upon appropriate licensing if required."

2. Add the following to the list of hazardous areas in subparagraph 19.3.2.1.5 to read as follows:

(9) "Soiled utility rooms used for combustible storage."

3. Add subparagraphs 19.3.2.5.2.1 to read as follows:

19.3.2.5.2.1 "Where residential stove cooking is used for food warming, limited cooking, or rehabilitation training, a residential style hood system ducted to the outside and equipped with a listed self-contained residential fire suppression system shall be installed to cover each cooking surface. Required use of automatic disconnects of fuel source or power source is subject to the approval of the authority having jurisdiction.

19.3.2.5.2.1.1 Other installations acceptable to the authority having jurisdiction shall be acceptable."

4. Add a new subparagraph 19.3.4.3.1.1 to read as follows:

19.3.4.3.1.1 "A Zoned, coded systems shall be permitted."

5. Delete subsections 19.7.1 and 19.7.2 in their entirety and substitute in their place the following:

19.7.1 **"Emergency Planning and Preparedness.** Health care occupancies (Group I-2) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code (IFC)* and NFPA 99, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

6. Delete subsection 19.7.4 in its entirety and in its place substitute the following:

19.7.4 **"* Smoking.** Smoking regulations shall be adopted and shall include, at the least, the applicable provisions of Section 310 of the *International Fire Code (IFC)*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

(r) Modification to Chapter 20:

1. Delete subsections 20.7.1 and 20.7.2 in their entirety and substitute in their place the following:

20.7.1 **"Emergency Planning and Preparedness.** Ambulatory health care facilities shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented

in accordance with applicable provisions for health care occupancies (Group I-2) of Chapter 4 of the *International Fire Code (IFC)* and NFPA 99, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

(s) Modification to Chapter 21:

1. Delete subsections 21.7.1 and 21.7.2 in their entirety and substitute in their place the following:

21.7.1 **"Emergency Planning and Preparedness.** Ambulatory health care facilities shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions for health care occupancies (Group I-2) of Chapter 4 of the *International Fire Code (IFC)* and NFPA 99, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

(t) Modifications to Chapter 22:

1. Delete paragraph 22.2.11.1.2 in its entirety and substitute in its place the following:

22.2.11.1.2 "Doors shall be permitted to be locked with approved detention locking mechanisms only in accordance with the applicable use condition. Padlocks are not permitted on housing unit doors or any other door located in the interior means of egress.

22.2.11.1.2.1 Padlocks are permitted on gates and doors located on exterior fencing, and in exterior walls, which are not part of the building, from areas of refuge located outside the building."

2. Delete the words 'fuel fired' from Table 22.3.2.1.

3. Add a note to Table 22.3.2.1 to read as follows:

"[Note: Areas incidental to resident housing will mean any areas that exceed 10% of the resident housing area. This includes sleeping areas, dayrooms, group activity space, or other common spaces for customary access of residents.]"

4. Delete paragraph 22.3.7.5 in its entirety and substitute in its place the following:

22.3.7.5 "Any required smoke barrier shall be constructed in accordance with Section 8.5 Smoke Barriers. Such barriers shall be of substantial construction and shall have structural fire resistance. Smoke barriers may have windows with wire glass in steel frames or tested window assemblies."

5. Delete subsection 22.7.1 in its entirety and substitute in its place the following:

22.7.1 **"Emergency Planning and Preparedness.** Detention and correctional facilities (Group I-3 occupancies) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

6. Delete subsection 22.7.2 in its entirety and substitute in its place the following:

22.7.2 "Policies and procedures shall be established by facility administrators to control and limit the amount of personal property in sleeping rooms and require periodic checks for the collection and storage of such items on a monthly basis. Records of periodic checks shall be kept and made available to the authority having jurisdiction upon request.

22.7.2.1 Facilities which provide closable metal lockers or fire-resistant containers for the storage of books, clothing, and other combustible personal property allowed in sleeping rooms."

(u) Modifications to Chapter 23:

1. Delete paragraph 23.2.11.1.2 in its entirety and substitute in its place the following:

23.2.11.1.2 "Doors shall be permitted to be locked with approved detention locking mechanisms only in accordance with the applicable use condition. Padlocks are not permitted on housing unit doors or any other door located in the means of egress.

23.2.11.1.2.1 Padlocks are permitted on gates and doors located on exterior fencing and walls from areas of refuge located outside the building."

2. Delete the words 'fuel fired' from Table 23.3.2.1.

3. Add a note to Table 23.3.2.1 to read as follows:

"[Note: Areas incidental to resident housing will mean any areas that exceed 10% of the resident housing area. This includes sleeping areas, dayrooms, group activity space, or other common spaces for customary access of residents.]"

4. Delete paragraph 23.3.7.5 in its entirety and substitute in its place the following:

23.3.7.5 "Required smoke barriers shall be constructed in accordance with Section 8.5 Smoke Barriers. Such barriers shall be of substantial construction and shall have structural fire resistance. Smoke barriers may have windows with wire glass in steel frames or tested window assemblies."

5. Delete subsection 23.7.1 in its entirety and substitute in its place the following:

23.7.1 **"Emergency Planning and Preparedness.** Detention and correctional facilities (Group I-3 occupancies) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

6. Delete subsection 23.7.2 in its entirety and substitute in its place the following:

23.7.2 "Policies and procedures shall be established by facility administrators to control and limit the amount of personal property in sleeping rooms and require periodic checks for the collection and storage of such items on a monthly basis. Records of periodic checks shall be kept and made available to the authority having jurisdiction upon request.

23.7.2.1 Facilities which provide closable metal lockers or fire-resistant containers for the storage of books, clothing, and other combustible personal property allowed in sleeping rooms."

(v) Modification to Chapter 24:

1. Delete the Title of Chapter 24 and retitle it to read as follows:

"Chapter 24 One- and Two-Family Dwellings/Community Living Arrangements"

2. Add a new subparagraph 24.1.1.1.1 to read as follows:

24.1.1.1.1 "In addition, this chapter establishes life safety requirements for facilities licensed by the State of Georgia as a 'Community Living Arrangement' for one to four individuals not related to the owner or administrator by blood or marriage whether the facility is operated for profit or not. Community Living Arrangements for five or more residents shall comply with the applicable requirements of Chapter 32."

3. Add a new paragraph 24.1.1.6 to read as follows:

24.1.1.6 "The use of a one- and two-family dwelling for the purposes of a Community Living Arrangement as licensed by the State, for one to four residents, shall constitute a change of occupancy subclassification. The new sub-classification shall meet the requirements established in this Chapter for the One- and Two-Family Dwelling and the additional requirements specified under Section 24.4.

4. Delete 24.2.2.1.2(2) in its entirety and substitute in its place the following:

(2) "The dwelling unit is protected throughout by an approved automatic sprinkler system in accordance with 24.3.5. This sprinkler provision shall not apply to a community living arrangement."

5. Add a new subparagraph to 24.2.4.1.1 to read as follows:

24.2.4.1.1 "Doors in the path of travel of a means of escape in Community Living Arrangement facilities shall be not less than 32 in. (81 cm) wide."

6. Add a new subparagraph 24.3.4.1.3.1 to read as follows:

24.3.4.1.3.1 "The provisions of 9.6.2.10.8.1 and 9.6.2.10.8.2 shall apply."

7. Delete Section 24.4 in its entirety and substitute in its place the following:

24.4 "Community Living Arrangements.

24.4.1 **General.** The following shall be provided in addition to the requirements of this Chapter for facilities subject to being licensed as a Community Living Arrangement. Where there are conflicts in requirements specified elsewhere in this Chapter, the requirements specified under Section 24.4 shall prevail.

24.4.2 **Address identification.** New and Existing Community Living Arrangement structures shall have approved address numbers, building numbers or approved building identification placed in accordance with the provisions of the *International Fire Code*.

24.4.3 Means of Egress.

24.4.3.1 A Community Living Arrangement serving a resident dependent upon a wheelchair or other mechanical device for mobility shall provide at least two (2) exits from the Community Living Arrangement, remote from each other, and that are accessible to the residents.

24.4.3.2 Bedrooms for residents shall be separated from halls, corridors and other rooms by floor to ceiling walls, capable of resisting fire for not less than ½-hour, which is considered to be achieved if the partitioning is finished on both sides with lath and plaster or materials providing a 15-minute thermal barrier. Sleeping room doors shall be substantial doors, such as those of 1¾ in. (4.4-cm) thick, solid-bonded wood core construction or other construction of equal or greater stability and fire integrity. Any vision panels shall be fixed fire window assemblies in accordance with 8.3.3 or shall be wired glass not exceeding 1296 sq. in (0.84 m2) each in area and installed in approved frames.

24.4.3.3 A room shall not be used as a bedroom where more than one-half the room height is below ground level.

24.4.3.4 Bedrooms which are partially below ground level shall have adequate natural light and ventilation and be provided with two useful means of egress.

24.4.3.5 Bedrooms occupied by residents shall have doors that can be closed. Doors shall be not less than 32 in. (81 cm) wide.

24.4.3.6 Any door in the path of travel of a means of means of egress or escape shall be not less than 32 in. (81 cm) wide.

24.4.3.7 Residents who need assistance with ambulation shall be provided bedrooms that have access to a ground-level exit to the outside or be provided bedrooms above ground level that have access to exits with easily negotiable ramps or easily accessible lifts.

24.4.3.8 Locks.

24.4.3.8.1 Bedrooms may have locks on doors provided both the occupant and staff are provided with keys to ensure easy entry. Double-cylinder locks (locks requiring a key on both sides) are prohibited to be used on the bedroom door of a resident.

24.4.3.8.2 Exterior doors shall be equipped with locks that do not require keys to open the door from the inside.

24.4.4 Detection and Alarm Systems

24.4.4.1 A fire alarm system meeting the minimum requirements for Single- and Multiple Station Alarms and Household Fire Alarm Systems per NFPA 72 shall be installed.

24.4.4.2 Smoke Detection.

24.4.4.2.1 Smoke alarms shall be installed in accordance with the provisions of 9.6.2.10 of this *Code*. Any additional detection/alarm devices shall be as established by O.C.G.A. § [25-2-40](#).

24.4.4.2.2 Smoke alarms shall be installed on all levels, including basements but excluding crawl spaces and unfinished attics.

24.4.4.2.3 Additional smoke alarms shall be installed for all living areas as defined in 3.3.22.5 of this *Code*.

24.4.4.2.4 Strobe alarms shall be used when required by the needs of the resident, e.g., for hearing impaired persons.

24.4.4.3 Carbon Monoxide Detectors.

24.4.4.3.1 Carbon monoxide detectors shall be provided in the residence where natural gas, LP gas or heating oil is used to heat the residence.

24.4.4.3.2 Carbon monoxide detectors shall be provided in the residence if a solid fuel-burning fireplace or fixed heating device is installed the residence.

24.4.5 Protection.

24.4.5.1 **Portable Fire Extinguishers.** Portable fire extinguishers in accordance with Section 9.9 shall be provided near hazardous areas.

24.4.5.1.1 At least one 5 lb. 2A rated multipurpose ABC portable fire extinguisher shall be provided on each occupied floor, and, where applicable, in the basement. The extinguishers shall be installed so as to be readily accessible in accordance with NFPA 10.

24.4.5.1.2 Required portable fire extinguishers shall be inspected and maintained annually by a State licensed fire extinguisher technician in accordance with NFPA 10.

24.4.5.1.3 Monthly quick check inspections shall be conducted by the staff of the Community Living Arrangement to ensure they are charged and in operable condition.

24.4.6 Heating, Ventilation and Air Conditioning.

24.4.6.1 Portable space heaters shall not be used. The use of heating devices and equipment shall be regulated by the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner.

24.4.6.2 Fire screens and protective devices shall be used with fireplaces, stoves, and fixed heaters.

24.4.6.3 A water temperature monitor or a scald valve shall be installed where necessary to ensure the safety of the residents. Heated water provided for use of residents shall not exceed 120 degrees Fahrenheit at the hot water fixture, unless a cooler temperature is required by the needs of the individual.

24.4.7 **Operating Features.**

24.4.7.1 **Staffing.** The Community Living Arrangement shall have as many qualified and trained employees on duty as shall be needed to safeguard properly the health, safety, and welfare of residents and ensure the provision of services the residents require to be delivered in the Community Living Arrangement.

24.4.7.1.1 Before working independently with residents, each staff member shall be trained and show continuing evidence of competence in fire safety and emergency evacuation procedures. A resident shall not be considered a staff person in the residence in which they live. Also, training of management and staff shall comply with Chapter 4 of the adopted *International Fire Code*.

24.4.7.2 **Evacuation Capabilities.** Community Living Arrangement shall maintain a staffing ratio sufficient to ensure that all residents can meet a prompt evacuation capability as defined in 12-33-.03 of Chapter 120-3-3 Rules and Regulations of the Safety Fire Commissioner. Residents who cannot meet the prompt evacuation capability provision shall be provided with a minimum of one dedicated employee whose primary responsibility is to provide evacuation of the resident in the event of a fire or other emergency. The dedicated employee/employees shall be in close attendance at all times.

24.4.7.3 **Drills.** Fire drills shall be conducted at least quarterly on each shift at alternating times. At least two drills per calendar year shall be during sleeping hours. All fire drills shall be documented and include the names of staff involved. Also, refer to Chapter 4 of the *International Fire Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner.

24.4.7.4 **Procedures.** There shall be established procedures and mechanisms for alerting and caring for residents in case of emergencies and for evacuating them to safety. An evacuation plan with clear instructions shall be available within each residence. Also, refer to Chapter 4 of the *International Fire Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

(w) **Modification to Chapter 26:**

1. Add a new subparagraph 26.3.4.5.3.1 to read as follows:

26.3.4.5.3.1 "The provisions of 9.6.2.10.8.1 and 9.6.2.10.8.2 shall also apply."

2. Add a new paragraph 26.3.6.4 to read as follows:

26.3.6.4 **"Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in all lodging or rooming house occupancies in accordance with 9.9 of this *Code*."

(x) **Modification to Chapter 28:**

1. Add a new subparagraph 28.2.5.5.1 to read as follows:

28.2.5.5.1 "The provisions of 28.2.5.5 apply to exterior exit access routes and interior corridors."

2. Add a new subparagraph 28.2.5.6.1 to read as follows:

28.2.5.6.1 "The provisions of 28.2.5.6 apply to exterior exit access routes and interior corridors."

3. Add a new subparagraph 28.3.2.2.1.1 to read as follows:

28.3.2.2.1.1 "The provisions of 28.3.2.2 shall not apply to rooms enclosing air handling equipment, compressor equipment, furnaces or other heating equipment with a total aggregate input rating less than 200,000 BTU input. Such rooms shall not be used for any combustible storage. A minimum of 30 inches (0.76 m) unobstructed access shall be provided and maintained to equipment and electrical or emergency control panels or devices for emergency response purposes."

4. Delete paragraph 28.3.4.5 in its entirety and substitute in its place the following:

28.3.4.5 "A corridor smoke detection system in accordance with O.C.G.A. Sections [25-2-13\(d\)](#) & 25-2-40 shall be provided in all interior corridors, halls and passageways.

28.3.4.5.1 The provisions of 28.3.4.5 are not required in hotels and motels protected throughout by an approved supervised automatic sprinkler system installed in accordance with 28.3.5. Dormitory facilities shall still be required to provide a corridor smoke detection system in accordance with O.C.G.A. Sections [25-2-13\(d\)](#) and [25-2-40](#)."

5. Add a new subparagraph 28.3.4.6.1 to read as follows:

28.3.4.6.1 "A smoke alarm shall be mounted on the ceiling or wall at a point centrally located in the corridor, hall or area giving access to each group of rooms used for sleeping purposes. Such smoke alarm shall be listed and meet the installation requirements of NFPA 72, *National Fire Alarm and Signaling Code*, and be powered from the building's electrical system. In addition, 1½-hour emergency power supply source is required for the back-up power of the smoke alarms."

6. Add a new subparagraph 28.3.4.6.2 to read as follows:

28.3.4.6.2 "Each living area within a guestroom or suite which is separated by doors or folding partitions shall be provided with an approved single station smoke alarm in accordance with 9.6.2.10 of this *Code*. The smoke alarm shall be powered from the building's electrical system."

7. Delete subsections 28.7.1, 28.7.2, 28.7.3, and 28.7.5 in their entirety and substitute in their place the following:

28.7.1 **"Emergency Planning and Preparedness.** Hotels and dormitories (Group R-2 occupancies) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

(y) Modification to Chapter 29:

1. Delete paragraph 29.2.5.3 in its entirety and substitute in its place the following:

29.2.5.3 "Exterior exit access or internal corridors shall be arranged so there are no dead ends in excess of 50 feet (15 m)."

2. Add a new subparagraph 29.3.4.5.3 to read as follows:

29.3.4.5.3 "The provisions of 9.6.2.10.8.1 and 9.6.2.10.8.2 shall also apply."

3. Add a new subparagraph 29.3.4.5.4 to read as follows:

29.3.4.5.4 "A corridor smoke detection system in accordance with O.C.G.A Sections [25-2-13\(d\)](#) and [25-2-40](#) shall be provided in all interior corridors, halls and passageways.

29.3.4.5.4.1 The provisions of 29.3.4.5.1 do not apply in hotels and motels protected throughout by an approved supervised automatic sprinkler system installed in accordance with 28.3.5.

29.3.4.5.4.2 Dormitory facilities shall be required to provide a corridor smoke detection system in accordance with O.C.G.A. Sections [25-2-13\(d\)](#) and [25-2-40](#)."

4. Delete subsections 29.7.1, 29.7.2, 29.7.3, and 29.7.5 in their entirety and substitute in their place the following:

29.7.1 **"Emergency Planning and Preparedness.** Hotels and dormitories (Group R-2 occupancies) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

(z) **Modification to Chapter 30:**

1. Delete item (2) of subsection 30.2.4.4 in its entirety and substitute in its place the following:

(2) "The dwelling unit has direct access to an outside stair complying with 7.2.2 that serves a maximum of two units where both of which are located on the same floor. This does not preclude two stairs serving a floor level with a maximum of four units with an open breezeway connecting and allowing access to either exit stair."

2. Add a new subparagraph 30.3.2.1.2 to read as follows:

30.3.2.1.3 "The provisions of 30.2.1 shall not apply to rooms enclosing air handling equipment, compressor equipment, furnaces or other heating equipment with a total aggregate input rating less than 200,000 BTU input. Such rooms shall not be used for any combustible storage, and a minimum of 30 inches (0.76 m) unobstructed access shall be provided and maintained to equipment and electrical or emergency control panels or devices for emergency response purposes."

3. Delete the words 'fuel fired' from Table 30.3.2.1.1

4. Delete subparagraph 30.3.4.5 in its entirety and substitute in its place the following:

30.3.4.5 "Approved single station or multiple station detectors continuously powered from the building's electrical system shall be installed in accordance with 9.6.2.10 in every living unit within the apartment building regardless of the number of stories or number of apartments. In addition, a 1½-hour emergency power supply source is required for the back-up power of the detector. When activated, the detector shall initiate an alarm that is audible in the sleeping rooms of that unit. This individual unit detector shall be in addition to any sprinkler system or other detection system that may be installed in the building."

5. Delete paragraph 30.3.6.2.3 in its entirety and substitute in its place the following:

30.3.6.2.3 "Doors that open onto exit access corridors shall be self-closing and self-latching, with a listed pneumatic closure or three heavy-duty spring-loaded hinges."

6. Delete subsection 30.7.1 in its entirety and substitute in its place the following:

30.7.1 **"Emergency Planning and Preparedness.** Residential facilities (Group R-2 occupancies) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, resident training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

(aa) **Modifications to Chapter 31:**

1. Delete item (2) of subsection 31.2.4.4 in its entirety and substitute in its place the following:

(2) "The dwelling unit has direct access to an outside stair complying with 7.2.2 that serves a maximum of two units where both units are located on the same floor. This does not preclude two stairs serving a floor level with a maximum of four units with an open breezeway connecting and allowing access to either exit stair."

2. Add a new subparagraph 31.3.4.5.2.1 to read as follows:

31.3.4.5.2.1 "The provisions of 9.6.2.10.8.1 and 9.6.2.10.8.2 shall also apply."

3. Add a new subparagraph 31.3.4.5.4.1 to read as follows:

31.3.4.5.4.1 "The provisions of 9.6.2.10.8.1 and 9.6.2.10.8.2 shall also apply."

4. Delete subsection 31.7.1 in its entirety and substitute in its place the following:

31.7.1 **"Emergency Planning and Preparedness.** Residential facilities (Group R-2 occupancies) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, resident training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

(bb) **Modifications to Chapter 32:**

Delete paragraph 32.1.1.1 in its entirety and substitute in its place the following:

32.1.1.1 **"General.** The requirements of this chapter shall apply to new buildings or portions thereof used as residential board and care occupancies (See 3.3.196.12* and 3.3.214* and their Annex A notes). This designation shall include, but may not be limited to, a personal care home or community living arrangement, as defined in [120-3-3-.03](#) of the Rules and Regulations of the Safety Fire Commissioner.

32.1.1.1.1 **Additions, Conversions, Modernizations, Renovations, and Construction Operations.** Additions shall be separated from any existing structure not conforming to the provisions of Chapter 32 by a fire barrier having not less than a 2-hour fire resistance rating and constructed of materials as required for the addition. (See 4.6.5 and 4.6.7) Doors in fire barriers shall normally be kept closed, however, doors shall be permitted to be held open if they meet the requirements of 7.2.1.8.2, and such doors shall be released upon activation of the building fire alarm system.

32.1.1.1.1.2. **Conversion.** For purposes of this chapter, exceptions for conversions shall apply only for a change of occupancy from an existing residential or health care occupancy.

32.1.1.1.1.3 **Change of Occupancy.** A change from a licensed personal care home to an assisted living community or memory care unit shall be considered a change of occupancy or subclassification and would be required to meet the provisions of Chapter 35 for existing construction. Such changes in occupancy classification or subclassification are considered as proposed (new) buildings and shall be subject to the applicable administrative provisions of Section 103 of the *International Fire Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner.

32.1.1.1.4. **Renovations, Alterations, and Modernizations.** (See 4.6.7)

32.1.1.1.5. **Construction, Repair, and Improvement Operations.** (See 4.6.10)"

2. Delete paragraph 32.1.1.4 in its entirety and substitute in its place the following:

32.1.1.4 "Personal Care Homes and Community Living Arrangements with Five or More Residents. A personal care home or community living arrangement with five or more residents, as defined in 1203.3-.03 of the Rules and Regulations of the Safety Fire Commissioner, shall comply with the general provisions of 32.1 of this Chapter 32, and with the applicable provisions for residential board and care occupancies as defined in 3.3.196.12 of this *Code*. The provisions of Chapter 32 for large facilities are deemed to provide for the use of "defend in place" fire response strategies should self-preservation measures not be deemed successful.

32.1.1.4.1 **Goals and Objectives.** The goals and objectives of Sections 4.1 and 4.2 of this *Code* shall be met with due consideration for functional requirements, which are accomplished by limiting the development and spread of a fire to the room of origin and reducing the need for total occupant evacuation except for the room of fire origin.

32.1.1.4.2 **Total Concept.** All new personal care homes, and community living arrangements with five or more residents shall be constructed, maintained, and operated to minimize the possibility of a fire emergency requiring the evacuation of occupants.

32.1.1.4.2.1 Because the safety of personal care home residents or residents of a community living arrangement cannot be adequately ensured by dependence on evacuation of the building, their protection from fire shall be provided by appropriate arrangement of facilities; adequate trained staff (refer to 406.2.1 of the *International Fire Code* as adopted by 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner); and development of operating and maintenance procedures composed of the following:

- (1) Design, construction, and compartmentation
- (2) Provision for detection, alarm, and extinguishment
- (3) Fire protection and planning, training, and drilling programs for the isolation of fire, transfer of occupants to areas of refuge, or evacuation of the building."

3. Delete paragraph 32.1.1.5 in its entirety and substitute in its place the following:

32.1.1.5 "All new facilities classified as residential board and care occupancies shall conform to the requirements of this chapter. This chapter is divided into six sections as follows:

- (1) Section 32.1 - General Requirements.
- (2) Section 32.2 - Small Facilities (Sleeping accommodations for not more than six residents. (Includes Personal Care Homes and Community Living Arrangements for five or six residents)
- (3) Section 32.3 - Large Facilities (Sleeping accommodations for seven or more residents. This includes Personal Care Homes, as defined in section 120-3-3-.03 of Chapter 120-33, Rules and Regulations of the Safety Fire Commissioner. It also includes Community Living Arrangements with seven or more residents.)
- (4) Section 32.4 - Additional minimum requirements for an Apartment Building Housing a Board and Care Occupancy.
- (5) Section 32.5 - Community Living Arrangement Facilities (small and large) (As defined in [120-3-3-.03](#) of Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner)
- (6) Section 32.7 Operating Features."

4. Delete subsection 32.1.2 in its entirety and substitute in its place the following:

32.1.2 "**Classification of Occupancy.** See 6.1.9 and provisions of this Chapter 32, and the applicable definitions in [120-3-3-.03](#) of Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner."

5. Delete subparagraph 32.2.1.1.1 in its entirety and substitute in its place the following:

32.2.1.1.1 "**Scope.** This section applies to a community living arrangement with 5 to 6 residents and to residential board and care occupancies, including a personal care home, providing sleeping accommodations for not more than 6 residents. Where there are sleeping accommodations for more than 6 residents of a residential board and care occupancy, including a personal care home or community living arrangement, the occupancy shall be classed as a large facility. The requirements for large facilities are found in Section 32.3. The provisions of 32.5 also apply to community living arrangements. (Also see 3.3.196.12.)"

6. Add a new paragraph 32.2.1.5 to read as follows:

32.2.1.5 "**Classification of Hazards of Contents.** Contents of Residential Board and Care occupancies shall be classified in accordance with the provisions of Section 6.2."

7. Add a new subparagraph 32.2.3.2.6 to read as follows:

32.2.3.2.6 "Residential cooking appliances such as stoves (a maximum of four surface burners or cooking elements) and griddles shall be protected by a listed self-contained residential fire suppression systems located in residential hoods over each cooking surface, with the exhaust hood vented directly to the outside. Automatic disconnects of the fuel source or power source shall be provided. Commercial cooking appliances including fryers shall be protected in accordance with 9.2.3, and shall not be required to have openings protected between food preparation areas and dining areas.

32.2.3.2.6.1 Subject to the approval of the authority having jurisdiction, the protection of residential cooking equipment shall not be required in buildings protected by an automatic sprinkler system as provided in 32.2.3.5. The protection authorized by 32.2.3.5.5 is acceptable for purposes of this section, provided, however, exhaust hood shall still be required to be vented to the outside.

32.2.3.2.6.2 Subject to the approval of the authority having jurisdiction, no protection is required over residential cooking appliances such as grills and stoves in facilities which have a prompt evacuation capability and having a licensed capacity as determined by the Department of Human Resources of six or less residents."

8. Add new subparagraph 32.2.3.4.5.5 to read as follows:

32.2.3.4.5.5 "Strobe alarms shall be used when required by the needs of the resident, e.g., for hearing impaired persons."

9. Delete subparagraph 32.2.3.5.2 in its entirety and substitute in its place the following:

32.2.3.5.2 "* In conversions, sprinklers shall not be required in small board and care homes, including personal care homes and community living arrangements serving six or fewer residents when all occupants have the ability as a group to move reliably to a point of safety within three minutes.

32.2.3.5.2.1 Where the provisions of 32.2.3.5.2 are not met and maintained, the sprinkler protection requirement may be met through the installation of a sprinkler system complying with 32.2.3.5."

10. Add a new subsection 32.2.3.5.9 to read as follows:

32.2.3.5.9 "**Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in all residential board and care occupancies and on each floor of a personal care home or community living arrangement facility in accordance with 9.9."

11. Delete (1) of subparagraph 32.2.3.6.1 and substitute in its place the following:

(1) "The separation walls of sleeping rooms shall be capable of resisting fire for not less than 30 minutes, which is considered to be achieved if the partitioning is finished on both sides with materials such as, but not limited to, ½

inch thick gypsum board, wood lath and plaster, or metal lath and plaster. It shall be acceptable for corridor walls to terminate at a ceiling which is constructed similar to a corridor wall capable of resisting fire for not less than 30 minutes."

12. Add new subparagraph 32.2.5.2.4 to read as follows:

32.2.5.2.4 "Portable electric and liquefied petroleum gas or liquid fuel fired space heating devices designed to be portable are prohibited in all portions of small residential board and care occupancies, including personal care homes and community living arrangements.

32.2.5.2.4.1 In emergency conditions when approved by the authority having jurisdiction, equipment designed to be portable may be used for a specified time provided such equipment is properly protected and separated from combustibles as specified by the manufacturer's instructions and the authority having jurisdiction."

13. Delete subparagraph 32.3.1.1 in its entirety and substitute in its place the following:

32.3.1.1.1 "This section applies to residential board and care occupancies, including licensed personal care homes and community living arrangements with more than 6 residents, as defined in [120-3-3-.03](#) of Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner. Where there are sleeping accommodations for six or less residents, or a community living arrangement for 5 to 6 residents, the occupancy shall be classed as a small facility. The requirements for small facilities are found in Section 32.2.

14. Add a new Section 32.3.1.2 to read as follows:

32.3.1.2 "**Assisted Living Communities and Memory Care Units.**

32.3.1.2.1 This chapter shall not apply to any building, or portion thereof, newly constructed, or substantially renovated, as defined in O.C.G.A. [25-2-14\(d\)](#), so as to be designated and licensed by the Georgia Department of Community Health as an assisted living community or memory care unit, as defined in Section 120-3-3-.03 of Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner. Refer to Chapter 34 or 35 for the applicable requirements for such facilities."

15. Delete 32.3.1.2 and insert a new 32.3.1.2 to read as follows:

32.3.1.2 **Requirements Based on Evacuation Capability.** Definitions for the classifications of evacuation capability are defined in 1203-3-.03 of Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner. For purposes of Section 32.3, large facilities are assumed to have an impractical evacuation capability.

16. Add a new item 8 to subparagraph 32.3.2.2.2 to read as follows:

(9) ": Doors to resident rooms may be subject to being locked by the occupant, if they can be unlocked from the opposite side and keys are carried by staff at all times. Additional keys must be available/accessible to the staff."

17. Add a new subparagraph 32.3.2.6.1 to read as follows:

32.3.2.6.1 "Travel distance shall not exceed 35 feet (10.7 m) in any story below the level of exit discharge occupied for public purposes."

18. Add a new subparagraph 32.3.2.6.2 to read as follows:

32.3.2.6.2 "Travel distance shall not exceed 75 feet (22.9 m) in any story below the level of exit discharge not occupied for public purposes."

19. Add a new subparagraph 32.3.2.6.3 to read as follows:

32.3.2.6.3 "Any story below the level of exit discharge occupied for public purposes shall have at least two separate exits provided from each story with a maximum dead-end corridor of 20 feet (6.1 m). Any floor below the level of exit discharge not open to the public and used only for mechanical equipment, storage, and service operations (other than kitchens which are considered part of the residential board and care occupancies) shall have exits appropriate to its actual occupancy in accordance with other applicable sections of this *Code*."

20. Delete paragraph 32.3.2.9 in its entirety and substitute in its place the following:

32.3.2.9 "Emergency lighting in accordance with Section 7.9 of the *Code* shall be provided in means of egress and common areas in all residential board and care occupancies.

32.3.2.9.1 "Where each resident room has a direct exit to the outside of the building at ground level, no emergency lighting shall be required."

21. Add a new subparagraph 32.3.2.11.1 to read as follows:

32.3.2.11.1 "Every stairwell door shall allow reentry from the stairwell to the interior of the building or an automatic release shall be provided to unlock all stairwell doors to allow re-entry. Such automatic release shall be actuated with the initiation of the building fire alarm system or upon loss of power."

22. Add a new subparagraph 32.3.3.1.4 to read as follows:

32.3.3.1.4 "Stairway enclosures shall not be required where a one-story stair connects two levels within a single dwelling unit, resident room or suite."

23. Add a new subparagraph 32.3.3.2.4 to read as follows:

32.3.3.2.4 "The provisions of Table 32.3.3.2.2 shall not apply to rooms enclosing air handling equipment, compressor equipment, furnaces or other heating equipment with a total aggregate input rating less than 200,000 BTU input. Such rooms shall not be used for any combustible storage. A minimum of 30 inches (0.76 m) unobstructed access shall be provided and maintained to equipment and electrical or emergency control panels or devices for emergency response purposes."

24. Delete subparagraph 32.3.3.4.7 in its entirety and substitute in its place the following:

32.3.3.4.7 "**Smoke Alarms.** Each sleeping room shall be provided with an approved single station smoke alarm in accordance with 9.6.2.10. Approved smoke alarms shall be powered by the building's electrical system and be provided with a 1½-hour emergency power source."

32.3.3.4.7.1 Strobe alarms shall be used when required by the needs of the resident, e.g., for hearing impaired residents in personal care homes or Community Living Arrangements."

25. Delete subparagraph 32.3.3.4.8 in its entirety and substitute in its place the following:

32.3.3.4.8 "**Smoke Detection Systems.** All corridors and common spaces shall be provided with smoke detectors in accordance with NFPA 72, *National Fire Alarm and Signaling Code*, arranged to initiate the fire alarm such that it is audible in all sleeping areas. Detectors shall be located in corridors or hallway so there is a detector within 15 feet (4.6 m) of the wall and at least every 30 feet (9.1 m) thereafter. Where a building has more than one floor level, a detector shall be located at the top of each stair and inside each enclosure. (Refer to 3.3.264)

32.3.3.4.8.1 Detectors may be excluded from crawl spaces beneath the building and unused and unfinished attics.

32.3.3.4.8.2 Unenclosed corridors, passageways, balconies, colonnades, or other arrangements where one or more sides along the long dimension are fully or extensively open to the exterior at all times."

26. Delete subparagraph 32.3.3.5.7 in its entirety and substitute in its place the following:

32.3.3.5.7 **"Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in all residential board and care occupancies and on each floor of a personal care home or community living arrangement facility in accordance with 9.9."

27. Delete subparagraph 32.3.3.6.6 in its entirety and substitute in its place the following:

32.3.3.6.6 "There shall be no louvers, transfer grilles, operable transoms, or other air passages penetrating such walls or doors other than properly installed heating and utility installations. Unprotected openings shall be prohibited in partitions of interior corridors serving as exit access from resident rooms. Transfer grilles, whether protected by fusible link operated dampers or not, shall not be used in corridor walls or doors between resident rooms and interior corridors.

32.3.3.6.6.1 Existing transoms installed in corridor partitions of resident rooms shall be fixed in the closed position and shall be covered or otherwise protected to provide a fire-resistance rating at least equivalent to that of the wall in which they are installed."

28. Add a new subparagraph 32.3.5.2.4 to read as follows:

32.3.5.2.4 "Portable electric and liquefied petroleum gas or liquid fuel fired space heating devices designed to be portable are prohibited in all portions of large residential board and care occupancies.

32.3.5.2.4.1 "In emergency conditions when approved by the authority having jurisdiction, equipment designed to be portable may be used for a specified time provided such equipment is properly protected and separated from combustibles as specified by the manufactures instructions and the authority having jurisdiction."

29. Delete section 32.5 in its entirety and substitute in its place the following:

32.5 "Community Living Arrangement Facilities.

32.5.1 **General.** The following shall be provided in addition to the requirements of this Chapter for facilities subject to being licensed as a Community Living Arrangement. Where there are conflicts in requirements specified elsewhere in this Chapter, the requirements specified under Section 32.5 shall prevail.

32.5.2 Address identification. Community Living Arrangement structures shall have approved address numbers, building numbers or approved building identification placed in accordance with the provisions of the *International Fire Code*.

32.5.3 Means of Egress.

32.5.3.1 **Number of Means of Escape.** In any dwelling or dwelling unit of two rooms or more, every sleeping room and every living area shall have not less than one primary means of escape and one secondary means of escape.

32.5.3.1.1 A secondary means of escape shall not be required where the bedroom or living area has a door leading directly to the outside of the building at or to grade level.

32.5.3.1.2 **Exits for the mobility impaired.** A Community Living Arrangement serving a resident dependent upon a wheelchair or other mechanical device for mobility shall provide at least two (2) exits from the Community Living Arrangement, remote from each other, which are accessible to the residents."

32.5.3.2 **Bedrooms.** Bedrooms for residents shall be separated from halls, corridors and other rooms by floor to ceiling walls. capable of resisting fire for not less than ½-hour, which is considered to be achieved if the partitioning is finished on both sides with lath and plaster or materials providing a 15-minute thermal barrier. Sleeping room doors shall be substantial doors, such as those of 1¾-in. (4.4cm) thick, solid-bonded wood core construction or other construction of equal or greater stability and fire integrity. Any vision panels shall be fixed fire window assemblies

in accordance with 8.3.3 or shall be wired glass not exceeding 1296 in. 2 (0.84 m²) each in area and installed in approved frames.

32.5.3.2.1 A room shall not be used as a bedroom where more than one-half the room height is below ground level.

32.5.3.2.2 Bedrooms which are partially below ground level shall have adequate natural light and ventilation and be provided with two useful means of egress.

32.5.3.2.3 Bedrooms occupied by residents shall have doors that can be closed. Doors shall be not less than 32 in. (81 cm) wide.

32.5.3.2.4 Any door in the path of travel of a means of means of egress or escape shall be not less than 32 in. (81 cm) wide.

32.5.3.2.5 Residents who need assistance with ambulation shall be provided bedrooms that have access to a ground-level exit to the outside or provided bedrooms above ground level that have access to exits with easily negotiable ramps or easily accessible lifts.

32.5.3.3 Locks.

32.5.3.3.1 Bedrooms may have locks on doors provided both the occupant and staff are provided with keys to ensure easy entry. Double-cylinder locks (locks requiring a key on both sides) are prohibited be used on the bedroom door of a resident.

32.5.3.3.2 Exterior doors shall be equipped with locks that do not require keys to open the door from the inside.

32.5.4 Detection and Alarm Systems

32.5.4.1 A fire alarm system meeting the minimum requirements for Single- and Multiple Station Alarms and Household Fire Alarm Systems per NFPA 72 shall be installed.

32.5.4.2 Smoke Detection.

32.5.4.2.1 Smoke alarms shall be installed in accordance with the provisions of 9.6.2.10. Any additional detection/alarm devices shall be as established by O.C.G.A. § 252-40.

32.5.4.2.2 Smoke alarms shall be installed on all levels, including basements but excluding crawl spaces and unfinished attics.

32.5.4.2.3 Additional smoke alarms shall be installed for all living areas as defined in 3.3.119 and 3.3.25.5.

32.5.4.2.4 Strobe alarms shall be used when required by the needs of the resident, e.g., for hearing impaired persons.

32.5.4.3 Carbon Monoxide Detectors.

32.5.4.3.1 Carbon monoxide detectors shall be provided in accordance with 32.3.3.4.9.

32.5.5 Protection.

32.5.5.1 **Portable Fire Extinguishers.** Portable fire extinguishers in accordance with 9.9 shall be provided near hazardous areas.

32.5.5.1.1 At least one 2A rated multipurpose ABC fire extinguisher shall be provided on each occupied floor and in the basement that shall be readily accessible.

32.5.5.1.2 Required portable fire extinguishers shall be inspected and maintained annually by a licensed fire safety technician annually in accordance with NFPA 10.

32.5.5.1.3 Monthly quick check inspections shall be conducted by the staff of the Community Living Arrangement to ensure they are charged and in operable condition.

32.5.6 Heating, Ventilation and Air Conditioning.

32.5.6.1 Portable space heaters shall not be used.

32.5.6.2 Fire screens and protective devices shall be used with fireplaces, stoves and fixed heaters.

32.5.6.3 A water temperature monitor or a scald valve shall be installed where necessary to ensure the safety of the residents. Heated water provided for use of residents shall not exceed 120 degrees Fahrenheit at the hot water fixture, unless a cooler temperature is required by the needs of the individual.

32.5.7 Operating Features.

32.5.7.1 **Staffing.** The Community Living Arrangement shall have as many qualified and trained employees on duty as shall be needed to safeguard properly the health, safety, and welfare of residents and ensure the provision of services the residents require to be delivered in the Community Living Arrangement.

32.5.7.1.1 Before working independently with residents, each staff member shall be trained and show continuing evidence of competence in fire safety and emergency evacuation procedures. A resident shall not be considered a staff person in the residence in which they live. (Refer to Chapter 4 of the *International Fire Code* regarding caregiver minimum training requirements.)

32.5.7.2 **Evacuation Capabilities.** Community Living Arrangement shall maintain a staffing ratio sufficient to ensure that all residents can successfully respond to a fire or other emergency using self-preservation or assisted preservation measures as defined by 120-3-3.03 of Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner. Residents who cannot successfully respond shall be provided with a minimum of one dedicated employee whose primary responsibility is to provide evacuation of the resident in the event of a fire or other emergency. The dedicated employee/employees shall be in close attendance to the affected resident at all times.

32.5.7.3 **Drills.** Fire drills shall be conducted at least quarterly on each shift. At least two drills per calendar year shall be during sleeping hours. All fire drills shall be documented with staffing involved. (See Chapter 4 of the *International Fire Code* regarding fire and emergency evacuation drills.)

32.5.7.4 **Procedures.** There shall be established procedures and mechanisms for alerting and caring for residents in case of emergencies and for evacuating them to safety. An evacuation plan with clear instructions shall be available within each resident room. Each sleeping room shall have a secondary exit, which may be a door or a window usable for escape."

30. Delete subsections 32.7.1, 32.7.2, and 32.7.3 in their entirety and substitute in their place the following:

32.7.1 **"Emergency Planning and Preparedness.** Residential board and care facilities (Group I-1 and R-4 occupancies), including personal care homes and community living arrangements shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, resident training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner. The specific provisions of 32.5.7 shall also apply to community living arrangements."

31. Delete subsection 32.7.4 in its entirety and substitute in its place the following:

32.7.4 **"Smoking.** Smoking regulations shall be adopted and shall include the following minimal provisions.

32.7.4.1 Smoking shall be prohibited in any room, area or compartment where flammable liquids, combustible gases, or oxygen are used or stored and in any other hazardous location. Such areas shall be posted with '**NO SMOKING**' signs.

32.7.4.2 Smoking by residents classified as not responsible shall be prohibited, Exception unless the resident is under direct supervision.

32.7.4.3 Ashtrays of noncombustible material and safe design shall be provided in all areas where smoking is permitted.

32.7.4.4 Metal containers with self-closing cover devices into which ashtrays may be emptied shall be readily available in all areas where smoking is permitted."

32. Add a new paragraph 33.7.5.4 to read as follows:

32.7.5.4 "Wastebaskets and other waste containers shall be of noncombustible or other approved materials."

(cc) **Modifications to Chapter 33:**

1. Delete paragraphs 33.1.4.1 and 33.1.4.2 in their entirety and substitute in their place the following:

33.1.4.1 "**General.** For definitions see Chapter 3, Definitions and [120-3-3-.03](#) of Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner (RRSFC). Where there is a difference in definitions, the definitions in [120-3-3-.03](#) shall prevail.

33.1.4.2 **Special Definitions.**

(1) Broad and Care Occupancies, Residential. See RRSFC 1203-3-.03.

(2) Community Living Arrangement. See RRSFC [120-3-3-.03](#).

(3) Evacuation Capability, Impractical. See RRSFC 120-3-3.03.

(4) Evacuation Capability, Prompt. See RRSFC 120-3-3.03.

(5) Evacuation Capability, Slow. See RRSFC [120-3-3-.03](#).

(6) Personal Care. See RRSFC [120-3-3-.03](#).

(7) Personal Care Home. See RRSFC [120-3-3-.03](#).

(8) Self-preservation. See RRSFC [120-3-3-.03](#).

2. Add new subparagraphs 33.1.1.4.1 through 33.1.1.4.3 to read as follows:

33.1.1.4.1 "Community Living Arrangements for five to six residents shall comply with the requirements of Sections 33.2 and 33.5.

33.1.1.4.2 Community Living Arrangements for seven or more residents shall comply with the requirements of Sections 33.3 and 33.5.

33.1.1.4.3 Refer to [120-3-3-.03](#) for the definition of a "Community Living Arrangement."

33.1.1.4.4 Existing large personal care homes with 25 or more residents desiring to be licensed as an Assisted Living Community or as a Memory Care Unit, both as defined in [120-3-3-.03](#) of the Rules and Regulations of the Safety

Fire Commissioner, shall meet the requirements for a conversion to a large residential board and care occupancy and the applicable provisions for assisted living communities or memory care units as set forth by Chapter 35 of this Code. (Also defined in RRSFC [120-3-3-.03](#))."

3. Delete paragraph 33.1.1.5 in its entirety and substitute in its place the following:

33.1.1.5 "All existing facilities classified as residential board and care occupancies shall conform to the requirements of this chapter. This chapter is divided into six sections as follows:

(1) Section 33.1 - General Requirements.

(2) Section 33.2 - Small Facilities (sleeping accommodations for not more than six residents. Includes small personal care homes and community living arrangements.)

(3) Section 33.3 - Large Facilities (sleeping accommodations for seven or more residents. This includes existing "personal care homes" as defined in section 120-3-3-.03 of Chapter 120-3-3, Rules and Regulations of the Safety Fire Commissioner, and not licensed as an "Assisted Living Community" or "Memory Care Unit")

(4) Section 33.4 - Additional minimum requirements for an Apartment Building Housing a Board and Care Occupancy.

(5) Section 33.5 - Community Living Arrangement Facilities

(6) Section 33.7 - Operating Features."

4. Add a new subsection 33.1.9 to read as follows:

33.1.9 "**Classification of Hazards of Contents.** Contents of Residential Board and Care occupancies shall be classified in accordance with the provisions of Section 6.2."

5. Delete paragraph 33.2.1.1 in its entirety and substitute in its place the following:

33.2.1.1 "**Scope.** This section applies to residential board and care occupancies, including community living arrangements with 5 to 6 residents and personal care homes providing sleeping accommodations for not more than six residents. Where there are sleeping accommodations for more than six residents of a residential board and care occupancy or a community living arrangement more than 6, the occupancy shall be classed as a large facility. The requirements for large facilities are found in Section 33.3."

6. Add a new paragraph 33.2.1.5 to read as follows:

33.2.1.5 "**Occupant Load.** The occupant load of small Residential Board and Care occupancies (personal care occupancies) or any individual story or section thereof for the purpose of determining exits shall be the maximum number of persons intended to occupy the floor on the basis of the occupant load factors of Table 7.3.1.2. (Also see 3.3.22.2.1 for Gross Floor Area.)"

7. Add a new subparagraph 33.2.3.2.6 to read as follows:

33.2.3.2.6 "Residential cooking appliances such as stoves and griddles shall be protected by listed self-contained residential fire suppression systems located in residential hoods over each cooking surface, with the exhaust hood vented directly to the outside. Automatic disconnects of the fuel source or power source shall be provided. Commercial cooking appliances including fryers shall be protected in accordance with 9.2.3 and shall not be required to have openings protected between food preparation areas and dining areas.

33.2.3.2.6.1 "Subject to the approval of the authority having jurisdiction, the protection of residential cooking equipment shall not be required in buildings protected by an automatic sprinkler system as provided in 33.2.3.5. The exhaust hood is still required to be vented to the outside.

33.2.3.2.6.2 "No protection is required over residential cooking appliances such as grills and stoves in facilities which have prompt evacuation capability and have a licensed capacity as determined by the Department of Community Health of six or less residents."

8. Add new subparagraph 33.2.3.4.3.1 to read as follows:

33.2.3.4.3.1 "Strobe alarms shall be used when required by the needs of the resident, e.g., for hearing impaired persons."

9. Add a new subparagraph 33.2.3.4.3.1 to read as follows:

33.2.3.4.3.1 "The provisions of 9.6.2.10.8.1 and 9.6.2.10.8.2 shall also apply."

10. Add new subparagraph 33.2.3.4.5 to read as follows:

33.2.3.4.5 "**Carbon Monoxide Detectors.** Carbon monoxide detectors shall be provided in all community living arrangements where natural gas, LP gas or heating oil is used to heat the residence or where a solid fuel-burning appliance is located in the residence."

11. Delete subparagraph 33.2.3.5.3.7 in its entirety and substitute in its place the following:

33.2.3.5.3.7 "**Impractical and Slow Evacuation Capability.** All slow and impractical evacuation capability facilities shall be protected throughout by an approved, supervised automatic sprinkler system installed in accordance with 33.2.3.5.3."

12. Add new subparagraph 33.2.5.2.4 to read as follows:

33.2.5.2.4 "Portable electric and liquefied petroleum gas or liquid fuel fired space heating devices designed to be portable are prohibited in all portions of small residential board and care occupancies, including personal care homes and community living arrangements."

33.2.5.2.4.1 In emergency conditions when approved by the authority having jurisdiction, equipment designed to be portable may be used for a specified time provided such equipment is properly protected and separated from combustibles as specified by the manufactures instructions and the authority having jurisdiction."

13. Add a new subsection 33.2.6 to read as follows:

33.2.6 "**Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in all residential board and care occupancies, personal care homes or community living arrangement facilities as follows."

33.2.6.1 Portable fire extinguishers in accordance with Section 9.9 of this *Code* shall be provided near hazardous areas. Also, at least one 2A rated multipurpose ABC fire extinguisher shall be provided on each occupied floor and in the basement, and they shall be readily accessible."

33.2.6.1.2 Required portable fire extinguishers shall be inspected and maintained at least annually by a licensed fire safety technician in accordance with NFPA 10."

33.6.5.1.3 Monthly quick check inspections shall be conducted by the staff of the Community Living Arrangement to ensure they are charged and in operable condition."

14. Delete paragraph 33.3.1.1.1 in its entirety and substitute in its place the following:

33.3.1.1.1 "**Scope.** This section applies to residential board and care occupancies, including personal care homes and community living arrangements providing sleeping accommodations for 7 or more residents. Where there are

sleeping accommodations for six or less residents or a community living arrangement for 5 to 6 residents, the occupancy shall be classed as a small facility. The requirements for small facilities are found in Section 33.2."

15. Delete 33.3.1.2.2* in its entirety and substitute in its place the following:

33.3.1.2.2 "* **Impractical.** Large facilities classified as impractical evacuation capability shall meet the requirements of 33.3 for impractical evacuation capability, or the requirements for new large facilities in Chapter 32, unless the authority having jurisdiction has determined equivalent safety is provided in accordance with Section 1.4."

16. Add a new subsection 33.3.1.4 to read as follows:

33.3.1.4 "**Occupant Load.** The occupant load of small Residential Board and Care occupancies or Personal Care occupancies or any individual story or section thereof for the purpose of determining exits shall be the maximum number of persons intended to occupy the floor as determined on the basis of the occupant load factors of Table 7.3.1.2. Gross floor area shall be measured within the exterior building walls with no deductions. (See 3.3.22.2.1)."

17. Add a new subparagraph 33.3.1.1.4 to read as follows:

33.3.1.1.4 "Enclosure of stairs, smoke proof towers and exit passageways in buildings existing prior to April 15, 1986, shall be fire barriers of at least 20-minute fire-resistance rating with all openings protected in accordance with paragraph 8.3.3 of this *Code* in buildings less than three stories in height. In buildings existing prior to April 15, 1986, more than three stories in height, the enclosure shall not be less than a 1-hour fire-resistance rating with all openings protected in accordance with paragraph 8.3.4.4 of this *Code*."

18. Add a new exception to subparagraph 33.3.2.2.2(10) to read as follows:

33.3.2.2.2(10) "Doors to resident rooms may be subject to being locked by the occupant, if they can be unlocked from the opposite side and keys are carried by staff at all times. Additional keys must be available to and accessible by the staff."

19. Delete subparagraph 33.3.2.5.4 in its entirety and substitute in its place the following:

33.3.2.5.4 "No dead-end corridor shall exceed 35 feet (10.7 m)."

20. Delete subparagraph 33.3.2.6.3.3 in its entirety and substitute in its place the following:

33.3.2.6.3.3 "Travel distance to exits shall not exceed 150 feet (45.7 m) if the exit access and any portion of the building that is tributary to the exit access are protected throughout by approved automatic sprinkler systems. In addition, the portion of the building in which the 150 feet (45.7 m) travel distance is permitted shall be separated from the remainder of the building by construction having not less than a 1-hour fire-resistance rating for buildings not greater than three stories in height and 2-hour for buildings greater than three stories in height."

21. Add a new subparagraph 33.3.2.6.3.4 to read as follows:

33.3.2.6.3.4 "No residents shall be located on floors below the level of exit discharge.

33.3.2.6.3.4.1 In facilities existing prior to April 15, 1986, any floor below the level of exit discharge occupied for public purposes shall have exits arranged such that it will not be necessary to travel more than 100 feet (30.5 m) from the door of any room to reach the nearest exit."

22. Add a new subparagraph 33.3.2.6.4 to read as follows:

33.3.2.6.4 "Any floor below the level of exit discharge not open to the public and used only for mechanical equipment, storage, and service operations (other than kitchens which are considered part of the residential board

and care occupancies) shall have exits appropriate to its actual occupancy in accordance with other applicable sections of this *Code*."

23. Add a new subparagraph 33.3.2.7.1 to read as follows:

33.3.2.7.1 "At least half of the required exit capacity of upper floors, exclusive of horizontal exits, shall lead directly to the street or through a yard, court, or passageway with protected openings and separated from all parts of the interior of the building."

24. Delete paragraph 33.3.2.9 in its entirety and substitute in its place the following:

33.3.2.9 **"Emergency Lighting.** Emergency lighting in accordance with Section 7.9 of the *Code* shall be provided in means of egress and common areas in all residential board and care occupancies.

33.3.2.9.1 Where each guestroom has a direct exit to the outside of the building at ground level, no emergency lighting shall be required."

25. Delete 33.3.2.11.1 and insert a new subparagraph 33.3.2.11.1 to read as follows:

33.3.2.11.1 "Every stairwell door shall allow re-entry from the stairwell to the interior of the building or an automatic release shall be provided to unlock all stairwell doors to allow re-entry. Such automatic release shall be actuated with the initiation of the building fire alarm system or upon loss of power."

26. Add a new subparagraph 33.3.2.11.3 to read as follows:

33.3.2.11.3 "Stairway enclosures shall not be required where a one-story stair connects two levels within a single dwelling unit, resident room or suite."

27. Add a new subparagraph 33.3.3.1.4 to read as follows:

33.3.3.1.4 "Any required exit stair which is so located such that it is necessary to pass through the lobby or other open space to reach the outside of the building shall be continuously enclosed down to the lobby level, or to a mezzanine within the lobby.

33.3.3.1.4.1 In existing two-story buildings only, the second floor level may be fire stopped with a fire barrier having at least a 1-hour fire-resistance rating. Vision panels not exceeding 1,296 square inches (8361 cu cm) and installed in steel frames shall be provided in the doors of the fire barrier."

28. Add two new subparagraphs 33.3.3.2.2.1 and 33.3.3.2.2.2 to read as follows:

33.3.3.2.2.1 "The provisions of 33.3.3.2.2 shall not apply to rooms enclosing air handling equipment compressor equipment, furnaces or other heating equipment with a total aggregate input rating less than 200,000 BTU input. Such rooms shall not be used for any combustible storage. A minimum of 30 inches (0.76 m) unobstructed access shall be provided and maintained to equipment and electrical or emergency control panels or devices for emergency response purposes."

33.3.3.2.2.2 The provisions of 33.3.3.2.2 shall not apply in existing residential board and care occupancies constructed prior to April 15, 1986, with regard to the location of the equipment only."

29. Delete section 33.3.3.8 to read as follows:

33.3.3.8.1 "A personal care home having a licensed capacity as determined by the Department of Community Health of 16 or less residents shall have residential cooking appliances such as stoves and griddles protected by a listed self-contained residential fire suppression system located in residential hood over each cooking surface, with the exhaust hood vented directly to the outside. Automatic disconnects of the fuel source or power source shall be provided.

Commercial cooking appliances including fryers shall be protected in accordance with 9.2.3 and shall not be required to have openings protected between food preparation areas and dining areas.

33.3.3.8.2 A personal care home constructed prior to January 28, 1993, and having a licensed capacity as determined by the Department of Community Health of 16 or less residents may have food preparation facilities in accordance with NFPA 91, *Standard for Exhaust Systems for Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids*, 1983 edition.

33.3.3.8.3 A personal care home constructed prior to January 28, 1993, and having a licensed capacity as determined by the Department of Community Health of 16 residents or less may have food preparation facilities which have a ventilating hood meeting the provisions of NFPA 54, *National Fuel Gas Code*, as specified in Chapters 120-3-14 and 120-3-16, of the Rules and Regulations of the Safety Fire Commissioner, and NFPA 91, *Standard for Exhaust Systems for Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids*, as specified in Chapter 120-3-3, Rules and Regulations of the Safety Fire Commissioner.

33.3.3.8.4 Subject to the approval of the authority having jurisdiction, the protection of residential cooking equipment shall not be required in buildings protected by an automatic sprinkler system as provided in 32.2.3.5. The exhaust hood is still required to be vented to the outside."

30. Add a new subparagraph 33.3.3.4.7.1.1 to read as follows:

33.3.3.4.7.1.1 "Strobe alarms shall be used when required by the needs of the resident, e.g., for hearing impaired persons located in Community Living Arrangements."

31. Delete subparagraph 33.3.3.4.7.2 in its entirety and substitute in its place the following:

33.3.3.4.7.2 "The provisions of 9.6.2.10.8.1 and 9.6.2.10.8.2 shall also apply."

32. Delete subparagraph 33.3.3.4.8 in its entirety and substitute in its place the following:

33.3.3.4.8 "**Smoke Detection Systems.** All corridors and common spaces shall be provided with smoke detectors in accordance with NFPA 72, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner, arranged to initiate the fire alarm such that it is audible in all sleeping areas. Detectors shall be located in corridors or hallway so there is a detector within 15 feet (4.6 m) of the wall and at least every 30 feet (9.1 m) thereafter. Where a building has more than one floor level, a detector shall be located at the top of each stair and inside each enclosure.

33.3.3.4.8.2 Smoke detection systems may be excluded from crawl spaces beneath the building and unused and unfinished attics.

33.3.3.4.8.3 Smoke detection systems shall not be required in unenclosed corridors, passageways, balconies, colonnades, or other arrangements where one or more sides along the long dimension are fully or extensively open to the exterior at all times."

33. Delete subparagraph 33.3.3.5.2 in its entirety and substitute in its place the following:

33.3.3.5.2 "Sprinkler installation may be omitted in bathrooms where the area does not exceed 55 square feet (5.1 sq. m) and the walls and ceilings, including behind fixtures, are of noncombustible or limited combustible materials providing a 15-minute thermal barrier or in clothes closets, linen closets, and pantries within the facility where the area of the space does not exceed 24 square feet (2.2 sq. m) and the least dimension does not exceed 3 feet (0.91 m) and the walls and ceilings are surfaced with noncombustible or limited combustible materials as defined by NFPA 220, *Standard on Types of Building Construction*, as specified in Chapter 120-3-3, Rules and Regulations of the Safety Fire Commissioner."

34. Delete subparagraph 33.3.3.5.1.3 in its entirety and substitute in its place the following:

33.3.3.5.1.3 "Automatic sprinklers installed in accordance with NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes*, 1991 edition, as modified by Chapter 120-3-3, Rules and Regulations of the Safety Fire Commissioner, which were in effect shall be acceptable as a complying sprinkler system."

35. Add a new subparagraph 33.3.3.5.1.4 to read as follows:

33.3.3.5.1.4 "Automatic sprinkler systems installed in existing facilities prior to November 1, 1987, may be continued in use subject to the approval of the authority having jurisdiction as defined in paragraph 3.2.2 of the *Code*."

36. Add new subparagraph 33.3.3.4.9 to read as follows:

33.3.3.4.9 "**Carbon Monoxide Detectors.** Carbon monoxide detectors shall be provided in all community living arrangements where natural gas, LP gas or heating oil is used to heat the residence or where a solid fuel-burning appliance is located in the residence."

37. Delete subparagraph 33.3.3.5.7 in its entirety and substitute in its place the following:

33.3.3.5.7 "**Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in all residential board and care occupancies and on each floor of a community living arrangement facility in accordance with 9.9."

38. Delete subparagraph 33.3.3.6.1 and subparagraphs to 33.3.3.6.1 in their entirety and substitute in its place the following:

33.3.3.6.1 "Access shall be provided from every resident use area to not less than one means of egress that is separated from all other rooms or spaces by walls complying with 33.3.3.6.3 through 33.3.3.6.6.3."

39. Delete subparagraph 33.3.3.6.3 in its entirety and substitute in its place the following:

33.3.3.6.3 "Fire barriers required by 33.3.3.6.1 and 33.3.3.6.2 shall have a fire-resistance rating of not less than 30 minutes. Fixed fire window assemblies in accordance with 8.3.3 shall be permitted.

33.3.3.6.3.1 The provisions of 33.3.3.6.3 shall not apply where the resident room has a door providing direct exiting at grade or to an open air balcony leading to exiting at grade."

40. Delete subparagraph 33.3.3.6.4 in its entirety and substitute in its place the following:

33.3.3.6.4 "Doors in fire barriers required by 33.3.3.6.1 or 33.3.3.6.2 shall have a fire protection rating of not less than twenty (20) minutes and shall have positive latching.

33.3.3.6.4.1 Existing 1¾ inch (44.5 mm) thick, solid bonded wood core doors shall be permitted to continue to be used. These doors shall be positive latching.

33.3.3.6.4.2 Walls that are required only to resist the passage of smoke, without a fire-resistance rating, shall be permitted to have doors that resist the passage of smoke without a fire protection rating. These doors shall be positive latching.

33.3.3.6.4.3 In existing personal care occupancies existing prior to April 15, 1986, the doors shall be constructed to resist the passage of smoke and shall be at least equal in fire protection to a 1¼ inch (31.8 mm) thick solid bonded core wood door and shall have positive latching."

41. Delete subparagraph 33.3.3.6.5 in its entirety and substitute in its place the following:

33.3.3.6.5 "Walls and doors required by 33.3.3.6.1 and 33.3.3.6.2 shall be constructed to resist the passage of fire and smoke for not less than 30 minutes. There shall be no louvers, transfer grilles, operable transoms, or other air

passages penetrating such walls or doors except properly installed heating and utility installations. Unprotected openings shall be prohibited in partitions of interior corridors serving as exit access from resident rooms. Transfer grilles, whether protected by fusible link operated dampers or not, shall not be used in corridor walls or doors between resident rooms and interior corridors.

33.3.3.6.5.1 "Existing transoms installed in corridor partitions of resident rooms shall be fixed in the closed position and shall be covered or otherwise protected to provide a fire-resistance rating at least equivalent to that of the wall in which they are installed."

42. Add new subparagraph 33.3.5.2.4 to read as follows:

33.3.5.2.4 "Portable electric and liquefied petroleum gas or liquid fuel fire space heating devices designed to be portable are prohibited in all portions of large residential board and care occupancies.

33.3.5.2.4.1 In emergency conditions when approved by the authority having jurisdiction, equipment designed to be portable may be used for a specified time provided such equipment is properly protected and separated from combustibles as specified by the manufactures instructions and the authority having jurisdiction."

43. Delete subsection 33.5 in its entirety and substitute in its place the following:

33.5 "Community Living Arrangement Facilities.

33.5.1 **General.** The following shall be provided in addition to the requirements of this Chapter for facilities subject to being licensed as a Community Living Arrangement. Where there are conflicts in requirements specified elsewhere in this Chapter, the requirements specified under Section 33.5 shall prevail.

33.5.2 **Address identification.** Community Living Arrangement structures shall have approved address numbers, building numbers or approved building identification placed in accordance with the provisions of the *International Fire Code*.

33.5.3 Means of Egress.

33.5.3.1 A Community Living Arrangement serving a resident dependent upon a wheelchair or other mechanical device for mobility shall provide at least two (2) exits from the Community Living Arrangement, remote from each other, which are accessible to the residents.

33.5.3.2 Bedrooms for residents shall be separated from halls, corridors and other rooms by floor to ceiling walls, capable of resisting fire for not less than ½-hour, which is considered to be achieved if the partitioning is finished on both sides with lath and plaster or materials providing a 15-minute thermal barrier. Sleeping room doors shall be substantial doors, such as those of 1¾-in. (4.4-cm) thick, solid-bonded wood core construction or other construction of equal or greater stability and fire integrity. Any vision panels shall be fixed fire window assemblies in accordance with 8.3.3 or shall be wired glass not exceeding 1296 in. 2 (0.84 m2) each in area and installed in approved frames.

33.5.3.3 A room shall not be used as a bedroom where more than one-half the room height is below ground level.

33.5.3.4 Bedrooms which are partially below ground level shall have adequate natural light and ventilation and be provided with two useful means of egress.

33.5.3.5 Bedrooms occupied by residents shall have doors that can be closed. Doors shall be not less than 32 in. (81 cm) wide.

33.5.3.6 Any door in the path of travel of a means of means of egress or escape shall be not less than 32 in. (81 cm) wide.

33.5.3.7 Residents who need assistance with ambulation shall be provided bedrooms that have access to a ground-level exit to the outside or provided bedrooms above ground level that have access to exits with easily negotiable ramps or easily accessible lifts.

33.5.3.8 Locks.

33.5.3.8.1 Bedrooms may have locks on doors provided both the occupant and staff are provided with keys to ensure easy entry. Double-cylinder locks (locks requiring a key on both sides) are prohibited be used on the bedroom door of a resident.

33.5.3.8.2 Exterior doors shall be equipped with locks that do not require keys to open the door from the inside.

33.5.3.9 Number of Means of Escape. In any dwelling or dwelling unit of two rooms or more, every sleeping room and every living area shall have not less than one primary means of escape and one secondary means of escape.

33.5.3.9.1 A secondary means of escape shall not be required where the bedroom or living area has a door leading directly to the outside of the building at or to grade level.

33.5.4 Detection and Alarm Systems

33.5.4.1 A fire alarm system meeting the minimum requirements for Single- and Multiple Station Alarms and Household Fire Alarm Systems per NFPA 72, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner, shall be installed.

33.5.4.2 Smoke Detection.

33.5.4.2.1 Smoke alarms shall be installed in accordance with the provisions of 9.6.2.10. Any additional detection/alarm devices shall be as established by O.C.G.A. § 25-240.

33.5.4.2.2 Smoke alarms shall be installed on all levels, including basements but excluding crawl spaces and unfinished attics.

33.5.4.2.3 Additional smoke alarms shall be installed for all living areas as defined in 3.3.22.5.

33.5.4.2.4 Strobe alarms shall be used when required by the needs of the resident, e.g., for hearing impaired persons.

33.5.4.3 Carbon Monoxide Detectors.

33.5.4.3.1 Carbon monoxide detectors shall be provided in the residence where natural gas, LP gas or heating oil is used to heat the residence.

33.5.4.3.2 Carbon monoxide detectors shall be provided in the residence if a solid fuel-burning fireplace is installed the residence

33.5.5 Protection.

33.5.5.1 **Portable Fire Extinguishers.** Portable fire extinguishers in accordance with 9.9 shall be provided near hazardous areas.

33.5.5.1.1 At least one 2A rated multipurpose ABC fire extinguisher shall be provided on each occupied floor and in the basement that shall be readily accessible.

33.5.5.1.2 Required portable fire extinguishers shall be inspected and maintained annually by a state licensed or permitted fire extinguisher technician annually in accordance with NFPA 10, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner.

33.5.5.1.3 Monthly quick check inspections shall be conducted by the staff of the Community Living Arrangement to ensure they are charged and in operable condition.

33.5.6 Heating, Ventilation and Air Conditioning.

33.5.6.1 Space heaters shall not be used.

33.5.6.2 Fire screens and protective devices shall be used with fireplaces, stoves, and heaters.

33.5.6.3 A water temperature monitor or a scald valve shall be installed where necessary to ensure the safety of the residents. Heated water provided for use of residents shall not exceed 120 degrees Fahrenheit at the hot water fixture, unless a cooler temperature is required by the needs of the individual.

33.5.7 Operating Features.

33.5.7.1 **Staffing.** The Community Living Arrangement shall have as many qualified and trained employees on duty as shall be needed to safeguard properly the health, safety, and welfare of residents and ensure the provision of services the residents require to be delivered in the Community Living Arrangement.

33.5.7.1.1 Before working independently with residents, each staff member shall be trained and show continuing evidence of competence in fire safety and emergency evacuation procedures. A resident shall not be considered a staff person in the residence in which they live. (See Chapter 4 of the *International Fire Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner.)

33.5.7.2 Evacuation Capabilities. Community Living Arrangement shall maintain a staffing ratio sufficient to ensure that all residents can meet a prompt evacuation capability as defined in 1203-3-.03 of Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner. Residents who cannot meet a prompt evacuation capability classification shall be provided with a minimum of one dedicated employee whose primary responsibility is to provide evacuation of the resident in the event of a fire or other emergency. The dedicated employee/employees shall be in close attendance at all times.

33.5.7.3 **Drills.** Fire drills shall be conducted at least quarterly on each shift. At least two drills per calendar year shall be during sleeping hours. All fire drills shall be documented with staffing involved. (See Chapter 4 of the *International Fire Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner.)

33.5.7.4 **Procedures.** There shall be established procedures and mechanisms for alerting and caring for residents in case of emergencies and for evacuating them to safety. An evacuation plan with clear instructions shall be available within each residence. Each sleeping room shall have a secondary exit, which may be a door or a window usable for escape."

44. Delete subsections 33.7.1, 33.7.2, and 33.7.3 in their entirety and substitute in their place the following:

33.7.1 **"Emergency Planning and Preparedness.** Residential board and care facilities (Group II and R-4 occupancies), including community living arrangements and personal care homes, shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, resident training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

45. Delete subsection 33.7.4 in its entirety and substitute in their place the following:

33.7.4 **"Smoking.** Smoking regulations shall be adopted and shall include the following minimal provisions.

33.7.4.1 Smoking shall be prohibited in any room, area or compartment where flammable liquids, combustible gases, or oxygen are used or stored and in any other hazardous location. Such areas shall be posted with **"NO SMOKING"** signs.

33.7.4.2 Smoking by residents classified as not responsible shall be prohibited.

33.7.4.2.1 Smoking is permitted by residents classified as not responsible when under direct supervision.

33.7.4.3 Ashtrays of noncombustible material and safe design shall be provided in all areas where smoking is permitted.

33.7.4.4 Metal containers with self-closing cover devices into which ashtrays may be emptied shall be readily available in all areas where smoking is permitted."

46. Add a new paragraph 33.7.5.4 to read as follows:

33.7.5.4 **"Waste Containers.** Wastebaskets and other waste containers shall be of noncombustible or other approved materials."

(dd) **Modifications to reserved Chapter 34.**

1. Insert a new Chapter 34 to read as follows:

"Chapter 34 New Assisted Living Community Occupancies

34.1 General Requirements.

34.1.1 Application.

34.1.1.1 General.

34.1.1.1.1 The requirements of this chapter shall apply to new buildings or portions thereof used as assisted living community occupancies. New buildings or portions thereof used as assisted living community occupancies shall be permitted to meet all the requirements for a limited health care occupancy as prescribed in chapter 18 of this *Code* in lieu of this chapter. (See 1.3.1).

34.1.1.1.2 **Administration.** The provisions of Chapter 1, Administration, shall apply.

34.1.1.1.3 **General.** The provisions of Chapter 4, General, shall apply.

34.1.1.1.4 Buildings, or sections of buildings, that primarily house residents who, in the opinion of the governing body of the facility and the governmental agency having jurisdiction, are capable of exercising judgment and appropriate physical action for self-preservation under emergency conditions shall be permitted to comply with the provisions of Chapter 32 provided they are separated by a fire barrier having not less than a 1-hour fire resistance rating and constructed of materials as required for the addition.

34.1.1.1.5 It shall be recognized that, in buildings providing care for certain types of residents or having a security section, it might be necessary to lock doors and bar windows to confine and protect building inhabitants. In such instances, the authority having jurisdiction shall require appropriate modifications to those sections of this *Code* that would otherwise require means of egress to be kept unlocked.

34.1.1.1.6 The requirements of this chapter shall apply based on the assumption that staff is available in all resident-occupied areas to perform certain fire safety functions as required in other paragraphs of this chapter.

34.1.1.2 * **Goals and Objectives.** The goals and objectives of Sections 4.1 and 4.2 shall be met with due consideration for functional requirements, which are accomplished by limiting the development and spread of a fire to the room of fire origin and reducing the need for occupant evacuation, except from the room of fire origin.

34.1.1.3 **Total Concept.**

34.1.1.3.1 All assisted living community facilities shall be designed, constructed, maintained, and operated to minimize the possibility of a fire emergency requiring the evacuation of occupants.

34.1.1.3.2 Because the safety of assisted living community occupants cannot be ensured adequately by dependence on evacuation of the building, their protection from fire shall be provided by appropriate arrangement of facilities; adequate, trained staff; and development of operating and maintenance procedures composed of the following:

(1) Design, construction, and compartmentation

(2) Provision for detection, alarm, and extinguishment

(3) Fire prevention and planning, training, and drilling programs for the isolation of fire, transfer of occupants to areas of refuge, or evacuation of the building

34.1.1.4 **Additions, Conversions, Modernization, Renovation, and Construction Operations.**

34.1.1.4.1 **Additions.**

34.1.1.4.1.1 Additions shall be separated from any existing structure not conforming to the provisions within Chapter 34 by a fire barrier having not less than a 2-hour fire resistance rating and constructed of materials as required for the addition. (See 4.6.5 and 4.6.7.)

34.1.1.4.1.2 Doors in barriers required by 34.1.1.4.1.1 shall normally be kept closed, unless otherwise permitted by 34.1.1.4.1.3.

34.1.1.4.1.3 Doors shall be permitted to be held open if they meet the requirements of 34.2.2.4.

34.1.1.4.2 **Conversion.** For the purposes of this chapter, exceptions for conversions shall apply only for a change of occupancy from an existing health care occupancy to an assisted living community occupancy.

34.1.1.4.3 **Changes of Occupancy.** A change from a personal care home to an assisted living community occupancy shall be considered a change in occupancy or occupancy sub-classification and would be required to meet the provisions of this Chapter for new construction.

34.1.1.4.4 **Renovations, Alterations, and Modernizations.** See 4.6.7.

34.1.1.4.5 **Construction, Repair, and Improvement Operations.** See 4.6.10.

34.1.2 **Classification of Occupancy.** See 120-3-3.03(4), (14), and 34.1.4.2.

34.1.3 **Multiple Occupancies.**

34.1.3.1 Multiple occupancies shall comply with 6.1.14 in buildings other than those meeting the requirement of 34.1.3.2.

34.1.3.2 * Sections of assisted living community facilities shall be permitted to be classified as other occupancies, provided that they meet both of the following conditions:

(1) They are not intended to serve assisted living community occupants or have customary access by assisted living community residents who are incapable of self-preservation.

(2) They are separated from areas of assisted living community occupancies by construction having a minimum 2-hour fire resistance rating.

34.1.3.3 The requirement of 34.1.3.1 shall not apply to apartment buildings housing assisted living community occupancies in conformance with Section 34.4. In such facilities, any safeguards required by Section 34.4 that are more restrictive than those for other housed occupancies shall apply only to the extent prescribed by Section 34.4.

34.1.3.4 No assisted living community occupancy shall be located above a nonresidential or non-health care occupancy, unless the assisted living community occupancy and exits therefrom are separated from the nonresidential or non-health care occupancy by construction having a minimum 2-hour fire resistance rating.

34.1.3.5 Any area with a hazard of contents classified higher than that of the assisted living community occupancy and located in the same building shall be protected as required in 34.2.

34.1.3.6 Non-residential-related occupancies classified as containing high hazard contents shall not be permitted in buildings housing assisted living community occupancies.

34.1.4 Definitions.

34.1.4.1 **General.** For definitions, see Chapter 3, Definitions.

34.1.4.2 **Special Definitions.** A list of special terms used in this chapter follows:

(1) Assisted Living Community Occupancy. See [120-3-3-.03\(4\)](#).

(2) Assisted self-preservation. See 120-3-3.03(5).

(3) Evacuation Capability, Impractical. See [120-3-3-.03\(7\)](#).

(4) Evacuation Capability, Prompt. See 120-3-3-.03(8).

(5) Evacuation Capability, Slow. See 120-3-3-.03(9).

(6) Personal Care Home. See [120-3-3-.03\(21\)](#).

(7) Point of Safety. See 3.3.211 of this *Code*.

(8) Thermal Barrier. See 3.3.31.3 of this *Code*.

34.1.5 **Classification of Hazard of Contents.** The classification of hazard of contents shall be as defined in Section 6.2.

34.1.6 **Minimum Construction requirements.** Assisted living community facilities shall be limited to the building construction types specified in Table 34.1.6 (see 8.2.1), based on the number of stories in height as defined in 4.6.3.

Table 34.1.6

Table 34.1.6	Number of Stories - See Note b					
Construction Type	Sprinklered See Note a	1	2	3	4-12	>12
Type I(442) a c d	YES	X	X	X	X	X
	NO	N.P.	N.P.	N.P.	N.P.	N.P.
Type I(332) a c d	YES	X	X	X	X	X
	NO	N.P.	N.P.	N.P.	N.P.	N.P.

Table 34.1.6	Number of Stories - See Note b					
Type II(222) <i>a c d</i>	YES	X	X	X	X	N.P.
	NO	N.P.	N.P.	N.P.	N.P.	N.P.
Type II(111) <i>a c d</i>	YES	X	X	X	N.P.	N.P.
	NO	N.P.	N.P.	N.P.	N.P.	N.P.
Type II(000) <i>a</i>	YES	X	X	N.P.	N.P.	N.P.
	NO	N.P.	N.P.	N.P.	N.P.	N.P.
Type III(211) <i>a</i>	YES	X	X	N.P.	N.P.	N.P.
	NO	N.P.	N.P.	N.P.	N.P.	N.P.
Type III(200) <i>a</i>	YES	X	N.P.	N.P.	N.P.	N.P.
	NO	N.P.	N.P.	N.P.	N.P.	N.P.
Type IV(2HH) <i>a</i>	YES	X	X	N.P.	N.P.	N.P.
	NO	N.P.	N.P.	N.P.	N.P.	N.P.
Type V(111) <i>a</i>	YES	X	X	N.P.	N.P.	N.P.
	NO	N.P.	N.P.	N.P.	N.P.	N.P.
Type V(000) <i>a</i>	YES	X	N.P.	N.P.	N.P.	N.P.
	NO	N.P.	N.P.	N.P.	N.P.	N.P.

X = Permitted if sprinklered as required by 32.3.3.5.

NP = Not permitted.

a Building shall be protected throughout by an approved supervised automatic sprinkler system installed in accordance with 9.7.1.1(1), and provided with quick response or residential sprinklers throughout. (See requirements of 34.3.5).

b See requirements of 4.6.3.

c See requirements of 34.1.6.2.1.

d See requirements of 34.1.6.2.2.

34.1.6.1 * **Fire Resistance-Rated Assemblies.** Fire resistance-rated assemblies shall comply with Section 8.3.

34.1.6.2 Construction Type Limitations.

34.1.6.2.1 Any building of Type I(442), Type I(332), Type II(222), or Type II(111) construction shall be permitted to include roofing systems involving combustible supports, decking, or roofing, provided that all of the following criteria are met:

(1) The roof covering shall meet Class A requirements in accordance with ASTM E 108, Standard Test Methods for Fire Tests of Roof Coverings, or ANSI/UL 790, Test Methods for Fire Tests of Roof Coverings.

(2) The roof shall be separated from all occupied portions of the building by a noncombustible floor assembly having not less than a 2-hour fire resistance rating that includes not less than 2 1/2 in. (63 mm) of concrete or gypsum fill.

(3) The structural elements supporting the 2-hour fire resistance-rated floor assembly specified in 34.1.6.2(2) shall be required to have only the fire resistance rating required of the building.

34.1.6.2.2 Any building of Type I(442), Type I(332), Type II(222), or Type II(111) construction shall be permitted to include roofing systems involving combustible supports, decking, or roofing, provided that all of the following criteria are met:

(1) The roof covering shall meet Class A requirements in accordance with ASTM E 108, *Standard Test Methods for Fire Tests of Roof Coverings*, or ANSI/UL 790, *Test Methods for Fire Tests of Roof Coverings*.

(2) The roof/ceiling assembly shall be constructed with fire-retardant-treated wood meeting the requirements of NFPA 220, *Standard on Types of Building Construction*.

(3) The roof/ceiling assembly shall have the required fire resistance rating for the type of construction.

34.1.6.2.3 Any level below the level of exit discharge shall be separated from the level of exit discharge by not less than Type II(111), Type III(211), or Type V(111) construction (see 8.2.1), unless both of the following criteria are met:

(1) Such levels are under the control of the assisted living community facility.

(2) Any hazardous spaces are protected in accordance with Section 8.7.

34.1.6.3 All buildings with more than one level below the level of exit discharge shall have all such lower levels separated from the level of exit discharge by not less than Type II(111) construction.

34.1.6.4 Interior nonbearing walls in buildings of Type I or Type II construction shall be constructed of noncombustible or limited-combustible materials, unless otherwise permitted by 20.1.6.4.

34.1.6.5 Interior nonbearing walls required to have a minimum 2-hour fire resistance rating shall be permitted to be fire-retardant-treated wood enclosed within noncombustible or limited-combustible materials, provided that such walls are not used as shaft enclosures.

34.1.6.6 Fire-retardant-treated wood that serves as supports for the installation of fixtures and equipment shall be permitted to be installed behind noncombustible or limited-combustible sheathing.

34.1.7 **Occupant Load.** The occupant load, in number of persons for whom means of egress and other provisions are required, shall be determined on the basis of the occupant load factors of Table 7.3.1.2 that are characteristic of the use of the space, or shall be determined as the maximum probable population of the space under consideration, whichever is greater.

34.2 Means of Egress Requirements.

34.2.1 General.

34.2.1.1 Means of egress from resident rooms and resident dwelling units to the outside of the building shall be in accordance with Chapter 7 and this chapter.

34.2.1.2 Means of escape within the resident room or resident dwelling unit shall comply with Section 24.2 for one- and two-family dwellings.

34.2.1.3 No means of escape or means of egress shall be considered as complying with the minimum criteria for acceptance, unless emergency evacuation drills are regularly conducted using that route in accordance with the requirements of 34.7.3.

34.2.1.4 No assisted living community occupancy shall have its sole means of egress or means of escape pass through any nonresidential or non-health care occupancy in the same building.

34.2.1.5 All means of egress from assisted living community occupancies that traverse non-assisted living community spaces shall conform to the requirements of this *Code* for assisted living community occupancies, unless otherwise permitted by 34.2.1.6.

34.2.1.6 Exit through a horizontal exit into other contiguous occupancies that does not conform to assisted living community egress provisions but do comply with requirements set forth in the appropriate occupancy chapter of this *Code* shall be permitted, provided that the occupancy does not contain high hazard contents.

34.2.1.7 Egress provisions for areas of assisted living community facilities that correspond to other occupancies shall meet the corresponding requirements of this *Code* for such occupancies, and, where the clinical needs of the residents necessitate the locking of means of egress, staff shall be present for the supervised release of occupants during all times of use.

34.2.2 Means of Egress Components.

34.2.2.1 **Components Permitted.** Components of means of egress shall be limited to the types described in 34.2.2.2 through 34.2.2.10.

34.2.2.2 **Doors.** Doors in means of egress shall meet all of the following criteria:

- (1) Doors complying with 7.2.1 shall be permitted.
- (2) Doors within individual rooms and suites of rooms shall be permitted to be swinging or sliding.
- (3) No door in any means of egress, other than those meeting the requirement of 34.2.2.2.1 or 34.2.2.2.2, shall be equipped with a lock or latch that requires the use of a tool or key from the egress side.

34.2.2.2.1 Delayed-egress locks in accordance with 7.2.1.6.1 shall be permitted.

34.2.2.2.2 Access-controlled egress doors in accordance with 7.2.1.6.2 shall be permitted.

34.2.2.2.3 Doors that are located in the means of egress from individual resident bedrooms or private living units shall be permitted to have locks where the clinical needs of a resident require specialized protective security measures provided that staff can readily unlock doors at all times in accordance with 34.2.2.2.4.

34.2.2.2.4 Doors that are located in the means of egress and are permitted to be locked under other provisions of 34.2.2.2.3 shall comply with both of the following:

- (1) Provisions shall be made for the rapid removal of occupants by means of one of the following:
 - (a) Remote control of locks from within the locked smoke compartment
 - (b) Keying of all locks to keys carried by staff at all times
 - (c) Other such reliable means available to the staff at all times

(2) Only one locking device shall be permitted on each door.

34.2.2.2.5 Doors located in the means of egress that are permitted to be locked under other provisions of Chapter 34, other than those meeting the requirement of 34.2.2.2.1 or 34.2.2.2.2, shall have adequate provisions made for the rapid removal of occupants by means such as remote control of locks, keying of all locks to keys carried by staff at all times, or other such reliable means available to staff at all times.

34.2.2.2.6 Only one such locking device, as described in 34.2.2.2.5, shall be permitted on each door.

34.2.2.3 Stairs. Stairs complying with 7.2.2 shall be permitted.

34.2.2.4 **Smokeproof Enclosures.** Smokeproof enclosures complying with 7.2.3 shall be permitted.

34.2.2.5 **Horizontal Exits.** Horizontal exits complying with 7.2.4 shall be permitted.

34.2.2.6 **Ramps.** Ramps complying with 7.2.5 shall be permitted.

34.2.2.7 **Exit Passageways.** Exit passageways complying with 7.2.6 shall be permitted.

34.2.2.8 **Fire Escape Ladders.** Fire escape ladders complying with 7.2.9 shall be permitted.

34.2.2.9 **Alternating Tread Devices.** Alternating tread devices complying with 7.2.11 shall be permitted.

34.2.2.10 **Areas of Refuge.** Areas of refuge complying with 7.2.12 shall be permitted.

34.2.3 **Capacity of Means of Egress.**

34.2.3.1 The capacity of means of egress shall be in accordance with Section 7.3.

34.2.3.2 Street floor exits shall be sufficient for the occupant load of the street floor plus the required capacity of stairs and ramps discharging onto the street floor.

34.2.3.3 The width of corridors shall be sufficient for the occupant load served but shall be not less than 60 in. (1525 mm).

34.2.4 **Number of Means of Egress.**

34.2.4.1 Means of egress shall comply with the following, except as otherwise permitted by 34.2.4.2:

- (1) The number of means of egress shall be in accordance with Section 7.4.
- (2) Not less than two separate exits shall be provided on every story.
- (3) Not less than two separate exits shall be accessible from every part of every story.

34.2.4.2 Exit access, as required by 34.2.4.1(3), shall be permitted to include a single exit access path for the distances permitted as common paths of travel by 34.2.5.2.

34.2.5 **Arrangement of Means of Egress.**

34.2.5.1 **General.** Access to all required exits shall be in accordance with Section 7.5.

34.2.5.2 **Dead-end Corridors.** Dead-end corridors shall not exceed 30 ft. (9.1 m).

34.2.5.3 **Common Path.** Common paths of travel shall not exceed 75 ft. (23 m).

34.2.5.4 **Reserved.**

34.2.6 **Travel Distance to Exits.**

34.2.6.1 Travel distance from the door within a room, suite, or living unit to a corridor door shall not exceed 75 ft. (23 m) in buildings not protected throughout by an approved automatic sprinkler system in accordance with 34.3.5.

34.2.6.2 Travel distance from any point within a room, suite, or living unit to a corridor door shall not exceed 125 ft. (38 m) in buildings protected throughout by an approved automatic sprinkler system in accordance with 34.3.5.

34.2.6.3 Travel distance from the corridor door of any room to the nearest exit shall be in accordance with 34.2.6.3.1 or 34.2.6.3.2.

34.2.6.3.1 Travel distance from the corridor door of any room to the nearest exit, measured in accordance with Section 7.6, shall not exceed 150ft. (45.72m).

34.2.6.3.2 Travel distance to exits shall not exceed 200 ft. (61 m) for exterior ways of exit access arranged in accordance with 7.5.3.

34.2.7 **Discharge from Exits.** Exit discharge shall comply with Section 7.7.

34.2.8 **Illumination of Means of Egress.** Means of egress shall be illuminated in accordance with Section 7.8.

34.2.9 **Emergency Lighting.** Emergency lighting in accordance with Section 7.9 shall be provided.

34.2.10 **Marking of Means of Egress.** Means of egress shall be marked in accordance with Section 7.10.

34.2.11 **Special Means of Egress Features.**

34.2.11.1 **Reserved.**

34.2.11.2 **Lockups.** Lockups in residential assisted living community occupancies shall comply with the requirements of 22.4.5.

34.3 **Protection.**

34.3.1 **Protection of Vertical Openings.**

34.3.1.1 Vertical openings shall be enclosed or protected in accordance with Section 8.6.

34.3.1.2 Unenclosed vertical openings in accordance with 8.6.9.1 shall be permitted.

34.3.1.3 No floor below the level of exit discharge used only for storage, heating equipment, or purposes other than residential occupancy shall have unprotected openings to floors used for residential occupancy.

34.3.2 **Protection from Hazards.**

34.3.2.1 Rooms containing high-pressure boilers, refrigerating machinery, transformers, or other service equipment subject to possible explosion shall not be located directly under or adjacent to exits, and such rooms shall be effectively separated from other parts of the building as specified in Section 8.7.

34.3.2.2 Hazardous areas, which shall include, but shall not be limited to, the following, shall be separated from other parts of the building by construction having a minimum 1-hour fire resistance rating, with communicating openings protected by approved self-closing fire doors and be equipped with automatic fire-extinguishing systems:

(1) Boiler and heater rooms

(2) Laundries

(3) Repair shops

(4) Rooms or spaces used for storage of combustible supplies and equipment in quantities deemed hazardous by the authority having jurisdiction

Exception to (1): Rooms enclosing air handling equipment, compressor equipment, furnaces or other heating equipment with a total aggregate input rating less than 200,000 BTU input. Such rooms shall not be used for any combustible storage. A minimum of 30 inches (0.76 m) unobstructed access shall be provided and maintained to equipment and electrical or emergency control panels or devices for emergency response purposes.

34.3.3 Interior Finish.

34.3.3.1 **General.** Interior finish shall be in accordance with Section 10.2.

34.3.3.2 **Interior Wall and Ceiling Finish.** Interior wall and ceiling finish materials complying with Section 10.2 shall be in accordance with the following:

- (1) Exit enclosures - Class A
- (2) Lobbies and corridors - Class B
- (3) Rooms and enclosed spaces - Class B

34.3.3.3 Interior Floor Finish.

34.3.3.3.1 Interior floor finish shall comply with Section 10.2.

34.3.3.3.2 Interior floor finish in exit enclosures and exit access corridors and spaces not separated from them by walls complying with 34.3.6 shall be not less than Class II.

34.3.3.3.3 Interior floor finish shall comply with 10.2.7.1 or 10.2.7.2, as applicable.

34.3.4 Detection, Alarm, and Communications Systems.

34.3.4.1 **General.** A fire alarm system shall be provided in accordance with Section 9.6.

34.3.4.2 **Initiation.** The required fire alarm system shall be initiated by each of the following:

- (1) Manual means in accordance with 9.6.2
- (2) Manual fire alarm box located at a convenient central control point under continuous supervision of responsible employees
- (3) Required automatic sprinkler system
- (4) Required detection system

34.3.4.3 **Annunciator Panel.** An annunciator panel, connected to the fire alarm system, shall be provided at a location readily accessible from the primary point of entry for emergency response personnel.

34.3.4.4 Notification.

34.3.4.4.1 **Occupant Notification.** Occupant notification shall be provided automatically, without delay, by internal audible alarm in accordance with 9.6.3.

34.3.4.4.2 **High-Rise Buildings.** High-rise buildings shall be provided with an approved emergency voice communication/alarm system in accordance with 11.8.4.

34.3.4.5 * **Emergency Forces Notification.** Fire department notification shall be accomplished in accordance with 9.6.4.

34.3.4.6 Detection.

34.3.4.6.1 **Smoke Alarms.** Approved smoke alarms shall be installed in accordance with 9.6.2.10 inside every sleeping room, outside every sleeping area in the immediate vicinity of the bedrooms, and on all levels within a resident unit.

34.3.4.7 **Smoke Detection Systems.**

34.3.4.7.1 Corridors, spaces open to the corridors, and other spaces outside every sleeping area in the immediate vicinity of the bedrooms other than those meeting the requirement of 34.3.4.7.2, shall be provided with smoke detectors that comply with NFPA 72, *National Fire Alarm and Signaling Code*, and are arranged to initiate an alarm that is audible in all sleeping areas.

34.3.4.7.2 Smoke detection systems shall not be required in unenclosed corridors, passageways, balconies, colonnades, or other arrangements with one or more sides along the long dimension fully or extensively open to the exterior at all times.

34.3.5 **Extinguishment Requirements.**

34.3.5.1 **General.** All buildings shall be protected throughout by an approved automatic sprinkler system installed in accordance with 9.7.1.1(1) and provided with quick-response or residential sprinklers throughout.

34.3.5.5 **Supervision.** Automatic sprinkler systems shall be provided with electrical supervision in accordance with 9.7.2.

34.3.5.7 **Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in accordance with 9.9.

34.3.6 **Corridors and Separation of Sleeping Rooms.**

34.3.6.1 Access shall be provided from every resident use area to at least one means of egress that is separated from all sleeping rooms by walls complying with 34.3.6.3 through 34.3.6.6.

34.3.6.1.1 Sleeping rooms shall be separated from corridors, living areas, and kitchens by walls complying with 34.3.6.2 through 34.3.6.6.

34.3.6.2 Walls required by 34.3.6.1 or 34.3.6.1.1 shall be smoke partitions in accordance with Section 8.4 having a minimum 1/2-hour fire resistance rating.

34.3.6.3.5 Hazardous areas shall be separated from corridors in accordance with 34.3.2.

34.3.6.4 Doors protecting corridor openings other than from resident sleeping rooms and hazardous areas shall not be required to have a fire protection rating, but shall be constructed to resist the passage of smoke.

34.3.6.4.1 Doors protecting resident sleeping rooms shall have a minimum 20-minute fire protection rating.

34.3.6.5 Door-closing devices shall not be required on doors in corridor wall openings, other than those serving exit enclosures, smoke barriers, enclosures of vertical openings, and hazardous areas.

34.3.6.6 No louvers, transfer grilles, operable transoms, or other air passages, other than properly installed heating and utility installations, shall penetrate the walls or doors specified in 34.3.6.

34.3.7 **Subdivision of Building Spaces.** Buildings shall be subdivided by smoke barriers in accordance with 34.3.7.1 through 34.3.7.21.

34.3.7.1 Every story shall be divided into not less than two smoke compartments, unless it meets the requirement of 34.3.7.4, 34.3.7.5, 34.3.7.6, or 34.3.7.7.

34.3.7.2 Each smoke compartment shall have an area not exceeding 22,500 ft² (2100 m²).

34.3.7.3 The travel distance from any point to reach a door in the required smoke barrier shall be limited to a distance of 200 ft. (61 m).

34.3.7.3.1 Additional smoke barriers shall be provided such that the travel distance from a sleeping room corridor door to a smoke barrier shall not exceed 150 ft. (46 m).

34.3.7.4 Smoke barriers shall not be required on stories that do not contain an assisted living community occupancy located above the assisted living community occupancy.

34.3.7.5 Smoke barriers shall not be required in areas that do not contain an assisted living community occupancy and that are separated from the assisted living community occupancy by a fire barrier complying with Section 8.3.

34.3.7.6 Smoke barriers shall not be required on stories that do not contain an assisted living community occupancy and that are more than one story below the assisted living community occupancy.

34.3.7.7 Smoke barriers shall not be required in open parking structures protected throughout by an approved, supervised automatic sprinkler system in accordance with 34.3.5.

34.3.7.8 Smoke barriers shall be constructed in accordance with Section 8.5 and shall have a minimum 1-hour fire resistance rating, unless they meet the requirement of 34.3.7.9 or 34.3.7.10.

34.3.7.9 Where an atrium is used, smoke barriers shall be permitted to terminate at an atrium wall constructed in accordance with 8.6.7(1)(c), in which case not less than two separate smoke compartments shall be provided on each floor.

34.3.7.10 Dampers shall not be required in duct penetrations of smoke barriers in fully ducted heating, ventilating, and air-conditioning systems.

34.3.7.11 Not less than 15 net ft² (1.4 net m²) per resident shall be provided within the aggregate area of corridors, lounge or dining areas, and other low hazard areas on each side of the smoke barrier.

34.3.7.12 On stories not housing residents, not less than 6 net ft² (0.56 net m²) per occupant shall be provided on each side of the smoke barrier for the total number of occupants in adjoining compartments.

34.3.7.13 Doors in smoke barriers shall be substantial doors, such as 1 3/4 in. (44 mm) thick, solid-bonded wood-core doors, or shall be of construction that resists fire for a minimum of 20 minutes.

34.3.7.14 Nonrated factory- or field-applied protective plates extending not more than 48 in. (1220 mm) above the bottom of the door shall be permitted.

34.3.7.15 Cross-corridor openings in smoke barriers shall be protected by a pair of swinging doors or a horizontal-sliding door complying with 7.2.1.14.

34.3.7.16 Swinging doors shall be arranged so that each door swings in a direction opposite from the other.

34.3.7.17 Doors in smoke barriers shall comply with 8.5.4 and shall be self-closing or automatic-closing in accordance with 7.2.1.8.

34.3.7.18 Vision panels consisting of fire-rated glazing or wired glass panels in approved frames shall be provided in each cross-corridor swinging door and in each cross-corridor horizontal-sliding door in a smoke barrier.

34.3.7.19 Rabbits, bevels, or astragals shall be required at the meeting edges, and stops shall be required at the head and sides of door frames in smoke barriers.

34.3.7.20 Positive latching hardware shall not be required.

34.3.7.21 Center mullions shall be prohibited.

34.3.8 * **Cooking Facilities.** Cooking facilities, other than those within individual residential units, shall be protected in accordance with 9.2.3.

34.3.9 **Standpipes.**

34.3.9.1 **General.** Where required, standpipe and hose systems shall be installed and maintained in accordance with 9.10.

34.3.9.2 **In High-Rise Buildings.** Class I standpipe systems shall be installed throughout all high-rise buildings.

34.3.9.3 **Roof Outlets.** Roof outlets shall not be required on roofs having a slope of 3 in 12 or greater.

34.4 **Special Provisions.**

34.4.1 **High-Rise Buildings.** High-rise buildings shall comply with Section 11.8.

34.5 * **Suitability of an Apartment Building to House an Assisted living community Occupancy.**

34.5.1 **General.**

34.5.1.1 **Scope.**

34.5.1.1.1 Section 34.5 shall apply to apartment buildings that have one or more individual apartments used as an assisted living community occupancy. (See 34.1.3.2.)

34.5.1.1.2 The provisions of Section 34.5 shall be used to determine the suitability of apartment buildings, other than those complying with 34.5.1.1.4, to house an assisted living community facility.

34.5.1.1.3 The suitability of apartment buildings not used for assisted living community occupancies shall be determined in accordance with Chapter 30.

34.5.1.1.4 When a new assisted living community occupancy is created in an existing apartment building, the suitability of such a building for apartments not used for assisted living community occupancies shall be determined in accordance with Chapter 31.

34.5.1.2 **Requirements for Individual Apartments.** Requirements for individual apartments used as residential assisted living community occupancies shall be as specified in Section 34.2. Egress from the apartment into the common building corridor shall be considered acceptable egress from the assisted living community facility.

34.5.1.3 * **Additional Requirements.** Apartment buildings housing assisted living community facilities shall comply with the requirements of Chapter 30 and the additional requirements of Section 34.5, unless the authority having jurisdiction has determined that equivalent safety for housing an assisted living community facility is provided in accordance with Section 1.4.

34.5.1.4 **Minimum Construction Requirements.**

34.5.1.4.1 In addition to the requirements of Chapter 30, apartment buildings, other than those complying with 34.5.1.4.2, housing assisted living community facilities shall meet the construction requirements of 34.1.3.

34.5.1.4.2 When a new assisted living community occupancy is created in an existing apartment building, the construction requirements of 19.1.6 shall apply.

34.5.2 **Means of Egress.**

34.5.2.1 The requirements of Section 30.2 shall apply only to the parts of means of egress serving the apartment(s) used as an assisted living community occupancy, as modified by 34.5.2.2.

34.5.2.2 When a new assisted living community occupancy is created in an existing apartment building, the requirements of Section 31.2 shall apply to the parts of the means of egress serving the apartment(s) used as an assisted living community occupancy.

34.5.3 Protection.

34.5.3.1 Interior Finish.

34.5.3.1.1 The requirements of 30.3.3 shall apply only to the parts of means of egress serving the apartment(s) used as an assisted living community occupancy, as modified by 34.5.3.1.2.

34.4.3.1.2 When a new assisted living community occupancy is created in an existing apartment building, the requirements of 31.3.3 shall apply to the parts of the means of egress serving the apartment(s) used as an assisted living community occupancy.

34.5.3.2 Construction of Corridor Walls.

34.5.3.2.1 The requirements of 30.3.6 shall apply only to corridors serving the assisted living community facility, including that portion of the corridor wall separating the assisted living community facility from the common corridor, as modified by 34.5.3.2.2.

34.5.3.2.2 If a new assisted living community occupancy is created in an existing apartment building, the requirements of 31.3.6 shall apply to the corridor serving the residential assisted living community facility.

34.5.3.3 Subdivision of Building Spaces. (Reserved)

34.6 Building Services.

34.6.1 **Utilities.** Utilities shall comply with Section 9.1.

34.6.1.1 Heating, ventilating, and air-conditioning equipment shall comply with Section 9.2.

34.6.1.2 No stove or combustion heater shall be located such that it blocks escape in case of fire caused by the malfunction of the stove or heater.

34.6.1.3 Unvented fuel-fired heaters shall not be used in any assisted living community occupancy.

34.6.3 Elevators, Dumbwaiters, and Vertical Conveyors. Elevators, dumbwaiters, and vertical conveyors shall comply with Section 9.4.

34.6.3.2 * In high-rise buildings, one elevator shall be provided with a protected power supply and shall be available for use by the fire department in case of emergency.

34.6.4 Rubbish Chutes, Incinerators, and Laundry Chutes. Rubbish chutes, incinerators, and laundry chutes shall comply with Section 9.5.

34.7 Operating Features.

34.7.1 **Emergency Planning and Preparedness.** Assisted living community facilities shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, resident training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner. The provisions of this Section 34.7 shall be incorporated into the plans, training and safety practices developed by the facility."

34.7.2 **Emergency Plan.**

34.7.2.1 The administration of every assisted living community facility shall have, in effect and available to all supervisory personnel, written copies of a plan for protecting all persons in the event of fire, for keeping persons in place, for evacuating persons to areas of refuge, and for evacuating persons from the building when necessary.

34.7.2.2 The emergency plan shall include special staff response, including the fire protection procedures needed to ensure the safety of any resident, and shall be amended or revised whenever any resident with unusual needs is admitted to the home.

34.7.2.3 All employees shall be periodically instructed and kept informed with respect to their duties and responsibilities under the plan, and such instruction shall be reviewed by the staff not less than every 2 months.

34.7.2.4 A copy of the plan shall be readily available at all times within the facility.

34.7.3 **Resident Training.**

34.7.3.1 All residents participating in the emergency plan shall be trained in the proper actions to be taken in the event of fire.

34.7.3.2 The training required by 34.7.3.1 shall include actions to be taken if the primary escape route is blocked.

34.7.3.3 If a resident is given rehabilitation or habilitation training, training in fire prevention and the actions to be taken in the event of a fire shall be a part of the training program.

34.7.3.4 Residents shall be trained to assist each other in case of fire to the extent that their physical and mental abilities permit them to do so without additional personal risk.

34.7.4 **Emergency Egress and Relocation Drills.** Emergency egress and relocation drills shall be conducted in accordance with 34.7.4.1 through 34.7.4.6.

34.7.4.1 Emergency egress and relocation drills shall be conducted not less than once per quarter on each shift at alternating times. It is intended that staff and residents be trained and drilled based on fire and other emergencies that may occur during the periods of lowest staffing levels. This may require more than one drill per quarter on shifts with the lowest staffing levels.

34.7.4.2 The emergency drills shall be permitted to be announced to the residents in advance.

34.7.4.3 The drills shall involve the training of residents for the eventual actual evacuation of all residents to an assembly point, as specified in the emergency plan, and shall provide residents with experience in egressing through all exits and means of escape required by the *Code*.

34.7.4.3.1. The assembly point shall be a place outside of the building and shall be located a safe distance from the building being evacuated so as to avoid interference with fire department operations. A refuge area within a smoke compartment in buildings separated by smoke barriers shall be considered a temporary assembly point as part of a staged evacuation.

34.7.4.3.2. Buildings with smoke compartments shall be allowed to train residents to temporarily escape in a staged evacuation to another smoke compartment separated by smoke barriers. Residents shall be allowed to complete the training exercise on the other side of an adjacent smoke barrier. Residents shall still be trained to eventually complete building evacuation during an actual emergency evacuation. Residents shall be required to participate in one emergency egress and relocation drill per year where they continue to an assembly point outside of the building.

34.7.4.3.3. Residents, as a group, shall be required to complete the evacuation drill to an exit or across a smoke barrier in less than 13 minutes or shall be required to change its group evacuation capability and comply with Section 35.1.8.

34.7.4.4 Exits and means of escape not used in any drill shall not be credited in meeting the requirements of this *Code* for assisted living community facilities.

34.7.4.5 Actual exiting from windows shall not be required to comply with 34.7.4; opening the window and signaling for help shall be an acceptable alternative.

34.7.4.6 Residents who cannot meaningfully assist in their own evacuation or who have special health problems shall not be required to actively participate in the drill. Section 18.7 shall apply in such instances.

34.7.5 **Smoking.**

34.7.5.1 * Smoking regulations shall be adopted by the administration of assisted living community occupancies.

34.7.5.2 Where smoking is permitted, noncombustible safety-type ashtrays or receptacles shall be provided in convenient locations.

34.7.6 * **Furnishings, Mattresses, and Decorations.**

34.7.6.1 New draperies, curtains, and other similar loosely hanging furnishings and decorations shall comply with 34.7.6.1.1 and 34.7.6.1.2.

34.7.6.1.1 New draperies, curtains, and other similar loosely hanging furnishings and decorations in assisted living community facilities shall be in accordance with the provisions of 10.3.1, unless otherwise permitted by 34.7.6.1.2.

34.7.6.1.2 In other than common areas, new draperies, curtains, and other similar loosely hanging furnishings and decorations shall not be required to comply with 34.7.6.1.1 where the building is protected throughout by an approved automatic sprinkler system installed in accordance with 34.2.3.5.

34.7.6.2 * New upholstered furniture within assisted living community facilities shall comply with 34.7.6.2.1 or 34.7.6.2.2.

34.7.6.2.1 New upholstered furniture shall be tested in accordance with the provisions of 10.3.2.1(1) and 10.3.3.

34.7.6.2.2 Upholstered furniture belonging to residents in sleeping rooms shall not be required to be tested, provided that a smoke alarm is installed in such rooms; battery-powered single-station smoke alarms shall be permitted in such rooms.

34.7.6.3 * Newly introduced mattresses within assisted living community facilities shall comply with 34.7.5.3.1 or 34.7.5.3.2.

34.7.6.3.1 Newly introduced mattresses shall be tested in accordance with the provisions of 10.3.2.2 and 10.3.4.

34.7.6.3.2 Mattresses belonging to residents in sleeping rooms shall not be required to be tested, provided that a smoke alarm is installed in such rooms; battery-powered single-station smoke alarms shall be permitted in such rooms.

34.7.7 **Staff.** Staff shall be on duty and in the facility at all times when residents requiring evacuation assistance are present.

34.7.8 **Inspection of Door Openings.** Door assemblies for which the door leaf is required to swing in the direction of egress travel shall be inspected and tested not less than annually in accordance with 7.2.1.15."

(ee) **Modifications to Chapter 35:**

1. Insert a new Chapter 34 to read as follows:

"Chapter 35 Existing Assisted Living Community Occupancies

35.1 General Requirements.

35.1.1 * Application.

35.1.1.1 General.

35.1.1.1.1 The requirements of this chapter shall apply to existing buildings or portions thereof used as assisted living community occupancies or with limited applicability for a conversion as further specific specified in Section 35.1.1.4.3 entitled Change of Occupancy.

35.1.1.1.2 **Administration.** The provisions of Chapter 1, Administration, shall apply.

35.1.1.1.3 **General.** The provisions of Chapter 4, General, shall apply.

35.1.1.1.4 Buildings, or sections of buildings, that primarily house residents who, in the opinion of the governing body of the facility and the governmental agency having jurisdiction, are capable of exercising judgment and appropriate physical action for self-preservation under emergency conditions shall be permitted to comply with the provisions of Chapter 33 provided they are separated by a fire barrier having not less than a 1-hour fire resistance rating and constructed of materials as required for the addition.

35.1.1.1.5 It shall be recognized that, in buildings providing care for certain types of residents or having a security section, it might be necessary to lock doors and bar windows to confine and protect building inhabitants. In such instances, the authority having jurisdiction shall require appropriate modifications to those sections of this *Code* that would otherwise require means of egress to be kept unlocked.

35.1.1.1.6 The requirements of this chapter shall apply based on the assumption that staff is available in all resident-occupied areas to perform certain fire safety functions as required in other paragraphs of this chapter.

35.1.1.2 * **Goals and Objectives.** The goals and objectives of Sections 4.1 and 4.2 shall be met with due consideration for functional requirements, which are accomplished by limiting the development and spread of a fire to the room of fire origin and reducing the need for occupant evacuation, except from the room of fire origin.

35.1.1.3 Total Concept.

35.1.1.3.1 All assisted living community facilities shall be designed, constructed, maintained, and operated to minimize the possibility of a fire emergency requiring the evacuation of occupants.

35.1.1.3.2 Because the safety of assisted living community occupants cannot be ensured adequately by dependence on evacuation of the building, their protection from fire shall be provided by appropriate arrangement of facilities; adequate, trained staff; and development of operating and maintenance procedures composed of the following:

- (1) Design, construction, and compartmentation.
- (2) Provision for detection, alarm, and extinguishment.
- (3) Fire prevention and planning, training, and drilling programs for the isolation of fire, transfer of occupants to areas of refuge, or evacuation of the building.

35.1.1.4 Additions, Conversions, Modernization, Renovation, and Construction Operations.

35.1.1.4.1 Additions.

35.1.1.4.1.1 Additions shall be separated from any existing structure not conforming to the provisions within Chapter 35 by a fire barrier having not less than a 2-hour fire resistance rating and constructed of materials as required for the addition. (See 4.6.5 and 4.6.7.)

35.1.1.4.1.2 Doors in barriers required by 35.1.1.4.1.1 shall normally be kept closed, unless otherwise permitted by 35.1.1.4.1.3.

35.1.1.4.1.3 Doors shall be permitted to be held open if they meet the requirements of 35.2.2.4.

35.1.1.6 **Conversion.** For the purposes of this chapter, exceptions for conversions shall apply only for a change of occupancy from an existing personal care home occupancy or health care occupancy to an assisted living community occupancy.

35.1.1.4.3 **Changes of Occupancy.** A change from a personal care home, assisted living, or assisted living facility to an assisted living community occupancy shall be considered a change in occupancy or occupancy sub-classification. The requirements of this chapter shall be limited to only apply to a change of occupancy to an assisted living community from an existing personal care home, assisted living, or assisted living facility first occupied as such with a certificate of occupancy issued prior to March 31, 2013. Such facility may be permitted to meet all the requirements for a limited health care occupancy as prescribed in chapter 19 of this *Code* in lieu of this chapter.

35.1.1.4.3.1 An existing personal care home, assisted living, or assisted living facility with a certificate of occupancy dated after March 31, 2013, that is applying for a change of occupancy to an assisted living community or any other change of occupancy classification, sub-classification, shall meet the provisions of Chapter 34 New Assisted Living Community Occupancies.

35.1.1.4.4 **Renovations, Alterations, and Modernizations.** See 4.6.7.

35.1.1.4.5 **Construction, Repair, and Improvement Operations.** See 4.6.10.

35.1.2 **Classification of Occupancy.** See 120-3-3.03(4), (14), and 35.1.4.2.

35.1.3 **Multiple Occupancies.**

35.1.3.1 Multiple occupancies shall comply with 6.1.14 in buildings other than those meeting the requirement of 35.1.3.2.

35.1.3.2 * Sections of assisted living community facilities shall be permitted to be classified as other occupancies, provided that they meet both of the following conditions:

(1) They are not intended to serve assisted living community occupants or have customary access by assisted living community residents who are incapable of self-preservation.

(2) They are separated from areas of assisted living community occupancies by construction having a minimum 2-hour fire resistance rating.

35.1.3.3 The requirement of 35.1.3.1 shall not apply to apartment buildings housing assisted living community occupancies in conformance with Section 35.4. In such facilities, any safeguards required by Section 35.4 that are more restrictive than those for other housed occupancies shall apply only to the extent prescribed by Section 35.4.

35.1.3.4 No assisted living community occupancy shall be located above a nonresidential or non-health care occupancy, unless one following conditions is met:

(1) The assisted living community occupancy and exits therefrom are separated from the nonresidential or non-health care occupancy by construction having a minimum 2-hour fire resistance rating.

(2) The assisted living community occupancy is protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7 and is separated therefrom by construction having a minimum 1-hour fire resistance rating.

35.1.3.5 Any area with a hazard of contents classified higher than that of the assisted living community occupancy and located in the same building shall be protected as required in 35.3.2.

35.1.3.6 Non-residential-related occupancies classified as containing high hazard contents shall not be permitted in buildings housing assisted living community occupancies.

35.1.4 Definitions.

35.1.4.1 **General.** For definitions, see Chapter 3, Definitions.

35.1.4.2 **Special Definitions.** A list of special terms used in this chapter follows:

(1) Assisted Living Community Occupancy. See [120-3-3-.03\(4\)](#).

(2) Assisted self-preservation. See 120-3-3.03(5).

(2) Evacuation Capability, Impractical. See [120-3-3-.03\(7\)](#).

(3) Evacuation Capability, Prompt. See 120-33-.03(8).

(4) Evacuation Capability, Slow. See 120-3-3.03(9).

(5) Personal Care Home. See [120-3-3-.03\(21\)](#).

(6) Point of Safety. See 3.3.211 of this *Code*.

(7) Thermal Barrier. See 3.3.31.3 of this *Code*.

35.1.5 **Classification of Hazard of Contents.** The classification of hazard of contents shall be as defined in Section 6.2.

35.1.6 **Minimum Construction requirements.** Assisted living community facilities shall be limited to the building construction types specified in Table 35.1.6 (see 8.2.1), based on the number of stories in height as defined in 4.6.3.

Table 35.1.6

Table 35.1.6		Number of Stories - <i>See Note b</i>					
Construction Type	Sprinkled <i>See Note a</i>	1	2	3	4	5-6	>6-12
Type I(442) <i>c d</i>	YES	X	X	X	X	X	X
	NO	N.P.	N.P.	N.P.	N.P.	N.P.	N.P.
Type I(332) <i>c d</i>	YES	X	X	X	X	X	X
	NO	N.P.	N.P.	N.P.	N.P.	N.P.	N.P.
Type II(222) <i>c d</i>	YES	N.P.	X	X	X	X	X
	NO		N.P.	N.P.	N.P.	N.P.	N.P.
Type II(111) <i>c d</i>	YES	X	X	<i>Xe</i>	<i>Xe</i>	N.P.	N.P.
	NO	N.P.	N.P.	N.P.	N.P.	N.P.	N.P.
Type II(000) <i>a</i>	YES	X	X	N.P.	N.P.	N.P.	N.P.
	NO	N.P.	N.P.	N.P.	N.P.	N.P.	N.P.
Type III(211) <i>a</i>	YES	X	X	<i>Xe</i>	<i>Xe</i>	N.P.	N.P.

Table 35.1.6	Number of Stories - See Note b						
	NO	N.P.	N.P.	N.P.	N.P.	N.P.	N.P.
Type III(200) <i>a</i>	YES	X	N.P.	N.P.	N.P.	N.P.	N.P.
	NO	N.P.	N.P.	N.P.	N.P.	N.P.	N.P.
Type IV(2HH) <i>a</i>	YES	X	X	N.P.	N.P.	N.P.	N.P.
	NO	N.P.	N.P.	N.P.	N.P.	N.P.	N.P.
Type V(111) <i>See note a or e</i>	YES	X _a	X _a	X _e	X _e	N.P.	N.P.
	NO	N.P.	N.P.	N.P.	N.P.	N.P.	N.P.
Type V(000) <i>a</i>	YES	X _a	N.P.	N.P.	N.P.	N.P.	N.P.
	NO	N.P.	N.P.	N.P.	N.P.	N.P.	N.P.

X = Permitted if sprinklered as required by 33.3.3.5 unless otherwise noted.

NP = Not permitted.

a Building shall be protected throughout by an approved supervised automatic sprinkler system installed in accordance with 35.3.5, and the interior walls are covered with lath and plaster or materials providing a 15-minute thermal barrier. (See requirements of 35.3.5).

b See requirements of 4.6.3.

c See requirements of 35.1.6.2.1.

d See requirements of 35.1.6.2.2.

e See requirements of 35.1.6.5.

35.1.6.1 * **Fire Resistance-Rated Assemblies.** Fire resistance-rated assemblies shall comply with Section 8.3.

35.1.6.2 **Construction Type Limitations.**

35.1.6.2.1 Any building of Type I(442), Type I(332), Type II(222), or Type II(111) construction shall be permitted to include roofing systems involving combustible supports, decking, or roofing, provided that all of the following criteria are met:

(1) The roof covering shall meet Class A requirements in accordance with ASTM E 108, Standard Test Methods for Fire Tests of Roof Coverings, or ANSI/UL 790, Test Methods for Fire Tests of Roof Coverings.

(2) The roof shall be separated from all occupied portions of the building by a noncombustible floor assembly having not less than a 2-hour fire resistance rating that includes not less than 2 1/2 in. (63 mm) of concrete or gypsum fill.

(3) The structural elements supporting the 2-hour fire resistance-rated floor assembly specified in 35.1.6.2(2) shall be required to have only the fire resistance rating required of the building.

35.1.6.2.2 Any building of Type I(442), Type I(332), Type II(222), or Type II(111) construction shall be permitted to include roofing systems involving combustible supports, decking, or roofing, provided that all of the following criteria are met:

(1) The roof covering shall meet Class A requirements in accordance with ASTM E 108, Standard Test Methods for Fire Tests of Roof Coverings, or ANSI/UL 790, Test Methods for Fire Tests of Roof Coverings.

(2) The roof/ceiling assembly shall be constructed with fire-retardant-treated wood meeting the requirements of NFPA 220, Standard on Types of Building Construction.

(3) The roof/ceiling assembly shall have the required fire resistance rating for the type of construction.

35.1.6.2.3 Any level below the level of exit discharge shall be separated from the level of exit discharge by not less than Type II(111), Type III(211), or Type V(111) construction (see 8.2.1), unless both of the following criteria are met:

(1) Such levels are under the control of the assisted living community facility.

(2) Any hazardous spaces are protected in accordance with Section 8.7.

35.1.6.3 All buildings with more than one level below the level of exit discharge shall have all such lower levels separated from the level of exit discharge by not less than Type II(111) construction.

35.1.6.4 Interior nonbearing walls in buildings of Type I or Type II construction shall be constructed of noncombustible or limited-combustible materials, unless otherwise permitted by 20.1.6.4.

35.1.6.5 Any existing building of Type II(111), Type III(211), or Type V(111) construction shall be permitted however, occupants requiring assistance with evacuation from others shall be limited to occupancy on the first and second stories), unless one of the following criteria is met:

(1) A horizontal exit in combination with a smoke barrier is provided on the third and fourth floor; or,

(2) The building is protected throughout by an approved supervised automatic sprinkler system installed in accordance with 9.7.1.1(1), and provided with quick response or residential sprinklers throughout.

35.1.6.6 Interior nonbearing walls required to have a minimum 2-hour fire resistance rating shall be permitted to be fire-retardant-treated wood enclosed within noncombustible or limited-combustible materials, provided that such walls are not used as shaft enclosures.

35.1.6.7 Fire-retardant-treated wood that serves as supports for the installation of fixtures and equipment shall be permitted to be installed behind noncombustible or limited-combustible sheathing.

35.1.6.8 * Changes in Group Evacuation Capability. A change in evacuation capability to a slower level shall be permitted where the facility conforms to one of the following requirements:

(1) The requirements of Chapter 34 applicable to new assisted living community facilities.

(2) The requirements of Chapter 35 applicable to existing assisted living community facilities for the new evacuation capability, provided that the building is protected throughout by an approved, supervised automatic sprinkler system complying with 35.5 or an increase in staffing to achieve evacuation of all residents to a point of safety within 13 minutes.

35.1.6.9 Requirements Based on Evacuation Capability.

35.1.6.9.1 **Prompt and Slow.** Facilities classified as prompt or slow evacuation capability, other than those meeting the requirement of 35.1.6.9.1.1 or 35.1.6.9.1.2, shall comply with the requirements of Section 35, as indicated for the appropriate evacuation capability.

35.1.6.9.1.1 * Facilities where the authority having jurisdiction has determined equivalent safety is provided in accordance with Section 1.4 shall not be required to comply with the requirements of Section 35, as indicated for the appropriate evacuation capability.

35.1.6.9.1.2 Facilities that were previously approved as complying with 35.1.6.9.2 shall not be required to comply with the requirements of Section 35, as indicated for the appropriate evacuation capability.

35.1.6.9.2 **Impractical.** Facilities classified as impractical evacuation capability shall meet the requirements of Section 35 for impractical evacuation capability, or the requirements for limited care facilities in Chapter 19, unless the authority having jurisdiction has determined equivalent safety is provided in accordance with Section 1.4.

35.1.6.9.3 **Evacuation Capability Determination.**

35.1.6.9.3.1 Facility management shall furnish to the authority having jurisdiction, upon request, an evacuation capability determination using a procedure acceptable to the authority having jurisdiction.

35.1.6.9.3.2 Where the documentation required by 35.1.6.9.3.1 is not furnished, the evacuation capability shall be classified as impractical.

35.1.7 **Occupant Load.** The occupant load, in number of persons for whom means of egress and other provisions are required, shall be determined on the basis of the occupant load factors of Table 7.3.1.2 that are characteristic of the use of the space, or shall be determined as the maximum probable population of the space under consideration, whichever is greater.

35.2 **Means of Egress Requirements.**

35.2.1 **General.**

35.2.1.1 Means of egress from resident rooms and resident dwelling units to the outside of the building shall be in accordance with Chapter 7 and this chapter.

35.2.1.2 Means of escape within the resident room or resident dwelling unit shall comply with Section 24.2 for one- and two-family dwellings.

35.2.1.3 No means of escape or means of egress shall be considered as complying with the minimum criteria for acceptance, unless emergency evacuation drills are regularly conducted using that route in accordance with the requirements of 35.7.3.

35.2.1.4 No assisted living community occupancy shall have its sole means of egress or means of escape pass through any nonresidential or non-health care occupancy in the same building.

35.2.1.5 All means of egress from assisted living community occupancies that traverse non-assisted living community spaces shall conform to the requirements of this *Code* for assisted living community occupancies, unless otherwise permitted by 35.2.1.6.

35.2.1.6 Exit through a horizontal exit into other contiguous occupancies that does not conform to assisted living community egress provisions but do comply with requirements set forth in the appropriate occupancy chapter of this *Code* shall be permitted, provided that the occupancy does not contain high hazard contents.

35.2.1.7 Egress provisions for areas of assisted living community facilities that correspond to other occupancies shall meet the corresponding requirements of this *Code* for such occupancies, and, where the clinical needs of the residents necessitate the locking of means of egress, staff shall be present for the supervised release of occupants during all times of use.

35.2.2 **Means of Egress Components.**

35.2.2.1 **Components Permitted.** Components of means of egress shall be limited to the types described in 35.2.2.2 through 35.2.2.10.

35.2.2.2 **Doors.** Doors in means of egress shall meet all of the following criteria:

(1) Doors complying with 7.2.1 shall be permitted.

(2) Doors within individual rooms and suites of rooms shall be permitted to be swinging or sliding.

(3) No door in any means of egress, other than those meeting the requirement of 35.2.2.2.1 or 35.2.2.2.2, shall be equipped with a lock or latch that requires the use of a tool or key from the egress side.

35.2.2.2.1 Delayed-egress locks in accordance with 7.2.1.6.1 shall be permitted.

35.2.2.2.2 Access-controlled egress doors in accordance with 7.2.1.6.2 shall be permitted.

35.2.2.2.3 Doors that are located in the means of egress from individual resident bedrooms or private living units shall be permitted to have locks where the clinical needs of a resident require specialized protective security measures provided that staff can readily unlock doors at all times in accordance with 35.2.2.2.4.

35.2.2.2.4 Doors that are located in the means of egress and are permitted to be locked under other provisions of 35.2.2.2.3 shall comply with both of the following:

(1) Provisions shall be made for the rapid removal of occupants by means of one of the following:

(a) Remote control of locks from within the locked smoke compartment

(b) Keying of all locks to keys carried by staff at all times

(c) Other such reliable means available to the staff at all times

(2) Only one locking device shall be permitted on each door.

35.2.2.2.5 Doors located in the means of egress that are permitted to be locked under other provisions of Chapter 35, other than those meeting the requirement of 35.2.2.2.1 or 35.2.2.2.2, shall have adequate provisions made for the rapid removal of occupants by means such as remote control of locks, keying of all locks to keys carried by staff at all times, or other such reliable means available to staff at all times.

35.2.2.2.6 Only one such locking device, as described in 35.2.2.2.5, shall be permitted on each door.

35.2.2.3 **Stairs.** Stairs complying with 7.2.2 shall be permitted.

35.2.2.4 **Smokeproof Enclosures.** Smokeproof enclosures complying with 7.2.3 shall be permitted.

35.2.2.5 **Horizontal Exits.** Horizontal exits complying with 7.2.4 shall be permitted.

35.2.2.6 **Ramps.** Ramps complying with 7.2.5 shall be permitted.

35.2.2.7 **Exit Passageways.** Exit passageways complying with 7.2.6 shall be permitted.

35.2.2.8 **Fire Escape Ladders.** Fire escape ladders complying with 7.2.9 shall be permitted.

35.2.2.9 **Alternating Tread Devices.** Alternating tread devices complying with 7.2.11 shall be permitted.

35.2.2.10 **Areas of Refuge.** Areas of refuge complying with 7.2.12 shall be permitted.

35.2.3 **Capacity of Means of Egress.**

35.2.3.1 The capacity of means of egress shall be in accordance with Section 7.3.

35.2.3.2 Street floor exits shall be sufficient for the occupant load of the street floor plus the required capacity of stairs and ramps discharging onto the street floor.

35.2.3.3 The width of corridors serving an occupant load of 50 or more in facilities having prompt or slow evacuation capability, and all facilities having impractical evacuation capability, shall be sufficient for the occupant load served but shall be not less than 60 in. (1525 mm).

35.2.3.4 The width of corridors serving an occupant load of less than 50 in facilities having prompt or slow evacuation capability shall be not less than 44 in. (1120 mm).

35.2.4 Number of Means of Egress.

35.2.4.1 Means of egress shall comply with the following, except as otherwise permitted by 35.2.4.2:

(1) The number of means of egress shall be in accordance with 7.4.1.1 and 7.4.1.3 through 7.4.1.5.

(2) Not less than two separate exits shall be provided on every story.

(3) Not less than two separate exits shall be accessible from every part of every story.

35.2.4.2 Exit access, as required by 35.2.4.1(3), shall be permitted to include a single exit access path for the distances permitted as common paths of travel by 35.2.5.2 and 35.2.5.3.

35.2.5 Arrangement of Means of Egress.

35.2.5.1 **General.** Access to all required exits shall be in accordance with Section 7.5.

35.2.5.2 **Dead-end Corridors.** Dead-end corridors shall not exceed 35 ft. (15 m).

35.2.5.3 **Common Path.** Common paths of travel shall not exceed 110 ft. (35.5 m).

35.2.5.4 Reserved.

35.2.6 Travel Distance to Exits.

35.2.6.1 Travel distance from the door within a room, suite, or living unit to a corridor door shall not exceed 75 ft. (23 m) in buildings not protected throughout by an approved automatic sprinkler system in accordance with 35.3.5.

35.2.6.2 Travel distance from any point within a room, suite, or living unit to a corridor door shall not exceed 125 ft. (38 m) in buildings protected throughout by an approved automatic sprinkler system in accordance with 35.3.5.

35.2.6.3 Travel distance from the corridor door of any room to the nearest exit shall be in accordance with 35.2.6.3.1 or 35.2.6.3.2

35.2.6.3.1 Travel distance from the corridor door of any room to the nearest exit, measured in accordance with Section 7.6, shall not exceed 200 ft. (61 m).

35.2.6.3.2 Travel distance to exits shall not exceed 200 ft. (61 m) for exterior ways of exit access arranged in accordance with 7.5.3.

35.2.7 **Discharge from Exits.** Exit discharge shall comply with Section 7.7.

35.2.8 **Illumination of Means of Egress.** Means of egress shall be illuminated in accordance with Section 7.8.

35.2.9 **Emergency Lighting.** Emergency lighting in accordance with Section 7.9 shall be provided.

35.2.10 **Marking of Means of Egress.** Means of egress shall be marked in accordance with Section 7.10

35.2.11 Special Means of Egress Features.

35.2.11.1 Reserved.

35.2.11.2 Lockups. Lockups in residential assisted living community occupancies shall comply with the requirements of 23.4.5.

35.3 Protection.

35.3.1 Protection of Vertical Openings.

35.3.1.1 Vertical openings shall be enclosed or protected in accordance with Section 8.6.

35.3.1.2 Unenclosed vertical openings in accordance with 8.6.9.1 shall be permitted.

35.3.1.3 No floor below the level of exit discharge and used only for storage, heating equipment, or purposes other than residential occupancy shall have unprotected openings to floors used for residential occupancy.

35.3.2 Protection from Hazards.

35.3.2.1 Rooms containing high-pressure boilers, refrigerating machinery, transformers, or other service equipment subject to possible explosion shall not be located directly under or adjacent to exits, and such rooms shall be effectively separated from other parts of the building as specified in Section 8.7.

35.3.2.2 Hazardous areas, which shall include, but shall not be limited to, the following, shall be separated from other parts of the building by construction having a minimum 1-hour fire resistance rating, with communicating openings protected by approved self-closing fire doors and be equipped with automatic fire-extinguishing systems:

- (1) Boiler and heater rooms
- (2) Laundries
- (3) Repair shops
- (4) Rooms or spaces used for storage of combustible supplies and equipment in quantities deemed hazardous by the authority having jurisdiction

Exception to (1): Rooms enclosing air handling equipment, compressor equipment, furnaces or other heating equipment with a total aggregate input rating less than 200,000 BTU input. Such rooms shall not be used for any combustible storage. A minimum of 30 inches (0.76 m) unobstructed access shall be provided and maintained to equipment and electrical or emergency control panels or devices for emergency response purposes.

35.3.3 Interior Finish.

35.3.3.1 **General.** Interior finish shall be in accordance with Section 10.2.

35.3.3.2 Interior Wall and Ceiling Finish. Interior wall and ceiling finish materials complying with Section 10.2 shall be in accordance with the following:

- (1) Exit enclosures - Class A
- (2) Lobbies and corridors - Class B
- (3) Rooms and enclosed spaces - Class B

35.3.3.3 Interior Floor Finish.

35.3.3.3.1 Interior floor finish shall comply with Section 10.2.

35.3.3.3.2 Interior floor finish in exit enclosures and exit access corridors and spaces not separated from them by walls complying with 35.3.6 shall be not less than Class II.

35.3.3.3.3 Interior floor finish shall comply with 10.2.7.1 or 10.2.7.2, as applicable.

35.3.4 **Detection, Alarm, and Communications Systems.**

35.3.4.1 **General.** A fire alarm system shall be provided in accordance with Section 9.6.

34.3.4.2 **Initiation.** The required fire alarm system shall be initiated by each of the following:

(1) Manual means in accordance with 9.6.2.

(2) Manual fire alarm box located at a convenient central control point under continuous supervision of responsible employees.

(3) Required automatic sprinkler system.

(4) Required smoke and heat detection systems, other than sleeping room smoke alarms.

35.3.4.3 **Annunciator Panel.** An annunciator panel, connected to the fire alarm system, shall be provided at a location readily accessible from the primary point of entry for emergency response personnel.

35.3.4.4 **Notification**

35.3.4.4.1 **Occupant Notification.** Occupant notification shall be provided automatically, without delay, by internal audible alarm in accordance with 9.6.3.

35.3.4.4.2 **High-Rise Buildings.** High-rise buildings shall be provided with an approved emergency voice communication/alarm system in accordance with 11.8.4.

35.3.4.5 * **Emergency Forces Notification.**

35.3.4.5.1 Fire department notification shall be accomplished in accordance with 9.6.4.

35.3.4.5.2 Where the existing fire alarm system does not provide for automatic emergency forces notification in accordance with 9.6.4, provisions shall be made for the immediate notification of the public fire department by either telephone or other means, or, where there is no public fire department, notification shall be made to the private fire brigade.

35.3.4.5.3 Where a new fire alarm system is installed, or the existing fire alarm system is replaced, emergency forces notification shall be provided in accordance with 9.6.4.

35.3.4.6 **Detection.**

35.3.4.6.1 **Smoke Alarms.** Smoke alarms shall be provided in accordance with 35.3.4.6.1.1, 35.3.4.6.1.2, or 35.3.4.6.1.3.

35.3.4.6.1.1 Each sleeping room shall be provided with an approved smoke alarm in accordance with 9.6.2.10 that is powered from the building electrical system.

35.3.4.6.1.2 Existing battery-powered smoke alarms, rather than building electrical service-powered smoke alarms, shall be accepted where, in the opinion of the authority having jurisdiction, the facility has demonstrated that testing, maintenance, and battery replacement programs ensure the reliability of power to the smoke alarms.

35.3.4.6.1.3 The provisions of 9.6.8.10.1 and 9.6.8.10.2.2 shall also apply.

35.3.4.7 Smoke Detection Systems.

35.3.4.7.1 All living areas, as defined in 3.3.22.5, and all corridors shall be provided with smoke detectors that comply with NFPA 72, *National Fire Alarm and Signaling Code*, and are arranged to initiate an alarm that is audible in all sleeping areas, as modified by 35.3.4.7.2.

35.3.4.7.2 Smoke detection systems shall not be required in unenclosed corridors, passageways, balconies, colonnades, or other arrangements with one or more sides along the long dimension fully or extensively open to the exterior at all times.

35.3.5 Extinguishment Requirements.

35.3.5.1 * General. Where an automatic sprinkler system is installed, for either total or partial building coverage, the system shall be installed in accordance with Section 9.7, as modified by 35.3.5.1.1.

35.3.5.1.1 In buildings four or fewer stories above grade plane, systems in accordance with NFPA 13R, *Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height*, shall be permitted.

35.3.5.1.1.1 The exemptions found in NFPA 13R for the sprinkling all closets and bathrooms regardless of size or construction shall not be applicable to assisted living community occupancies under this chapter.

35.3.5.2 **Impractical Evacuation Capability.** All facilities having impractical evacuation capability shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1) (full NFPA 13 System) or increase staffing to achieve evacuation of all residents to a point of safety within 13 minutes.

35.3.5.3 **High-Rise Buildings.** All high-rise buildings shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with 35.3.5. Such systems shall initiate the fire alarm system in accordance with Section 9.6.

35.3.5.4 Attics shall be protected in accordance with 35.3.5.4.1 or 35.3.5.4.2

35.3.5.4.1 Where an automatic sprinkler system is installed, attics or areas within attics used for living purposes, storage, or fuel-fired equipment shall be protected with automatic sprinklers that are part of the required, approved automatic sprinkler system in accordance with 9.7.1.1.

35.3.5.4.2 Where an automatic sprinkler system is installed, attics not used for living purposes, storage, or fuel-fired equipment shall meet one of the following criteria:

(1) Attics shall be protected throughout by a heat detection system arranged to activate the building fire alarm system in accordance with Section 9.6.

(2) Attics shall be protected with automatic sprinklers that are part of the required, approved automatic sprinkler system in accordance with 9.7.1.1.

35.3.5.5 **Supervision.** Automatic sprinkler systems shall be supervised in accordance with Section 9.7.

35.3.5.6 **Portable Fire Extinguishers.** Portable fire extinguishers shall be provided in accordance with 9.9.

35.3.6 Corridors and Separation of Sleeping Rooms.

35.3.6.1 Access shall be provided from every resident use area to not less than one means of egress that is separated from all other rooms or spaces by walls complying with 35.3.6.1.1, 35.3.6.1.3 or 35.3.6.1.4.

35.3.6.1.1 Sleeping rooms shall be separated from corridors, living areas, kitchens and all other areas by walls having a minimum 1/2-hour fire resistance rating.

35.3.6.1.2 Prompt evacuation capability facilities in buildings two or fewer stories in height, where not less than one required means of egress from each sleeping room provides a path of travel to the outside without traversing any corridor or other spaces exposed to unprotected vertical openings, living areas, and kitchens, shall not be required to comply with 35.3.6.1.1.

35.3.6.1.3 Rooms or spaces, other than sleeping rooms and hazardous areas, shall be separated from corridors by smoke partitions in accordance with Section 8.4, and the provisions of 8.4.3.5 shall not apply.

35.3.6.2 Except for Hazardous areas, in buildings protected throughout by an approved automatic sprinkler system in accordance with 9.7.1.1(1), walls may be smoke partitions in accordance with Section 8.4, and the provisions of 8.4.3.5 shall not apply.

35.3.6.3 Hazardous areas shall be separated from corridors in accordance with 35.3.2.

35.3.6.4 Doors in walls required by 35.3.6.1 or 35.3.6.2 shall comply with 35.3.6.4.1 or 35.3.6.4.2.

35.3.6.4.1 Doors shall have a minimum 20-minute fire protection rating.

35.3.6.4.2 Solid-bonded wood-core doors of not less than 1 3/4 in. (44 mm) thickness shall be permitted to continue in use.

35.3.6.5 Doors in walls required by 35.3.6.1 and 35.3.6.2 shall comply with 35.3.6.5.1 and 35.3.6.6.

35.3.6.5.1 Door-closing devices shall not be required on doors in corridor wall openings, other than those serving exit enclosures, smoke barriers, enclosures of vertical openings, and hazardous areas.

35.3.6.6 No louvers, transfer grilles, operable transoms, or other air passages, other than properly installed heating and utility installations, shall penetrate the walls or doors specified in 34.3.6.

35.3.7 **Subdivision of Building Spaces.** The requirements of 35.3.7.1 through 35.3.7.6 shall be met for all sleeping floors, unless otherwise permitted by 35.3.7.7.

35.3.7.1 Every sleeping room floor shall be divided into not less than two smoke compartments of approximately the same size, with smoke barriers in accordance with Section 8.5, unless otherwise indicated in 35.3.7.4, 35.3.7.5, and 35.3.7.6

35.3.7.1.1 Smoke barriers shall not be required in buildings having prompt or slow evacuation capability where each sleeping room is provided with exterior ways of exit access arranged in accordance with 7.5.3.

35.3.7.2 Each smoke compartment shall have an area not exceeding 22,500 ft² (2100 m²).

35.3.7.3 The travel distance from any point to reach a door in the required smoke barrier shall be limited to a distance of 200 ft. (61 m).

35.3.7.3.1 Additional smoke barriers shall be provided such that the travel distance from a sleeping room corridor door to a smoke barrier shall not exceed 150 ft. (46 m).

35.3.7.4 Smoke barriers shall not be required on stories that do not contain an assisted living community occupancy located above the assisted living community occupancy.

35.3.7.5 Smoke barriers shall not be required in areas that do not contain an assisted living community occupancy and that are separated from the assisted living community occupancy by a fire barrier complying with Section 8.3.

35.3.7.6 Smoke barriers shall not be required on stories that do not contain an assisted living community occupancy and that are more than one story below the assisted living community occupancy.

35.3.7.7 Smoke barriers shall not be required in open parking structures protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1).

35.3.7.8 Smoke barriers shall be constructed in accordance with Section 8.5 and shall have a minimum 1-hour fire resistance rating, unless they meet the requirement of 35.3.7.9 or 35.3.7.10.

35.3.7.9 Where an atrium is used, smoke barriers shall be permitted to terminate at an atrium wall constructed in accordance with 8.6.7(1)(c), in which case not less than two separate smoke compartments shall be provided on each floor.

35.3.7.10 Dampers shall not be required in duct penetrations of smoke barriers in fully ducted heating, ventilating, and air-conditioning systems.

35.3.7.11 Not less than 15 net ft² (1.4 net m²) per resident shall be provided within the aggregate area of corridors, lounge or dining areas, and other low hazard areas on each side of the smoke barrier.

35.3.7.12 On stories not housing residents, not less than 6 net ft² (0.56 net m²) per occupant shall be provided on each side of the smoke barrier for the total number of occupants in adjoining compartments.

35.3.7.13 Doors in smoke barriers shall be substantial doors, such as 1 3/4 in. (44 mm) thick, solid-bonded wood-core doors, or shall be of construction that resists fire for a minimum of 20 minutes.

35.3.7.14 Nonrated factory- or field-applied protective plates extending not more than 48 in. (1220 mm) above the bottom of the door shall be permitted.

35.3.7.15 Cross-corridor openings in smoke barriers shall be protected by a pair of swinging doors or a horizontal-sliding door complying with 7.2.1.14.

35.3.7.16 Swinging doors shall be arranged so that each door swings in a direction opposite from the other.

35.3.7.17 Doors in smoke barriers shall comply with 8.5.4 and shall be self-closing or automatic-closing in accordance with 7.2.1.8.

35.3.7.18 Vision panels consisting of fire-rated glazing or wired glass panels in approved frames shall be provided in each cross-corridor swinging door and in each cross-corridor horizontal-sliding door in a smoke barrier.

35.3.7.19 Rabbits, bevels, or astragals shall be required at the meeting edges, and stops shall be required at the head and sides of door frames in smoke barriers.

35.3.7.20 Positive latching hardware shall not be required.

35.3.7.21 Center mullions shall be prohibited.

35.3.8 * **Cooking Facilities.** Cooking facilities, other than those within individual residential units, shall be protected in accordance with 9.2.3.

35.3.9 **Standpipes.**

35.3.9.1 **General.** Where required, standpipe and hose systems shall be installed and maintained in accordance with 9.10.

35.3.9.2 **In High-Rise Buildings.** Class I standpipe systems shall be installed throughout all high-rise buildings.

35.3.9.3 **Roof Outlets.** Roof outlets shall not be required on roofs having a slope of 3 in 12 or greater.

35.4 **Special Provisions.**

35.4.1 **High-Rise Buildings.** High-rise buildings shall comply with Section 11.8.

35.5 **Reserved.**

35.6 **Building Services.**

35.6.1 **Heating, Ventilating, and Air-Conditioning.**

35.6.1.1 Heating, ventilating, and air-conditioning equipment shall comply with Section 9.2.

35.6.1.2 No stove or combustion heater shall be located such that it blocks escape in case of fire caused by the malfunction of the stove or heater.

35.6.1.3 Unvented fuel-fired heaters shall not be used in any assisted living community occupancy.

35.6.3 Elevators, Dumbwaiters, and Vertical Conveyors. Elevators, dumbwaiters, and vertical conveyors shall comply with Section 9.4.

35.6.3.2 * In high-rise buildings, one elevator shall be provided with a protected power supply and shall be available for use by the fire department in case of emergency.

35.6.4 **Rubbish Chutes, Incinerators, and Laundry Chutes.** Rubbish chutes, incinerators, and laundry chutes shall comply with Section 9.5.

35.7 **Operating Features.**

35.7.1 Emergency Planning and Preparedness. Assisted living community facilities shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, resident training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner. The provisions of this Section 35.7 shall be incorporated into the plans, training and safety practices developed by the facility.

35.7.2 **Emergency Plan.**

35.7.2.1 The administration of every residential assisted living community facility shall have, in effect and available to all supervisory personnel, written copies of a plan for protecting all persons in the event of fire, for keeping persons in place, for evacuating persons to areas of refuge, and for evacuating persons from the building when necessary.

35.7.2.2 The emergency plan shall include special staff response, including the fire protection procedures needed to ensure the safety of any resident, and shall be amended or revised whenever any resident with unusual needs is admitted to the home.

35.7.2.3 All employees shall be periodically instructed and kept informed with respect to their duties and responsibilities under the plan, and such instruction shall be reviewed by the staff not less than every 2 months.

35.7.2.4 A copy of the plan shall be readily available at all times within the facility.

35.7.3 **Resident Training.**

35.7.3.1 All residents participating in the emergency plan shall be trained in the proper actions to be taken in the event of fire.

35.7.3.2 The training required by 35.7.3.1 shall include actions to be taken if the primary escape route is blocked.

35.7.3.3 If the resident is given rehabilitation or habilitation training, training in fire prevention and the actions to be taken in the event of a fire shall be a part of the training program.

35.7.3.4 Residents shall be trained to assist each other in case of fire to the extent that their physical and mental abilities permit them to do so without additional personal risk.

35.7.4 Emergency Egress and Relocation Drills. Emergency egress and relocation drills shall be conducted in accordance with 35.7.4.1 through 35.7.4.6.

35.7.4.1 Emergency egress and relocation drills shall be conducted not less than once per quarter on each shift at alternating times. It is intended that staff and residents be trained and drilled based on fire and other emergencies that may occur during the periods of lowest staffing levels. This may require more than one drill per quarter on shifts with the lowest staffing levels."

35.7.4.2 The emergency drills shall be permitted to be announced to the residents in advance.

35.7.4.3 The drills shall involve the training of residents for the eventual actual evacuation of all residents to an assembly point, as specified in the emergency plan, and shall provide residents with experience in egressing through all exits and means of escape required by this *Code*.

35.7.4.3.1. The assembly point shall be a place outside of the building and shall be located a safe distance from the building being evacuated so as to avoid interference with fire department operations. A refuge area within a smoke compartment in buildings separated by smoke barriers shall be considered a temporary assembly point as part of a staged evacuation.

35.7.4.3.2. Buildings with smoke compartments shall be allowed to train residents to temporarily escape in a staged evacuation to another smoke compartment separated by smoke barriers. Residents shall be allowed to complete the training exercise on the other side of an adjacent smoke barrier. Residents shall still be trained to eventually complete building evacuation during an actual emergency evacuation. Residents shall be required to participate in one emergency egress and relocation drill per year where they continue to an assembly point outside of the building.

35.7.4.3.3. Residents, as a group, shall be required to complete the evacuation drill to an exit or across a smoke barrier in less than 13 minutes or shall be required to change its group evacuation capability and comply with Section 35.1.8.

35.7.4.4 Exits and means of escape not used in any drill shall not be credited in meeting the requirements of this *Code* for assisted living community facilities.

35.7.4.5 Actual exiting from windows shall not be required to comply with 35.7.3; opening the window and signaling for help shall be an acceptable alternative.

35.7.4.6 If the assisted living community facility has an evacuation capability classification of impractical, those residents who cannot meaningfully assist in their own evacuation or who have special health problems shall not be required to actively participate in the drill.

35.7.5 Smoking.

35.7.5.1 * Smoking regulations shall be adopted by the administration of assisted living community occupancies.

35.7.5.2 Where smoking is permitted, noncombustible safety-type ashtrays or receptacles shall be provided in convenient locations.

35.7.6 * Furnishings, Mattresses, and Decorations.

35.7.6.1 New draperies, curtains, and other similar loosely hanging furnishings and decorations shall comply with 35.7.6.1.1 and 35.7.6.1.2.

35.7.6.1.1 New draperies, curtains, and other similar loosely hanging furnishings and decorations in assisted living community facilities shall be in accordance with the provisions of 10.3.1, unless otherwise permitted by 35.7.6.1.2.

35.7.6.1.2 In other than common areas, new draperies, curtains, and other similar loosely hanging furnishings and decorations shall not be required to comply with 35.7.6.1.1 where the building is protected throughout by an approved automatic sprinkler system installed in accordance with 35.3.6.

35.7.6.2 * New upholstered furniture within assisted living community facilities shall comply with 35.7.6.2.1 or 35.7.6.2.2.

35.7.6.2.1 New upholstered furniture shall be tested in accordance with the provisions of 10.3.2.1(1) and 10.3.3.

35.7.6.2.2 Upholstered furniture belonging to residents in sleeping rooms shall not be required to be tested, provided that a smoke alarm is installed in such rooms; battery-powered single-station smoke alarms shall be permitted in such rooms.

35.7.6.3 * Newly introduced mattresses within assisted living community facilities shall comply with 35.7.6.3.1 or 35.7.6.3.2.

35.7.6.3.1 Newly introduced mattresses shall be tested in accordance with the provisions of 10.3.2.2 and 10.3.4.

35.7.6.3.2 Mattresses belonging to residents in sleeping rooms shall not be required to be tested, provided that a smoke alarm is installed in such rooms; battery-powered single-station smoke alarms shall be permitted in such rooms.

35.7.7 **Staff.** Staff shall be on duty and in the facility at all times when residents requiring evacuation assistance are present.

35.7.8 **Inspection of Door Openings.** Door assemblies for which the door leaf is required to swing in the direction of egress travel shall be inspected and tested not less than annually in accordance with 7.2.1.15."

(ff) Modification to Chapter 36:

1. Add a new subparagraph 36.3.2.1.3 to read as follows:

36.3.2.1.3 "Rooms enclosing air handling equipment, compressor equipment, furnaces or other heating equipment with a total aggregate input rating less than 200,000 BTU input shall not be subject to the provisions of 36.3.2.1. Such rooms shall not be used for any combustible storage. A minimum of 30 inches (0.76 m) unobstructed access shall be provided and maintained to equipment and electrical or emergency control panels or devices for emergency response purposes."

2. Add a new subparagraph 36.3.5.1.1. to read as follows:

36.3.5.1.1 "Individual tenant spaces located in covered mall buildings shall be provided with electrically supervised control valves. Such control valves shall be located off supply mains to control each individual tenant space.

36.3.5.1.1.1 Multiple tenant spaces shall be permitted to be controlled by one control valve provided the total area covered by the single valve does not exceed 7,500 square feet (696.8 sq. m)."

3. Delete subparagraph 36.4.5.6 in its entirety and substitute in its place the following:

36.4.5.6 **"Emergency Planning and Preparedness.** Bulk merchandising and mercantile occupancies (Group M) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

4. Delete subsections 36.7.1, 36.7.2, 36.7.3, and 36.7.4 in their entirety and substitute in their place the following:

36.7.1 **"Emergency Planning and Preparedness.** Mercantile occupancies (Group M) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner.

36.7.2 **Food Service Operations.** Food service operations shall comply with 12.7.2

36.7.3 **Upholstered Furniture and Mattresses.** The provisions of 10.3.2 of this *Code* and Section 805 of the *International Fire Code* shall not apply to upholstered furniture and mattresses in mercantile occupancies.

36.7.4 **Soiled Linen and Trash Receptacles.** The requirements of 10.3.9 of this *Code* for containers for rubbish, waste, or linen with a capacity of 20 gal (75.7 L) or more shall not apply."

(gg) Modification to Chapter 37:

1. Add a new subparagraph 37.3.2.1.3 to read as follows:

37.3.2.1.3 "The provisions of 37.3.2.1 shall not apply to rooms enclosing air handling equipment, compressor equipment, furnaces or other heating equipment with a total aggregate input rating less than 200,000 BTU input. Such rooms shall not be used for any combustible storage. A minimum of 30 inches (0.76 m) unobstructed access shall be provided and maintained to equipment and electrical or emergency control panels or devices for emergency response purposes."

2. Delete subsections 37.7.1, 37.7.2, 37.7.3, and 37.7.4 in their entirety and substitute in their place the following:

37.7.1 **"Emergency Planning and Preparedness.** Mercantile occupancies (Group M) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner.

37.7.2 **Food Service Operations.** Food service operations shall comply with 12.7.2.

37.7.3 **Upholstered Furniture and Mattresses.** The provisions of 10.3.2 of this *Code* and Section 805 of the *International Fire Code* shall not apply to upholstered furniture and mattresses in mercantile occupancies.

37.7.4 **Soiled Linen and Trash Receptacles.** The requirements of 10.3.8 of this *Code* for containers for rubbish, waste, or linen with a capacity of 20 gal (75.7 L) or more shall not apply."

(hh) **Modification to Chapter 38:**

1. Delete subparagraph 3 8.2.2.2.6 in its entirety and substitute in its place the following:

38.2.2.2.6 "Delayed egress locks complying with 7.2.1.6.1 shall be permitted, provided, however, not more than one such device shall be permitted in the means of egress path involved."

2. Delete subparagraph 38.2.2.2.7 in its entirety and substitute in its place the following:

38.2.2.2.7 "Access-controlled egress doors complying with 7.2.1.6.2 shall be permitted. For elevator lobby exit access doors see 38.2.2.2.3 and 7.2.1.6.3 (14)."

3. Add a new subparagraph 38.3.2.1.1 to read as follows:

38.3.2.1.1 "The provisions of 38.3.2.1 shall not apply to rooms enclosing air handling equipment, compressor equipment, furnaces or other heating equipment with a total aggregate input rating less than 200,000 BTU input. Such rooms shall not be used for any combustible storage. A minimum of 30 inches (0.76 m) unobstructed access shall be provided and maintained to equipment and electrical or emergency control panels or devices for emergency response purposes."

4. Delete subsections 38.7.1, 38.7.2, 38.7.3, and 38.7.4 in their entirety and substitute in their place the following:

38.7.1 **"Emergency Planning and Preparedness.** Business occupancies (Group B) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner.

38.7.2 **Food Service Operations.** Food service operations shall comply with 12.7.2.

38.7.3 **Upholstered Furniture and Mattresses.** The provisions of 10.3.2 of this *Code* and Section 805 of the *International Fire Code* shall not apply to upholstered furniture and mattresses in mercantile occupancies.

38.7.4 **Soiled Linen and Trash Receptacles.** The requirements of 10.3.8 of this *Code* for containers for rubbish, waste, or linen with a capacity of 20 gal (75.7 L) or more shall not apply."

(ii) **Modification to Chapter 39:**

1. Add a new subparagraph 39.3.2.1.1 to read as follows:

39.3.2.1.1 "The provisions of 39.3.2.1 shall not apply to rooms enclosing air handling equipment, compressor equipment, furnaces or other heating equipment with a total aggregate input rating less than 200,000 BTU input. Such rooms shall not be used for any combustible storage. A minimum of 30 inches (0.76 m) unobstructed access shall be provided and maintained to equipment and electrical or emergency control panels or devices for emergency response purposes."

2. Delete subsections 39.7.1, 39.7.2, 39.7.3, and 39.7.4 in their entirety and substitute in their place the following:

39.7.1 **"Emergency Planning and Preparedness.** Business occupancies (Group B) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of The *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner.

39.7.2 **Food Service Operations.** Food service operations shall comply with 12.7.2.

39.7.3 **Upholstered Furniture and Mattresses.** The provisions of 10.3.2 of this *Code* and Section 805 of the *International Fire Code* shall not apply to upholstered furniture and mattresses in mercantile occupancies.

39.7.4 **Soiled Linen and Trash Receptacles.** The requirements of 10.3.8 of this *Code* for containers for rubbish, waste, or linen with a capacity of 20 gal (75.7 L) or more shall not apply."

(jj) **Modification to Chapter 40:**

1. Delete subsection 40.3.5 in its entirety and insert in its place the following: "40.3.5 Extinguishment Requirements.

40.3.5.1 Portable Fire Extinguishers. Portable fire extinguishers shall be provided in all industrial occupancies classified as Group F and/or Group H occupancies as in the *International Fire Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner, on each floor in accordance with 9.9 of this *Code*.

40.3.5.2 Automatic fire suppression systems. Automatic fire suppression systems shall be installed in industrial occupancies as required by the *International Building Code*, adopted by the Georgia Department of Community Affairs, with regard to construction type, area and height requirements, and other features as set forth in Table 1.4.4, **CODES REFERENCE GUIDE**. In addition, automatic fire suppression systems, and/or specialized automatic fire suppression systems, as required by the fire code authority having jurisdiction in accordance with the *International Fire Code* or other codes and standards adopted by the Georgia Safety Fire Commissioner, shall be installed and maintained in accordance with the provisions of the applicable codes and standards."

2. Delete subsections 40.7.1 in its entirety and substitute in its place the following:

40.7.1 Upholstered Furniture and Mattresses. The provisions of 10.3.2 of this *Code* and Section 805 of the *International Fire Code* shall not apply to upholstered furniture and mattresses in industrial occupancies.

3. Add new section 40.8 to read as follows: "40.8 Emergency Planning and Preparedness.

40.8.1 Emergency Planning and Preparedness. Industrial occupancies otherwise classified under Group F and/or Group H in the *International Fire Code*, shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner.

40.8.2 Employee Training and Response Procedures. Employees in the occupancies listed in Section 404.2 of the *International Fire Code* as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner, shall be trained in the fire emergency procedures described in their fire evacuation and life safety plans. Training shall be based on these plans and as described in Section 404.3 of the noted *International Fire Code*."

(kk) **Modification to Chapter 42:**

1. Delete subsection 42.3.5 in its entirety and substitute in its place the following: "42.3.5 Extinguishment Requirements.

42.3.5.1 Portable Fire Extinguishers. Portable fire extinguishers shall be provided in all storage occupancies in accordance with 9.9.

42.3.5.2 Automatic fire suppression systems. Automatic fire suppression systems shall be installed in storage occupancies as required by the *International Building Code*, adopted by the Georgia Department of Community Affairs, with regard to construction type, area and height requirements, and other features as set forth in **Table 1.4.4, CODES REFERENCE GUIDE**. In addition, automatic fire suppression systems, and/or specialized automatic fire suppression systems, as required by the fire code authority having jurisdiction in accordance with the *International Fire Code* or other codes and standards adopted by the Georgia Safety Fire Commissioner, shall be installed and maintained in accordance with the provisions of the applicable codes and standards."

2. Delete subsections 42.9.1 in its entirety and substitute in its place the following:

42.9.1 "Upholstered Furniture and Mattresses. The provisions of 10.3.2 of this *Code* and Section 805 of the *International Fire Code* shall not apply to upholstered furniture and mattresses in storage occupancies.

3. Add a new section 42.10 to read as follows: "42.10 Emergency Planning and Preparedness.

42.10.1 **Emergency Planning and Preparedness.** Storage occupancies (Group S) and High Hazard occupancies (Group H) shall develop policies, procedures, plans, staff training, and safety practices for the protection of life prior to and during an emergency condition. Such policies, procedures, plans, staff training, and safety practices shall be developed and implemented in accordance with applicable provisions of Chapter 4 of the *International Fire Code*, as adopted by the Rules and Regulations of the Safety Fire Commissioner."

(ll) **Modifications to Chapter 43:**

1. Add a new subparagraph 43.1.4.5.1 to read as follows:

43.1.4.5.1 "The provisions of 43.1.4.5 shall specifically apply to compliance with the *International Fire Code (IFC)* and other codes and standards promulgated and adopted with modifications by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner. Accessibility issues shall be addressed in accordance with Chapter 120-3-20 of the Rules and Regulations of the Safety Fire Commissioner. Where any of the provisions of this *Code* chapter require compliance with a building code, it shall be construed that compliance is required as applicable with the *International Building Code (IBC)*, as adopted by the Georgia Board of Community Affairs. Also, refer to [120-3-3-.01](#), 120-3-3.02, [120-3-3-.03](#), and 120-3-3-.04(1) of Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner.

2. Add a new paragraph 43.7.2.6 to read as follows:

43.7.2.6 "The provisions of 43.7.2.4 and 43.7.2.5 shall be permitted to be modified by the authority having jurisdiction provided the intents and purposes of 102.3, 102.4, and 102.6 of the *International Fire Code (IFC)*, as adopted by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner are met."

3. Delete subsections 43.10.1 and 43.10.2 in their entirety and substitute in their place the following:

43.10.1 "**General requirements.** Table 43.7.3 Hazard Categories and Classifications in 43.7.3 of this *Code* may be utilized as may be deemed appropriate by the authority having jurisdiction in the evaluation of historic buildings.

43.10.2 **Application.** The provisions of Chapter 43 shall be deemed as advisory and may be applied to buildings designated as historic to the degree deemed appropriate by the authority having jurisdiction, provided, however, the application of Chapter 43 and 43.10 provisions shall be coordinated as needed to ensure compliance with the requirements, intents, and purposes of 103.3, 102.4, and 102.6 of the *International Fire Code (IFC)* as adopted with modifications by Chapter 120-3-3 of the Rules and Regulations of the Safety Fire Commissioner are met."

(mm) **Modifications to Annex A:**

Add a new (4) to A.3.3.196.7 to read as follows:

(4) "Assisted Living Communities"

Delete (5) from A.3.3.196.12 in its entirety and substitute in its place the following:

(5) "Community Living Arrangements with five or more residents"

3. Delete (1) from A.3.3.196.13 in its entirety and substitute in its place the following:

(1) "One- and two-family dwellings and Community Living Arrangements with fewer than five residents (Chapter 24)"

3. Add a new (4) to A.6.1.5.1 to read as follows:

(4) "Assisted Living Communities"

5. Delete (5) from A.6.1.9.1 in its entirety and substitute in its place the following:"

(5) Community Living Arrangements with five or more residents"

(73) NFPA 101A, 2013 Edition, *Guide on Alternative Approaches to Life Safety*

Modifications:

(a) Modifications to Chapter 1:

1. Add a new Section 1.4 to read as follows:

1.4 "This document is recognized strictly as a guide that may be used in evaluating systems or methods to determine equivalent compliance alternatives for buildings, structures and facilities which do not conform to the minimum requirements of the LSC adopted by this Chapter. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards including the *IFC* adopted by this Chapter."

(74) NFPA 102, 2016 Edition, *Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures*

Modifications:

1. The 2016 edition of NFPA 102 is **NOT** adopted. The basic provisions of this standard have been incorporated into the 2018 Edition of NFPA 101, *Life Safety Code* as adopted by this Chapter 120-3-3. The provisions of the adopted *Life Safety Code* shall apply, as appropriate, to new and existing bleachers, grandstands, folding and telescopic seating. The *Life Safety Code* in coordination with the applicable provisions of the adopted edition of the *International Fire Code* shall apply to tents and membrane structures.

2. The following apply to facilities constructed prior to the effective date of the current Chapter of 120-3-3 Rules and regulations of the Safety Fire Commissioner.

(a) Facilities constructed after April 1, 1968 but before January 1, 1991, shall be permitted to comply with the 1978 edition of NFPA 102, Standard for Grandstands, Folding, and Telescopic Seating, Tents, and Membrane Structures.

(b) Facilities constructed after January 1, 1991, but before January 28, 1993, shall be permitted to comply with the 1986 edition of NFPA 102, Standard for Grandstands, Folding, and Telescopic Seating, Tents, and Membrane Structures.

(c) Facilities constructed after January 28, 1993, but before March 09, 2010, shall be permitted to comply with the 1992 edition of NFPA 102, Standard for Grandstands, Folding, and Telescopic Seating, Tents, and Membrane Structures.

(d) Facilities constructed after March 09, 2010, but before January 1, 2014, shall be permitted to comply with the 2006 edition of NFPA 102, which had been previously adopted."

(75) NFPA 105, 2019 Edition, *Smoke Door Assemblies and Other Opening Protectives*

Modifications:

(a) Modifications to Chapter 1:

1. Add a new subsection 1.6 to read as follows:

1.6 "This document is recognized strictly as a recommended practice that may be used in evaluating the use of door assemblies in openings where the passage of smoke is to be governed. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards."

(76) NFPA 110, 2019 Edition, *Standard for Emergency and Standby Power Systems*

Modifications: None

(77) NFPA 111, 2019 Edition, *Standard on Stored Electrical Energy Emergency and Standby Power Systems*

Modifications: None

(78) NFPA 115, 2020 Edition, *Recommended Practice on Laser Fire Protection*

Modifications:

(a) Modifications to Chapter 1:

1. Add a new subsection 1.1.3 to read as follows:

1.1.3 "This document is recognized strictly as a recommended practice that may be used in evaluating the minimum fire protection criteria for the design, manufacture, installation, and use of lasers and associated equipment. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards."

(79) NFPA 120, 2015 Edition, *Standard for Coal Preparation Plants*

Modifications:

(a) Refer to Chapter 120-3-24, Rules and Regulations of the Safety Fire Commissioner for the application of this Standard and the adopted edition and any modifications.

(80) NFPA 122, 2015 Edition, *Standard for Fire Prevention and Control in Metal / Nonmetal Mining and Metal Mineral Processing facilities*

Modifications: None

(81) NFPA 130, 2017 Edition, *Standard for Fixed Guideway Transit and Passenger Rail Systems*

Modifications: None

(82) NFPA 140, 2018 Edition, *Standard for Motion Picture and Television Production Studio Soundstages and Approved Facilities*

Modifications: None

(83) NFPA 150, 2019 Edition, *Standard on Fire and Life Safety in Animal Housing Facilities*

Modifications: None

(84) NFPA 160, 2016 Edition, *Standard for Flame Effects Before an Audience*

Modifications: None

(85) NFPA 170, 2018 Edition, *Standard for Fire Safety Symbols*

Modifications: None

(86) NFPA 204, 2018 Edition, *Standard for Smoke and Heat Venting*

Modifications: None

(87) NFPA 211, 2019 Edition, *Standard for Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances*

Modifications: None

(88) NFPA 214, 2016 Edition, *Standard on Water-Cooling Towers*

Modifications: None

(89) NFPA 220, 2018 Edition, *Standard on Types of Building Construction*

Modifications: None

(90) NFPA 221, 2018 Edition, *Standard for Fire Walls and Fire Barrier Walls*

Modifications: None

(91) NFPA 232, 2017 Edition, *Standard for the Protection of Records*

Modifications: None

(92) NFPA 241, 2019 Edition, *Standard for Safeguarding Construction, Alteration, and Demolition Operations*

Modifications: None

(93) NFPA 252, 2017 Edition, *Standard Methods of Fire Tests of Door Assemblies*

Modifications: None

(94) NFPA 253, 2019 Edition, *Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source*

Modifications: None

(95) NFPA 257, 2017 Edition, *Standard on Fire Test for Window and Glass Block Assemblies*

Modifications: None

(96) NFPA 259, 2018 Edition, *Standard Test Method for Potential Heat of Building Materials*

Modifications: None

(97) NFPA 260, 2019 Edition, *Standard Methods of Tests and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture*

Modifications: None

(98) NFPA 261, 2018 Edition, *Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes*

Modifications: None

(99) NFPA 262, 2019 Edition, *Standard Method of Test for Flame Travel and Smoke of Wires and Cables for Use in Air-Handling Spaces*

Modifications: None

(100) NFPA 265, 2019 Edition, *Standard Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile Coverings on Full Height Panels and Walls*

Modifications: None

(101) NFPA 268, 2017 Edition, *Standard Test Method for Determining Ignitability of Exterior Wall Assemblies Using a Radiant Heat Energy Source*

Modifications: None

(102) NFPA 269, 2017 Edition, *Standard Test Method for Developing Toxic Potency Data for Use in Fire Hazard Modeling*

Modifications: None

(103) NFPA 270, 2018 Edition, *Standard Method of Test for Measurement of Smoke Obstruction Using a Conical Radiant Source in a Single Closed Chamber*

Modifications: None

(104) NFPA 274, 2018 Edition, *Standard Test Method to Evaluate Fire Performance Characteristics of Pipe Insulation*

Modifications: None

(105) NFPA 275, 2017 Edition, *Standard Test Method of Fire Tests for the Evaluation of Thermal Barriers Used Over Foam Plastic Insulation*

Modifications: None

(106) NFPA 276, 2019 Edition, *Standard Method of Fire Test for Determining the Heat Release Rate of Roofing Assemblies with Combustible Above-Deck Roofing Components*

Modifications: None

(107) NFPA 285, 2019 Edition, *Standard Method of Test for the Evaluation of Flammability Characteristics of Exterior Non-Load-Bearing Wall Assemblies Containing Combustible Components Using the Intermediate-Scale, Multistory Test Apparatus*

Modifications: None

(108) NFPA 286, 2019 Edition, *Standard Method of Fire Tests for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth*

Modifications: None

(109) **NFPA 287, 2017 Edition, *Standard Methods for Measurement of Flammability of Materials in Cleanrooms Using a Fire Propagation Apparatus (FPA)***

Modifications: None

(110) **NFPA 288, 2017 Edition, *Standard Methods of Fire Tests of Floor Fire Door Assemblies Installed Horizontally in Fire Resistance-Rated Floor Systems***

Modifications: None

(111) **NFPA 289, 2019 Edition, *Standard Method of Fire Test for Individual Fuel Packages***

Modifications: None

(112) **NFPA 291, 2018 Edition, *Recommended Practice for Fire Flow Testing and Marking of Hydrants***

Modifications:

1. Add a new subsection 1.1.1 to read as follows:

1.1.1 "This document is recognized strictly as a recommended practice that may be used in evaluating the design of facilities for the emergency venting of products of combustion. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards."

(113) **NFPA 302, 2015 Edition, *Fire Protection Standard for Pleasure and Commercial Motor Craft***

Modifications: None

(114) **NFPA 303, 2016 Edition, *Fire Protection Standard for Marinas and Boatyards***

Modifications: None

(115) **NFPA 306, 2019 Edition, *Standard for the Control of Gas Hazards on Vessels***

Modifications: None

(116) **NFPA 307, 2016 Edition, *Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves***

Modifications: None

(117) **NFPA 312, 2016 Edition, *Standard for Fire Protection of Vessels During Construction, Repair, and Lay-Up***

Modifications: None

(118) **NFPA 318, 2018 Edition, *Standard for the Protection of Semiconductor Fabrication Facilities***

Modifications: None

(119) **NFPA 326, 2020 Edition, *Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning or Repair***

Modifications:

(a) Refer to Chapter 120-3-11, Rules of the Safety Fire Commissioner, for the adopted edition and any modifications.

(120) NFPA 329, 2020 Edition, *Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases*

Modifications:

(a) Refer to Chapter 120-3-11, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(121) NFPA 385, 2017 Edition, *Standard for Tank Vehicles for Flammable and Combustible Liquids*

Modifications:

(a) Refer to Chapter 120-3-11, Rules and Regulations of the Safety Fire Commissioner, for the adopted edition and any modifications.

(122) NFPA 400, 2019 Edition, *Hazardous Materials Code*

Modifications: None

(123) NFPA 407, 2017 Edition, *Standard for Aircraft Fuel Servicing*

Modifications:

(a) Refer to Chapter 120-3-11, Rules and Regulations of the Safety Fire Commissioner, for the adopted edition and any modifications.

(124) NFPA 408, 2017 Edition, *Standard for Aircraft Hand Portable Fire Extinguishers*

Modifications: None

(125) NFPA 409, 2016 Edition, *Standard on Aircraft Hangars*

Modifications: None

(126) NFPA 410, 2020 Edition, *Standard on Aircraft Maintenance*

Modifications: None

(127) NFPA 415, 2016 Edition, *Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways*

Modifications: None

(128) NFPA 418, 2016 Edition, *Standard for Heliports*

Modifications: None

(129) NFPA 423, 2016 Edition, *Standard for Construction and Protection of Aircraft Engine Test Facilities*

Modifications: None

(130) NFPA 424, 2018 Edition, *Guide for Airport / Community Emergency Planning*

Modifications:

1. Add a new subsection 1.1.1 to read as follows:

1.1.1 "This document is recognized strictly as a guide to provide information for the elements of an airport/community emergency plan. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards."

(131) NFPA 484, 2019 Edition, *Standard for Combustible Metals*

Modifications:

(1) Refer to Chapter 120-3-24, Rules and Regulations of the Safety Fire Commissioner for the application of this standard and the adopted edition and any modifications.

(132) NFPA 495, 2018 Edition, *Explosive Materials Code*

Modifications:

(1) Refer to Chapter 120-3-24, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(133) NFPA 496, 2017 Edition, *Standard for Purged and Pressurized Enclosures for Electrical Equipment*

Modifications:

(1) Refer to Chapter 120-3-10, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(134) NFPA 497, 2017 Edition, *Recommended Practice for the Classification of Flammable Liquids, Gases, or Vapors and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas*

Modifications:

(a) Modifications to Chapter 1:

1. Add a new paragraph 1.1.6 to read as follows:

1.1.6 "This document is recognized strictly as a recommended practice for locations where flammable gases or vapors, flammable liquids, or combustible liquids are processed or handled and where their release into the atmosphere may result in their ignition by electrical systems or equipment. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards."

(135) NFPA 498, 2018 Edition, *Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives*

Modifications:

(a) Refer to Chapter 120-3-10, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(136) **NFPA 501A, 2017 Edition, *Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities***

Modifications: None

(137) **NFPA 502, 2017 Edition, *Standard for Road Tunnels, Bridges, and Other Limited Access Highways***

Modifications:

(a) **Modifications to Chapter 1:**

1. Add a new subsection 1.1.5 to read as follows:

1.1.5 "This document is recognized strictly as a recommended practice for the evaluation of the design, construction, operation, maintenance, and fire protection of limited access highways, tunnels, bridges, elevated roadways, depressed roadways and air-right structures. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards."

(138) **NFPA 505, 2018 Edition, *Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operations***

Modifications: None

(139) **NFPA 520, 2016 Edition, *Standard on Subterranean Spaces***

Modifications: None

(140) **NFPA 551, 2019 Edition, *Standard on Evaluation of Fire Risk Assessments***

Modifications: None

(141) **NFPA 555, 2017 Edition, *Guide on Methods for Evaluating Potential for Room Flashover***

Modifications:

(a) **Modifications to Chapter 1:**

1. Add a new paragraph 1.1.3 to read as follows:

1.1.3 "This document is recognized strictly a guide for evaluating the potential for room flashover from fire involving the contents, furnishings, and the interior finish of a room. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards."

(142) **NFPA 557, 2020 Edition, *Standard for Determination of Fire Loads for Use in Structural Fire Protection Design***

Modifications: None

(143) **NFPA 600, 2015 Edition, *Standard on Industrial Fire Brigades***

Modifications:

(a) Modifications to Chapter 1:

1. Delete subsection 1.1.3 in its entirety and substitute in its place the following:

1.1.3 "This document is recognized as a recommended practice for the establishment of the minimum requirements for organizing, operating, training and equipping industrial fire brigades. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards."

(144) NFPA 652, 2019 Edition, *Standard on Fundamentals of Combustible Dust*

Modifications:

(a) Refer to Chapter 120-3-24, Rules and Regulations of the Safety Fire Commissioner for the application of this Standard and the adopted edition and any modifications.

(145) NFPA 654, 2017 Edition, *Standard for the Prevention of Fire and Dust Explosions from Manufacturing, Processing, and Handling of Combustible Particulate Solids*

Modifications:

(a) Refer to Chapter 120-3-24, Rules and Regulations of the Safety Fire Commissioner for the application of this Standard and the adopted edition and any modifications.

(146) NFPA 655, 2017 Edition, *Standard for Prevention of Sulfur Fires and Explosions*

Modifications:

(a) Refer to Chapter 120-3-24, Rules and Regulations of the Safety Fire Commissioner for the application of this Standard and the adopted edition and any modifications.

(147) NFPA 664, 2017 Edition, *Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities*

Modifications:

(a) Refer to Chapter 120-3-24, Rules and Regulations of the Safety Fire Commissioner for the application of this Standard and the adopted edition and any modifications if Standard industry code is specified in paragraph 1(b) of rule [120-3-24-.02](#). All other applications shall be as specified in the 2007 edition of this standard without modification.

(148) NFPA 701, 2019 Edition, *Standard Methods of Fire Tests for Flame Propagation of Textiles and Films*

Modifications: None

(149) NFPA 703, 2018 Edition, *Standard for Fire-Retardant-Treated Impregnated Wood and Fire-Retardant Coatings for Building Materials*

Modifications: None

(150) NFPA 704, 2017 Edition, *Standard System for the Identification of the Hazards of Materials for Emergency Response*

Modifications: None

(151) **NFPA 705, 2018 Edition, *Recommended Practice for a Field Flame Test for Textiles and Films***

Modifications: None

(152) **NFPA 720, 2015 Edition, *Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment***

Modifications: None

(153) **NFPA 750, 2019 Edition, *Standard on Water Mist Fire Protection Systems***

Modifications: None

(154) **NFPA 780, 2020 Edition, *Standard for the Installation of Lighting Protection Systems***

Modifications: None

(155) **NFPA 790, 2018 Edition, *Standard for Competency of Third Party Field Evaluation Bodies***

Modifications: None

(156) **NFPA 791, 2018 Edition, *Recommended Practice and Procedures for Unlabeled Electrical Equipment Evaluation***

Modifications: None

(157) **NFPA 801, 2014 Edition, *Standard for Fire Protection for Facilities Handling Radioactive Materials***

Modifications: None

(158) **NFPA 804, 2015 Edition, *Standard for Fire Protection for Advanced Light Water Reactor Electric Generating Plants***

Modifications: None

(159) **NFPA 805, 2015 Edition, *Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants***

Modifications: None

(160) **NFPA 806, 2015 Edition, *Performance-Based Standard for Fire Protection for Advanced Nuclear Reactor Electric Generating Plants Change Process***

Modifications: None

(161) **NFPA 820, 2020 Edition, *Standard for Fire Protection in Wastewater Treatment and Collection Facilities***

Modifications: None

(162) **NFPA 850, 2015 Edition, *Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations***

Modifications:

(a) **Modifications to Chapter 1:**

1. Add a new subsection 1.1.1 to read as follows:

1.1.1 "This document is recognized strictly a recommended practice for fire prevention and fire protection for electric generating plants and high voltage direct current converter stations except as specified in 1.1. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards."

(163) NFPA 851, 2010 Edition, *Recommended Practice for Fire Protection for Hydroelectric Generating Plants*

Modifications:

(a) Modifications to Chapter 1:

1. Add a new subsection 1.1.1 to read as follows:

1.1.1 "This document is recognized strictly a recommended practice for fire prevention and fire protection for hydroelectric generating plants. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is not in the form of a stand-alone enforceable code or standard, however, it may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards."

(164) NFPA 909, 2017 Edition, *Code for the Protection of Cultural Resource Properties-Museums, Libraries, and Places of Worship*

Modifications:

(a) Modifications to Chapter 1:

1. Add a new subsection 1.1.5 to read as follows:

1.1.5 "This document is recognized strictly as a recommended practice for fire prevention and fire protection for various cultural resources. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is in the form of a stand-alone enforceable code or standard, however, it is not adopted as a minimum state code or standard. It may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards, or it may be adopted and enforced by a local jurisdiction under local ordinance."

(b) Modification to Chapter 3:

1. Delete the definition 3.3.25 for Fire Hazard and substitute in its place the following:

3.3.25 ""Fire Hazard" means for the intents and purposes of this *Code*, an activity, circumstance, condition, situation, combination of materials, material process, use or improper use of heat sources, or that on the basis of applicable documentation, data, or information sources deemed reliable by the authority having jurisdiction, can cause an unwanted fire, a fire out of control, an explosion, or a related condition, such as panic from a fear of smoke, fire, or explosion, that the authority having jurisdiction determines to be a risk to persons, to property, or to the health, safety, and or welfare of the jurisdiction."

(165) NFPA 914, 2019 Edition, *Code for Fire Protection of Historic Structures*

Modifications:

(a) Modifications to Chapter 1:

1. Add a new subsection 1.1.3 to read as follows:

1.1.3 "This document is recognized strictly as a recommended practice for fire prevention and fire protection of historic structures. Recommendations may be based on the document where deemed appropriate by the authority having jurisdiction. The document is in the form of a stand-alone enforceable code or standard, however, it is not adopted as a minimum state code or standard. It may be used in conjunction with and in the support of applicable provisions of other adopted codes or standards, or it may be adopted and enforced by a local jurisdiction under local ordinance."

(b) Modifications to Chapter 3:

1. Delete the definition 3.3.30 for Fire Hazard and substitute in its place the following:

3.3.30 ""Fire Hazard" means for the intents and purposes of this *Code*, an activity, circumstance, condition, situation, combination of materials, material process, use or improper use of heat sources, or that on the basis of applicable documentation, data, or information sources deemed reliable by the authority having jurisdiction, can cause an unwanted fire, a fire out of control, an explosion, or a related condition, such as panic from a fear of smoke, fire, or explosion, that the authority having jurisdiction determines to be a risk to persons, to property, or to the health, safety, and or welfare of the jurisdiction."

(166) NFPA 1122, 2018 Edition, *Code for Model Rocketry*

Modifications:

(a) Refer to Chapter 120-3-22, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(167) NFPA 1123, 2018 Edition, *Code for Fireworks Display*

Modifications:

(a) Refer to Chapter 120-3-22, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(168) NFPA 1124, *Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles*

Modifications:

(a) Refer to Chapter 120-3-22, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(169) NFPA 1125, 2017 Edition, *Code for the Manufacture of Model Rocket and High Power Rocket Motors*

Modifications:

(a) Refer to Chapter 120-3-22, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(170) NFPA 1126, 2016 Edition, *Standard for the Use of Pyrotechnics before a Proximate Audience*

Modifications:

(a) Refer to Chapter 120-3-22, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(171) NFPA 1127, 2018 Edition, *Code for High-Power Rocketry*

Modifications:

(a) Refer to Chapter 120-3-22, Rules and Regulations of the Safety Fire Commissioner, for adopted edition and any modifications.

(172) NFPA 1142, 2017 Edition, *Standard on Water Supplies for Suburban and Rural Fire Fighting*

Modifications: None

(173) NFPA 1221, 2019 Edition, *Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems*

Modifications: None

(174) NFPA 1961, 2013 Edition, *Standard on Fire Hose*

Modifications: None

(175) NFPA 1962, 2018 Edition, *Standard for the Inspection, Care, and Use of Fire Hose, Couplings, and Nozzles and the Service Testing of Fire Hose*

Modifications: None

(176) NFPA 1963, 2019 Edition, *Standard for Fire Hose Connections*

Modifications: None

(177) NFPA 2001, 2018 Edition, *Standard on Clean Agent Fire Extinguishing Systems*

Modifications:

(a) Modification to Chapter 8:

1. Delete subsection 8.1.2 in its entirety and substitute in its place the following:

8.1.2 "All persons who could be expected to inspect, test, or maintain, fire extinguishing systems shall be licensed and/or permitted in accordance with Chapter 12 of Title 25 of the Official Code of Georgia Annotated and thoroughly trained and kept thoroughly trained in the functions they are expected to perform."

2. Delete subsection 8.4 in its entirety and substitute in its place the following:

8.4 "At least annually, all systems shall be thoroughly inspected and tested for proper operation by personnel qualified in the installation and testing of clean agent extinguishing systems and licensed and/or permitted in accordance with Chapter 12 of Title 25 of the Official Code of Georgia Annotated. Discharge tests shall not be required."

(178) NFPA 2010, 2015 Edition, *Fixed Aerosol Fire Extinguishing Systems*

Modifications: None

(179) *International Wildland-Urban Interface Code (IWUIC)*, 2012 Edition

Modifications:

(a) Modifications to Chapter 1:

1. Delete section 101.1 in its entirety and substitute in its place the following:

101.1 **"Title.** The *International Fire Code*, 2012 edition, published by the *International Code Council*, shall be known as a *Georgia State Wildland-Urban Interface Code*, hereafter referred to as "this *Code*"."

2. Delete section 101.2 in its entirety and substitute in its place the following:

101.2 **"Scope.** The provisions of this *Code* shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure or premises within the wildland-urban interface areas designated by local jurisdictions by ordinance." (Note: See sample Ordinance on page xi of this *Code* for application and designated fire area.)

Buildings or conditions in existence at the time of the adoption of this *Code* are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this *Code*, provided such continued use does not constitute a distinct danger to life or property.

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this *Code* for new buildings or structures.

101.2.1 **Appendices.** Provisions in the appendices shall not apply unless specifically adopted by local ordinance."

Cite as Ga. Comp. R. & Regs. R. 120-3-3-.04

AUTHORITY: O.C.G.A. Section [25-2-4](#).

HISTORY: Original Rule entitled "Notes" adopted. F. Feb. 8, 1979; eff. Mar. 1, 1979, as specified by the Agency.

Repealed: New Rule entitled "Request for Modification of Specific Requirements" adopted. F. Nov. 10, 1980; eff. Nov. 30, 1980.

Amended: F. July 7, 1983; eff. Aug. 1, 1983, as specified by the Agency.

Repealed: New Rule entitled "Fire Safety Information to Be furnished in Hotels, Motels, Apartments and Dormitories" adopted. F. Sept. 30, 1987; eff. Nov. 1, 1987, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Dec. 3, 1990; eff. Jan. 1, 1991, as specified by the Agency.

Amended: F. Jan. 8, 1993; eff. Jan. 28, 1993.

Amended: F. July 9, 1998; eff. July 29, 1998.

Amended: F. Dec. 21, 1999; eff. Jan. 10, 2000.

Amended: ER. 120-3-3-0.1-.04 entitled "State Minimum Fire Safety Standards With Modifications" adopted. F. and eff. May 14, 2003, the date of adoption.

Amended: Permanent Rule of same title adopted. F. Aug. 21, 2003; eff. Sept. 10, 2003.

Repealed: New Rule of same title adopted. F. Jan. 12, 2007; eff. Feb. 1, 2007.

Repealed: New Rule of same title adopted. F. Feb. 17, 2010; eff. Mar. 9, 2010.

Repealed: New Rule of same title adopted. F. Jan. 10, 2014; eff. Jan. 30, 2014.

Amended: F. Dec. 12, 2014; eff. Jan. 1, 2015.

Amended: F. Dec. 28, 2017; eff. Jan. 1, 2018, as specified by the Agency.

Amended: F. Dec. 13, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

**Department 120. OFFICE OF COMMISSIONER OF INSURANCE,
SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN
COMMISSIONER**

Chapter 120-3. RULES OF SAFETY FIRE COMMISSIONER

**Subject 120-3-7. RULES AND REGULATIONS FOR
MANUFACTURED HOMES**

**120-3-7-.06 In-Plant Primary Inspection Agency (IPIA) Inspection Procedures;
Disagreements With Procedures**

(1) Inspections of manufactured homes by the IPIA or the Commissioner's designee will be conducted pursuant to Subpart H of the U.S. Department of Housing and Urban Development's "Manufactured Homes Procedural and Enforcement Regulations" ([24 C.F.R. 3282.351](#), adopted May 11, 1976, as amended).

(2) Whenever a manufacturer disagrees with a finding by an IPIA acting in accord with Subpart H, the manufacturer may request a Presentation of Views or a Hearing as hereafter provided in Rule [120-3-7-.10](#) of these Rules and Regulations

(3) Fees in connection with permitting of new manufactured housing plants in Georgia will be in accordance with the following schedule:

- ° Initial five-day (40-hour) inspection period\$5,000
- ° Second five-day (40-hour) inspection period.....\$5,000
- ° Third five-day (40-hour) inspection period.....\$5,000
- ° Fourth five-day (40-hour) inspection period.....\$5,000 PER DAY

(4) If certification is not completed after four five-day inspection periods, the representatives of the manufacturer and representatives of the Commissioner will arrange a meeting to evaluate the inspection process.

(5) For any inspection lasting longer than four five-day inspection periods, the manufacturer will be responsible for additional fees incurred by the inspectors, including cost lodging and per diem costs.

Cite as Ga. Comp. R. & Regs. R. 120-3-7-.06

AUTHORITY: O.C.G.A. [8-2-133](#).

HISTORY: Original Rule entitled "Plans and Blueprints" adopted. F. Oct. 1, 1968; eff. Sept. 26, 1968, as specified by the Agency.

Repealed: New Rule entitled "Standards of Construction" adopted. F. Aug. 8, 1974; eff. Sept. 1, 1974, as specified by the Agency.

Repealed: New Rule entitled "In-Plant Primary Inspection Agency (IPIA) Inspection Procedures; Disagreements With Procedures" adopted. F. May 23, 1984; eff. July 1, 1984, as specified by the Agency.

Amended: F. July 22, 1996; eff. Aug. 11, 1996.

Repealed: New Rule of same title adopted. F. Aug. 6, 1998; eff. Aug. 26, 1998.

Repealed: New Rule of same title adopted. F. Nov. 30, 2004; eff. Dec. 20, 2004.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-7-.15 Reports of Manufactured and Mobile Home Installations

(a) Each installer licensee of manufactured and mobile homes shall report all installations performed to the Manufactured Housing Section of the Safety Fire Division no later than three business days prior to the completion of the installation and releasing the completed home set to the homeowner for occupancy, on the real-time form prescribed by the Commissioner. Reports submitted to the Commissioner shall also include the permit number as required to be placed on each manufactured or mobile home installed. Reports shall include an accurate reading from a torque probe test within two feet of each corner of the home, and the soil-bearing capacity determined by the installer, and used in the installation of the home's footers and piers. This Rule shall be applicable regardless of the number of installations performed. A report must be filed for each installation performed, regardless of whether the installation is a new home, or a secondary move.

(b) The Commissioner may require each retailer/broker to submit reports of manufactured and mobile homes sold to consumers as he deems necessary.

Cite as Ga. Comp. R. & Regs. R. 120-3-7-.15

AUTHORITY: O.C.G.A. § [8-2-133](#).

HISTORY: Original Rule entitled "Penalties" adopted. F. Aug. 8, 1974; eff. Sept. 1, 1974, as specified by the Agency.

Repealed: F. May 23, 1984; eff. July 1, 1984, as specified by the Agency.

Amended: New Rule entitled "Inspections" adopted. F. Oct. 7, 1992; eff. Jan. 1, 1993, as specified by the Agency.

Amended: F. July 22, 1996; eff. Aug. 11, 1996.

Repealed: New Rule of same title adopted. F. Aug. 6, 1998; eff. Aug. 26, 1998.

Repealed: New Rule entitled "Reports of Manufactured and Mobile Home Installations" adopted. F. Nov. 30, 2004; eff. Dec. 20, 2004.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-7-.19 Compliance With Rules and Regulations; Penalties

(1) All persons who engage in activities covered by this Regulation, the Manufactured Homes Act, the Act and Rules and Regulations promulgated thereunder shall do so in conformity therewith. After notice and hearing as provided in accordance with this Regulation, any person who is found to have violated any of the Rules contained in this Chapter shall be subject to the penalties authorized in O.C.G.A. §§ [8-2-130](#) et seq., 8-2-160 et seq., and 25-2-37, and as may otherwise be authorized by law.

(2) Procedures to enforce these provisions shall include, but not be limited to, the following:

(a) Any person who is in violation of any of these Rules shall be subject to the issuance of an Order to become effective at a later date, subject to the person's right to request a hearing within ten (10) days after that person's receipt of such Order, imposing a fine, suspension, probation not to exceed 12 months, or revocation of licensure.

(b) Any person who is in violation of any of these Rules shall be subject to the issuance of an Order requiring said person to appear before him, then and there to show cause, if any there be, why the Commissioner should not impose a fine, suspension, probation not to exceed 12 months, or revocation of licensure.

(3) Nothing in subparagraph (2), above, shall be construed so as to invalidate the Commissioner's authority to take any action authorized in O.C.G.A. §§ [8-2-130](#) et seq., 8-2-160 et seq., and 25-2-37, and as may otherwise be authorized by law and by these Rules and Regulations, as stated in subparagraph (1), above.

Cite as Ga. Comp. R. & Regs. R. 120-3-7-.19

AUTHORITY: O.C.G.A. § [8-2-133](#).

HISTORY: Original Rule entitled "Compliance With Rules and Regulations; Penalties" adopted. F. Nov. 30, 2004; eff. Dec. 20, 2004.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

**Department 120. OFFICE OF COMMISSIONER OF INSURANCE,
SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN
COMMISSIONER**

Chapter 120-3. RULES OF SAFETY FIRE COMMISSIONER

**Subject 120-3-8. Rules and Regulations for the Public Protection
Classification (PPC) Appeal Process**

120-3-8-.01 Public Protection Classification Appeal Process

1. Any Georgia State Fire Department certified under Georgia State Firefighter Standard and Training Council may, after being evaluated by ISO and assigned a fire suppression rating, appeal their Public Protection Classification (PPC) Rating. The appeal form can be obtained online or by contacting the Office of Commissioner of Insurance and Safety Fire. The appeal must be in writing. The appeal must be submitted to the Office of Insurance and Safety Fire no later than 30 calendar days from the day ISO issues the PPC Rating.

a. The appeal must cite the specific section challenged from the rating categories and a written explanation of the reasons the Fire Department disputes their rating.

2. The Georgia State Insurance Commissioner shall appoint the Georgia State Fire Marshal, or his designee, to review the appeal. The State Fire Marshal shall contact the assigned ISO PPC Rating official and the Fire Department Chief submitting the appeal. The State Fire Marshal shall consider all evidence and statements provided by the rating official and the Fire Department Chief and if necessary, request independent inspection or testing of any disputed facts at the appealing agency's expense. The State Fire Marshal will submit a written conclusionary report of these findings and any adjustments to the PPC to the Commissioner no later than 30-calendar days from the submission date of appeal.

3. The Commissioner shall appoint members to the Georgia PPC Appeal Board, consisting of 7 Fire Department Chiefs and 2 Georgia Licensed Insurance Officials. If both the Fire Department Chief and the rating official disagree with the State Fire Marshal's conclusionary report, the appeal will be forwarded to the Georgia PPC Appeal Board.

a. The Commissioner will designate one official as Chairman and one official as secretary.

b. The Chairman will be responsible for calling the meeting to order and allowing involved parties adequate time to present their appeal and for the ISO PPC Representative to respond.

c. The Secretary will be responsible for selecting and scheduling a hearing date at the Office of Commissioner of Insurance and Safety Fire and notifying all parties in writing of the hearing date and location.

d. Upon conclusion of the hearing the Chairman will forward a report to the Commissioner with the Georgia PPC Appeal Board's findings and recommendations. The State Fire Marshal shall forward the Georgia PPC Appeal's Board's findings and any recommended adjustments to the PPC Rating to the appealing entity, the ISO rating official, and the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 120-3-8-.01

AUTHORITY: O.C.G.A. §§ [25-2-4](#).

HISTORY: Original Rule entitled "Public Protection Classification Appeal Process" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

**Department 120. OFFICE OF COMMISSIONER OF INSURANCE,
SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN
COMMISSIONER**

Chapter 120-3. RULES OF SAFETY FIRE COMMISSIONER

**Subject 120-3-18. RULES AND REGULATIONS FOR FIRE SAFETY
INSPECTION, OPERATION, LICENSING AND CERTIFICATION
OF MOTOR VEHICLE RACETRACKS AND GRANDSTANDS**

120-3-18-.01 Promulgation and Purpose

(1) These Rules and Regulations for fire safety inspections, operation, licensing and certification of Motor Vehicle Racetracks and Grandstands are promulgated by the Georgia Safety Fire Commissioner as specified in the Official Code of Georgia Annotated (O.C.G.A.) Section [43-25-8](#). These are minimum requirements meant to provide reasonable safety to spectators during racing events and do not necessarily include requirements to protect participants and management of the racing activities.

(2) An on-site inspection of all existing racetracks and all new proposed racetracks shall be made by the State Fire Marshal, the proper local fire official, state inspector, or authorized representative of the Safety Fire Commissioner to determine compliance with the overall requirements as set forth in these regulations. This on-site inspection, along with adherence to the written rules and regulations, shall determine whether such racetrack shall be issued a certificate of occupancy and license.

(3) The purpose of these rules and regulations is to prevent injury and loss of life to spectators while observing and viewing motor vehicles engaged in contests of speed or endurance.

(4) These regulations are directed primarily for the construction and operation of motor vehicle racetracks: No attempt has been made to establish specific design in detail for motor vehicle racetracks. It must be realized that the terrain of the racetrack itself could, in some cases, create an undue hazard or on the other hand, promote a particular safety feature with reference to the elevation of the land in relation to the racetrack itself.

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.01

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Promulgation and Purpose" adopted. F. Aug. 17, 1970; eff. June 16, 1970, as specified by the Agency.

Repealed: New Rule with same title adopted. F. June 3, 1987; eff. June 25, 1987, as specified by the Agency.

Repealed: New Rule with same title adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-18-.02 Administration

(1) It shall be unlawful for any person, firm or corporation to operate any motor vehicle racetrack or other facility, by whatever name called, within this State whereby motor vehicles engage in any contest of speed or endurance unless such racetrack or other facility is designed and constructed in such a manner to conform to the standards set forth herein.

(2) It shall be unlawful for any person, firm, or corporation to operate or conduct any motor vehicle race or any permanent racetrack or other place where such races are to be held unless there shall first be obtained a license to operate or conduct such races from the Safety Fire Commissioner. Such license shall expire on December 31 of each year. Application for renewal of license shall be made on or before November 30 of each year. Application for license or renewal of license shall be made to the Safety Fire Commissioner and shall include at a minimum the following:

(a) A full and complete address of the racetrack or other place desired to be licensed.

(b) The name and address of the licensee.

(c) The name and address of the promoter of such race or exhibition if applicable.

(d) Proof of a valid public liability insurance policy or valid public liability bond in the amounts as specified in O.C.G.A. § [43-25-4](#).

(e) An inspection report of the racetrack conducted by the proper local fire official, state inspector, or authorized representative of the Safety Fire Commissioner indicating compliance with applicable laws, regulations, and standards. Inspection requests shall be made 21 calendar days in advance.

(f) A diagram of the track indicating all spectator areas.

(g) Any further information as may be required by the Safety Fire Commissioner.

(3) It shall be unlawful for any person, firm or corporation to operate any motor vehicle racetrack or other facility, by whatever name called, within this State without first having a Certificate of Occupancy issued by the State Fire Marshal or the proper local fire or building official. This Certificate of Occupancy shall be issued by the State Fire Marshal or the proper local fire or building official, only when the authority having jurisdiction is satisfied that such Rules and Regulations have been complied with. The fee for such Certificate of Occupancy shall be as specified in O.C.G.A Section [25-2-4.1](#).

(4) The Certificate of Occupancy shall be valid for the life of the occupancy, provided the internal or external features of the occupancy are not materially altered, the type of occupancy remains unchanged, and there has been no fire of serious consequence or other hazard discovered.

(5) All racetrack owners, operators, managers, and promoters shall be familiar with all applicable state laws and the provisions of this Chapter.

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.02

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Administration" adopted. F. Aug. 17, 1970; eff. June 16, 1970, as specified by the Agency.

Amended: F. Nov. 10, 1980; eff. Nov. 30, 1980.

Repealed: New Rule with same title adopted. F. June 3, 1987; eff. June 25, 1987, as specified by the Agency.

Amended: F. Dec. 31, 1992; eff. Jan. 20, 1993.

Repealed: New Rule with same adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-18-.03 Definitions

The definitions contained in this section are in addition to, or in clarification of those contained in the adopted standards:

(1) **AUTHORITY HAVING JURISDICTION:** The State Fire Marshal of Georgia.

(2) **CROWD CONTROL OFFICER:** A Georgia POST Certified Law Enforcement Officer in good standing and employed by a Georgia Law Enforcement Agency as defined by Georgia POST.

(3) **DEMOLITION DERBY:** For the purposes of this Chapter a demolition derby shall be a contest in which vehicles purposefully collide with one another with the winner being the last drivable vehicle. A demolition derby is considered a contest of endurance.

(4) **FENCE AND FENCING:**

(a) **SPECTATOR AND DEBRIS FENCE:** For the purposes of this Chapter a Spectator and Debris control fence is a fence erected to aid in preventing debris from the racetrack side from entering the spectator area.

(b) **CROWD CONTROL FENCE:** For the purposes of this Chapter a Crowd Control Fence is an approved fence that prevents access by the crowds into restricted areas such as pits, non-spectator areas, the racetrack, run-off areas, and similar areas as designated by the Authority Having Jurisdiction or proper local fire official. For the purposes of this Chapter all fences which are not Spectator and Debris control fences shall be considered a Crowd Control Fence whether or not specifically identified as such in this Chapter.

(5) **FIRE INSPECTORS:** Qualified and authorized inspectors of the Office of Commissioner of Insurance and Safety Fire and inspectors certified by the Georgia Firefighters Standards and Training Council.

(6) **FLAGMAN:** As used in this Chapter the term flagman shall mean the person or individuals who are responsible for notifying the racecar drivers by means of a colored flag or other means to start the race or notify racecar drivers that there is a caution or to stop the race. A primary responsibility of the Flagman is to identify and communicate unsafe conditions that are present on the racetrack. May also be known as a "corner worker".

(7) **GRANDSTANDS:** Any permanent or temporary structure used for the purpose of general assembly outlined in the NFPA as specified by Rules and Regulations of the Safety Fire Commissioner Chapter 120-3-3.

(8) **MOTOR VEHICLE:** As used in this chapter, the term "motor vehicle," shall not be construed to include any motorcycle or other two-wheeled, self-propelled vehicle, nor shall it be construed to include any motor vehicle weighing less than 500 pounds, per §O.C.G.A. [43-25-1](#). For the purposes of this chapter, "Motor vehicle" includes all-terrain vehicles and utility-task vehicles having more than two wheels and a dry weight of 500 pounds or more.

(9) **MOTOR VEHICLE RACETRACK:** Properties or facilities used for holding motor vehicle races, competitive events, and exhibitions, including dirt and mud courses. As used in this Chapter, the term "racetrack" shall mean motor vehicle racetracks. For the purposes of this chapter, "Motor Vehicle Racetrack" includes properties or facilities where all-terrain vehicles and utility-task vehicles participate in races, competitive events, exhibitions, dirt courses, and mud courses. "Motor Vehicle Racetracks" does not include properties where autocross events or drifting events are held on a transient basis.

(10) **MUD BOG:** An event in which the winner is determined by distance or time on a mud course.

(11) **QUALIFIED FIRE FIGHTER:** A certified or registered firefighter as determined by the Georgia Firefighter Standards and Training Council.

(12) **SAFETY FIRE COMMISSIONER:** The Georgia Commissioner of Insurance and Safety Fire.

(13) **SPECTATOR:** As used in this Chapter, the term spectator shall mean any individual within the confines of the track who is not an employee, contractor, race participant, emergency worker, or other similar person whether or not an admission price was charged.

(14) **SPECTATOR AREA:** As used in this Chapter, the term "spectator area" means a specified area within a motor vehicle racetrack intended for admission to the general public, whether or not an admission price is charged, or to which admitted persons of the general public have unrestricted access, including the grandstands and other general admission seating or viewing areas. Spectator areas shall also include any infield and paddock areas where the general public is allowed admission.

(15) **STARTER:** As used in this Chapter the term starter shall mean the person who signals or activates a signal for the race to start.

(16) **TRUCK AND TRACTOR PULL:** A competition which requires trucks and / or tractors to pull a heavy sled along a designated course. This term shall also include competitions where trucks and / or tractors are pulling against one another.

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.03

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Definitions" adopted. F. Aug. 17, 1970; eff. June 16, 1970, as specified by the Agency.

Amended: F. Nov. 10, 1980; eff. Nov. 30, 1980.

Repealed: New Rule with same title adopted. F. June 3, 1987; eff. June 25, 1987, as specified by the Agency.

Amended: F. Dec. 31, 1992; eff. Jan. 20, 1993.

Repealed: New Rule with same title adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-18-.04 Inspection Procedures

(1) Authorized representatives of the State Fire Marshal, or the proper local fire official may make periodic inspections of each racetrack to determine compliance with the provisions of this Chapter. Results of each inspection shall be provided to the responsible owner/operator.

(2) The owner or operator of the facility shall be responsible for the correction of noted violations and for maintaining the facility in accordance with these rules and regulations and shall correct all violations prior to any racing event. The State Fire Marshal or their authorized representatives may conduct an inspection of any racetrack facility. This inspection can be made prior to, or during any racing activity with or without prior notice.

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.04

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Inspection Procedures" adopted. F. Aug. 17, 1970; eff. June 16, 1970, as specified by the Agency.

Repealed: New Rule with same title adopted. F. June 3, 1987; eff. June 25, 1987, as specified by the Agency.

Repealed: New Rule with same title adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-18-.05 Standards for Grandstands Used for Places of Assembly

(1) **New Construction:** All grandstands shall be designed by a Georgia registered architect or engineer and constructed to conform with NFPA 101 as adopted in the Rules and Regulations of the Safety Fire Commissioner,

Chapter 120-3-3. A complete set of plans and specifications shall be reviewed, approved and a construction permit issued by the State Fire Marshal or the proper local fire official prior to construction. A fee as specified in O.C.G.A. Section [25-2-4.1](#) shall be charged for reviewing the plans and specifications. The responsible registered architect or engineer shall notify the State Fire Marshal or the proper local fire official in writing 21 days before the grandstand(s) are 80% complete so that an inspection can be scheduled and conducted. The responsible registered architect or engineer shall notify the State Fire Marshal, the proper local fire official, state inspector, or authorized representative of the Safety Fire Commissioner again in writing 21 days before the grandstand(s) are 100% complete. A certificate of occupancy shall be issued upon compliance with all construction standards. A fee as specified in O.C.G.A. Section [25-2-4.1](#) shall be charged for the certificate of occupancy.

(2) Existing Grandstands: Existing grandstands shall comply with NFPA 101 as adopted in Rules and Regulations of the Safety Fire Commissioner Chapter 120-3-3.

(3) Maintenance of Grandstands: The grandstand area shall be properly maintained at all times, and combustibles, flammable and combustible liquids, and LP-Gas cylinders shall not be stored on or below the grandstand(s). The owner or operator shall provide for not less than an annual inspection and required maintenance of each outdoor grandstand to ensure safe conditions. At least biennially, the inspection shall be performed by a professional engineer, registered architect, or individual certified by the manufacturer. The owner or operator shall provide a copy of the inspection report and certification that the inspection has been performed to the State Fire Marshal.

(4) Exit Illumination: When races are conducted after sundown, lighting of all exit ways, aisles and walkways of the grandstand(s) shall be provided as required in NFPA 101 as adopted in Rules and Regulations of the Safety Fire Commissioner Chapter 120-3-3.

(5) Portable Grandstands: Portable grandstands shall comply with NFPA 101 as adopted in Rules and Regulations of the Safety Fire Commissioner Chapter 120-3-3.

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.05

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Standards for Grandstands Used for Places of Assembly" adopted. F. Aug. 17, 1970; eff. June 16, 1970, as specified by the Agency.

Repealed: New Rule with same title adopted. F. June 3, 1987; eff. June 25, 1987, as specified by the Agency.

Amended: F. Dec. 31, 1992; eff. Jan. 20, 1993.

Repealed: New Rule with same title adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-18-.06 Standards for Concession and Dining Areas

(1) Concession areas, including dining areas, shall comply with NFPA 101 Life Safety Code and NFPA 96 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations as adopted in Rules and Regulations of The Safety Fire Commissioner Chapter 120-3-3.

(2) Whenever an existing kitchen hood or exhaust system is altered or replaced it shall be altered or replaced in full compliance with all applicable sections of NFPA 96 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations as adopted in Rules and Regulations of The Safety Fire Commissioner Chapter 120-3-3.

(3) Prior to a license being issued, fire-extinguishing equipment for the protection of grease removal devices, hood exhaust plenums, and exhaust duct systems shall be provided by the owner or operator.

(4) Cooking equipment that produces grease-laden vapors and that might be a source of ignition of grease in the hood, grease removal device, or duct shall be protected by fire extinguishing equipment.

(5) Upon activation of any fire-extinguishing system for a cooking operation, all sources of fuel and electrical power that produce heat to all equipment requiring protection by that system shall automatically shut off.

(6) Upon activation of an automatic fire-extinguishing system, an audible alarm or visual indicator shall be provided by the owner or operator to show that the system has activated.

(7) Where a fire alarm signaling system is serving the occupancy where the extinguishing system is located, the activation of the automatic fire-extinguishing system shall activate the fire alarm signaling system.

(8) At least one Class K fire extinguisher shall be provided by the owner or operator and installed as required by NFPA 96 and NFPA 10.

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.06

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Racetracks - Motor Vehicle" adopted. F. Aug. 17, 1970; eff. June 16, 1970, as specified by the Agency.

Repealed: New Rule with same title adopted. F. June 3, 1987; eff. June 25, 1987, as specified by the Agency.

Repealed: New Rule entitled "Standards for Concession and Dining Areas" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-18-.07 Motor Vehicle Racetracks

(1) General Requirements for all Motor Vehicle Racetracks

(a) All barriers, fencing, guard rails, and deflectors required under this Chapter shall be inspected by facility owners and / or operators prior to each racing event or exhibition. Damaged, deteriorated, or missing components shall be repaired or replaced prior to any activities subject to the license of the facility. All inspections, deficiencies, and repairs shall be documented by the facility owners and / or operators. These documents shall be maintained by the facility for a minimum of three years and shall be made available to the authority having jurisdiction upon request.

(b) The owner or lessee of any real property upon which exists a motor vehicle racetrack or other place subject to this chapter shall inform the Safety Fire Commissioner within ten days of any damage caused to any guardrail, post, or other device which has for its purpose the prevention of injury or loss of life to spectators at the racetrack or other place. Until any such damage is repaired and the repairs are approved by fire inspectors, there shall be no activities subject to the license of the facility permitted on such racetrack or other place.

(c) Prior to each racing event or exhibition, racetracks shall be inspected by the facility owners or operators for any obstructions or debris. All obstructions or debris which may cause a vehicle to lose control under racing conditions and endanger spectators shall be removed prior to the racing event. Such inspections shall be documented by the facility owners and / or operators.

(d) Any person including, but not limited to, staff, crew, press, and photographers with pit and track access shall be provided with a means to be readily identifiable. Such means may include displayed credentials, identified vests, shirts, or other means approved by the State Fire Marshal.

(e) Where required by this Chapter, spectator and debris control fences shall have catch cables installed as follows:

(1) There shall be a minimum of four catch cables, equally spaced along the height of the fence.

(2) The bottom strand of catch cable shall be a minimum of 3/4 inch diameter.

- (3) The remaining strands of catch cables shall be a minimum of 3/8 inch diameter.
- (4) Catch cables shall be corrosion resistant.
- (5) Catch cables shall be rigidly anchored, with anchor points designed by a Georgia registered architect or engineer to withstand the maximum anticipated load generated during a vehicular impact.
- (6) Catch cables shall not be anchored to fence posts.
- (7) Catch cables may be supported by fence posts and shall be installed to allow for absorption of vehicular impact.

(2) Circular, Oval, and Similar Racetracks

(a) This subsection applies to circular, oval, and similar racetracks.

(b) Spectator Exposure: Guard rails shall be designed to be reasonably effective in preventing vehicle penetration and redirecting errant vehicles. The minimum requirements for guard rail posts shall be six inches by six inches and of treated timbers or the equivalent, embedded a minimum of four feet and exposed a minimum of three feet, and placed on a maximum 6-foot centers. These posts shall be embedded in holes packed tightly with gravel and dirt. The guard rails shall be constructed two inches thick by eight inches wide oak planking or the equivalent. There shall be at least four such guard rails. The first guard rail shall be placed even with the top of the post, and the other three rails shall be at one-inch intervals to constitute the required four, two inch by eight inch rails. Guard rails shall be provided to protect spectator and other occupied areas where the design, layout or ground level of the areas must be protected as determined by the authority having jurisdiction. Guard rails or the equivalent are required on both sides of the track where spectators are permitted in the infield.

(c) The Spectator Area(s) shall be maintained by the owner/operator of the facility. Spectator areas shall be located behind a spectator and debris control fence. This fence shall be constructed of heavy gauge wire mesh, installed on a minimum of 2 5/8 inch (outside diameter) or a minimum of 2 inch (inside diameter) pipe or equivalent. The fence posts shall be installed on a maximum eight-foot centers. All wire fences shall be grounded. These posts shall be embedded in a minimum of four feet of gravel and dirt. The fence shall be a minimum of 15 feet above track level. This fence shall be so designed, constructed, and erected to withstand normal crowd control use and deflection of debris from the racetrack side, and shall be provided with catch cables installed in accordance with this Chapter.

(d) Where metal posts are used, the wire shall be affixed to the post by lacing or attaching the wire to the post with wire of the same gauge as the wire fence. Where wood is used, the wire shall be affixed to the post with wire staples, the same size as the wire. The wire shall be hung loosely in a fashion that will permit a basket-type arresting system. This fence shall be constructed to prohibit spectators' access to the track area. No spectator(s) shall be permitted on the racetrack during trial runs, testing or racing events.

(e) Non-Spectator Exposed Area: Adequate metal deflectors, similar to those in highway construction and equivalent in strength, are permitted where there is no spectator exposure as determined by the authority having jurisdiction.

(f) The pit areas shall be properly segregated from spectator exposure and where necessary, physical barricades made of adequate fencing material shall be installed. Spectator and debris control fencing in accordance with 120-3-18-.07(2)(b) shall be provided for all spectator areas located within the pit areas. Close policing and supervision of the pit area shall be enforced at all times. Adequate type and size portable fire extinguishers shall be installed throughout the pit area. This need shall be determined by the on-site inspection.

(g) The entire racetrack shall be constantly monitored and policed to ensure spectators remain in the designated spectator areas. Persons monitoring and policing the racetrack shall be provided with a means of constant and immediate communication with each other.

(h) Flagman shall be at least 18 years of age and shall not be under the influence of intoxicants, narcotics, and other dangerous drugs while performing their duties. Flagmen shall be provided with a working area that will ensure their safety at all times. The flagman in control of the event shall be provided with a means to prevent the flagman from

being struck by any debris which may come from the racetrack. The flagman's vantage point shall provide a view of the entire racetrack. The flagman shall not be permitted to work on the track surface under any circumstances while racing events are in progress.

(i) Prior to each racing event or exhibition track surfaces shall be inspected and maintained in good condition.

(3) Drag Strips

(a) This subsection applies to drag strips.

(b) No person shall be allowed in the competition or staging area except event officials, drivers, and pit crew members.

(c) Guardrails shall be designed to be reasonably effective in preventing vehicle penetration and redirecting errant vehicles. The minimum requirement for guard rail posts shall be of the highway type "I" beam with guard rail posts on a maximum of 12-foot centers or equivalent. Posts shall be embedded in a minimum of 3 feet in concrete and exposed a minimum of 2 feet. The guard rail shall be mounted on the "I" beam beginning at the top of the "I" beam and secured with bolts and nuts a minimum of 5/8 inch diameter. Guardrails shall be erected on both sides of the strip to extend from the start to finish line. Where spectators or automobile parking are permitted beyond the finish line, the guard rail shall be extended to include these areas. Guardrails shall be erected no more than 3 feet from the edge of the racetrack surface. The entire racing strip shall be paved.

(d) Crowd Control Fence: A crowd control fence shall be installed a minimum of 20 feet from the guard rails. The fence shall be of the heavy chain link fence type. The fence shall be a minimum of 48 inches high and mounted on steel posts a minimum of 1 ½ inch inside diameter and on a maximum of 8-foot centers. A metal top rail shall be installed the entire length of the fence. The fence shall be installed in such a manner to ensure that spectators are not permitted on the racetrack. No spectator shall be permitted on the racetrack side of the fence during time trial runs, testing or racing events. All wire fences and metal guard rails shall be grounded.

(e) The racing pit area shall be properly segregated from spectator exposure and where necessary, physical barricades made of adequate fencing material shall be installed. Where a physical barricade is impractical due to the pit area location or movement of the vehicles, crowd control officers shall be provided in numbers as needed to adequately provide spectator segregation and safe passage of spectators and the general public through the area. Close policing and supervision of the racing pit area shall be required at all times. Adequate type and size portable fire extinguishers shall be installed throughout the racing pit area. This need shall be determined by the on-site inspection.

(f) The entire racetrack shall be constantly monitored and policed to ensure spectators remain in the designated spectator areas. Persons monitoring and policing the racetrack shall be provided with a means of constant and immediate communication with each other.

(g) The starter shall be at least 18 years of age and shall not be under the influence of intoxicants, narcotics, and other dangerous drugs while performing their duties. The starter's vantage point shall provide a view of the entire racetrack.

(h) Prior to each racing event or exhibition racetrack surfaces shall be inspected and maintained in good condition.

(i) The entire racetrack shall be constantly monitored and policed to ensure spectators remain in the designated spectator areas. Persons monitoring and policing the racetrack shall be provided with a means of constant and immediate communication with each other.

(4) Road Course Racetracks

(a) This subsection applies to road course racetracks.

(b) Spectator Exposure: Guard rails shall be designed to be effective in preventing vehicle penetration and redirecting errant vehicles. Double row guard rails or other barriers shall offer similar protection such as reinforced concrete, earthen embankments, or other approved barriers shall be provided in primary spectator areas. The guard rails shall be made of steel or other materials of equivalent strength. Spacing, strength, and installation requirements shall be similar to those used in highway construction. The height, spacing, and strength shall be determined by the Inspector. A fence shall be installed not less than 25 feet behind the racetrack guard rail for spectator control. The fence shall be constructed of adequate wire to prohibit spectator access to the immediate racetrack area. The minimum height of this fence shall not be less than 48 inches. All wire fences and metal guard rails shall be grounded.

(1) the 25-foot distance between the racetrack guard rails and the spectator control fence shall be reduced to a minimum of five feet when the guard rail is four feet below the spectator area elevation.

(c) Fences shall be installed on 2 5/8 inch outside diameter steel posts or the equivalent and on a maximum of 10-foot centers and embedded in a minimum of 30 inches of concrete. A suitable metal railing or the equivalent shall be firmly secured at the top of each fence and shall run the entire length of the fence in the primary spectator areas.

(d) The racing pit area shall be properly segregated from spectator exposure and where necessary, physical barricades made of adequate fencing material shall be installed. Where a physical barricade is impractical due to the pit area location or movement of the vehicles, crowd control officers shall be provided in numbers as needed to adequately provide spectator segregation and safe passage of spectators and / or the general public through the area. Close policing and supervision of the racing pit area shall be required at all times. Adequate type and size portable fire extinguishers shall be installed throughout the racing pit area. This need shall be determined by the on-site inspection.

(e) Flagman shall be at least 18 years of age and shall not be under the influence of intoxicants, narcotics, and other dangerous drugs while performing their duties. Flagmen shall be provided with a working area that will ensure their safety at all times. The flagman in control of the event shall be provided with a means to prevent the flagman from being struck by any debris which may come from the racetrack. The flagman in control of the event shall be provided with a means of constant and immediate communication with other flagman to monitor racetrack areas which are not in view of the flagman in control. The flagman shall not be permitted to work on the racetrack surface under any circumstances while racing events are in progress.

(f) Prior to each racing event or exhibition racetrack surfaces shall be inspected and maintained in good condition.

(g) The entire racetrack shall be constantly monitored and policed to ensure spectators remain in the designated spectator areas. Persons monitoring and policing the racetrack shall be provided with a means of constant and immediate communication with each other.

(5) Mud Bogs and Demolition Derbies

(a) This subsection applies to mud bogs and demolition derbies.

(b) Demolition Derbies that occur on licensed racetracks under this chapter shall comply with the requirements for that facility type and are exempt from the requirements of this section.

(c) No person shall be allowed in the competition or staging area except event officials, drivers, and pit crew members.

(d) All vehicles competing in mud bogs shall be equipped with a kill switch that is readily accessible to the driver and a tethered kill switch. One kill switch that combines these functions shall satisfy this requirement.

(e) Spectators shall be separated from the course edge by at least 50 feet. An approved means shall be provided to prevent spectators from approaching within 50 feet of the course edge.

(1) Spectators may be separated from the course by less than 50 feet only where the course is equipped with a 1/2 inch restraining cable installed not more than 10 feet from the course edge and a secondary adequate means to prevent spectators from approaching within 20 feet of the restraining cable. The cable shall be securely anchored to 6x6 inch posts and set at a minimum of 48 inches height. Posts shall be spaced by not more than 8 feet on center installed with at least 36 inches firmly buried.

(f) The starter shall be at least 18 years of age and shall not be under the influence of intoxicants, narcotics, and other dangerous drugs while performing their duties. The starter's vantage point shall provide a view of the entire course.

(g) The entire racetrack shall be constantly monitored and policed to ensure spectators remain in the designated spectator areas. Persons monitoring and policing the racetrack shall be provided with a means of constant and immediate communication with each other.

(6) Truck and Tractor Pulls

(a) This subsection applies to truck and tractor pulls.

(b) No person shall be allowed in the competition or staging area except event officials, drivers, and pit crew members.

(c) All vehicles competing in truck and tractor pulls shall be equipped with a kill switch that is readily accessible to the driver and a tethered kill switch. One kill switch that combines these functions shall satisfy this requirement. An additional kill switch that is tethered from the sled to the truck or tractor shall also be provided to shut off truck or tractor power in the event of sled separation from the truck or tractor.

(d) Spectators shall be separated from the course edge by at least 100 feet. A means shall be provided to prevent spectators from approaching within 100 feet of the course edge.

(e) The starter shall be at least 18 years of age and shall not be under the influence of intoxicants, narcotics, and other dangerous drugs while performing their duties. The starter's vantage point shall provide a view of the entire course.

(f) The entire racetrack shall be constantly monitored and policed to ensure spectators remain in the designated spectator areas. Persons monitoring and policing the racetrack shall be provided with a means of constant and immediate communication with each other.

(7) Monster Truck Events

(a) This subsection applies to monster truck events.

(b) No person shall be allowed in the competition or staging area except event officials, drivers, and pit crew members.

(c) All vehicles competing in monster truck events shall be equipped with three remote ignition interrupters; one controlled by the event safety official, one in the cab of the vehicle readily accessible to the driver, and one installed on the back of the vehicle.

(d) For monster truck events held in arenas, where spectators are elevated above the arena floor by at least five feet, spectators shall be separated from the course edge by at least 50 feet. Where spectators are elevated less than five feet above the arena floor, spectators shall be separated from the course edge by at least 100 feet.

(e) For monster truck events held outdoors, spectators shall be separated from the course edge by at least 100 feet. Additionally, a temporary earthen barrier or approved equivalent means shall be provided around the course perimeter to slow any vehicle which may leave the course in an uncontrolled manner during the event. Earthen barriers shall be at least five feet high and designed to not act as a ramp.

(f) The starter shall be at least 18 years of age and shall not be under the influence of intoxicants, narcotics, and other dangerous drugs while performing their duties. The starter's vantage point shall provide a view of the entire course.

(8) All-Terrain Vehicle and Utility-Task Vehicle Racetracks

(a) This subsection applies to all-terrain vehicle racetracks and utility-task vehicle racetracks.

(b) All terrain-vehicle and utility-task vehicle racetracks shall have designated spectator areas.

(c) Spectator areas shall have a means to prevent spectators from entering within 25 feet of the racetrack edge.

(d) The entire racetrack shall be constantly monitored and policed to ensure spectators remain in the designated spectator areas. Persons monitoring and policing the racetrack shall be provided with a means of constant and immediate communication with each other.

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.07

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Fire Suppression Equipment and Personnel and Ambulance Service" adopted. F. Aug. 17, 1970; eff. June 16, 1970, as specified by the Agency.

Repealed: New Rule with same title adopted. F. June 3, 1987; eff. June 25, 1987, as specified by the Agency.

Amended: F. Dec. 31, 1992; eff. Jan. 20, 1993.

Repealed: New Rule entitled "Motor Vehicle Racetracks" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-18-.08 Fire Suppression Equipment, and Personnel and Ambulance Service

(1) The following shall be considered mandatory minimum requirements for all facilities covered under this Chapter unless granted a variance by the Commissioner of Insurance and Safety Fire pursuant to O.C.G.A. [25-2-12\(e\)\(12\)](#).

(a) Mobile unit(s) providing a general firefighting and emergency response capable of reaching any point of the racetrack and/or grandstand(s) area(s) within two minutes after the receipt or observation of an emergency shall be on location and in service during all racing events where spectators are in attendance. If the two-minute response time cannot be achieved due to crowd size, topography, geography, facility size or for any other reason, additional Mobile Units shall be required. This unit shall be equipped with a minimum of two (2) 25-lb. Dry Chemical extinguishers. A complete First-Aid Kit shall be on the mobile unit and readily available at all times. At least two (2) qualified fire fighters shall be assigned to operate each unit.

(b) All fire extinguishers installed shall be located and be recognizable so as to be readily available to anyone. Fire extinguishers shall be distributed and maintained in accordance with NFPA 10 as adopted in Rules and Regulations of the Safety Fire Commissioner Chapter 120-3-3, Rules and Regulations of the Safety Fire Commissioner Chapter 120-3-23 and O.C.G.A. Title 25, Chapter 12. Fire extinguishers shall be inspected, tested, and maintained in accordance with NFPA 10 as adopted in Rules and Regulations of the Safety Fire Commissioner Chapter 120-3-3.

(c) At all racetracks and courses regulated by this Chapter, at least one (1) Georgia licensed Advanced Life Support (ALS) ambulance licensed in accordance with O.C.G.A. Title 31, Chapter 11, Article 2 shall be on location prior to any of the following commencing:

(1) Any racing event

(2) Time trials when spectators are present

(3) Testing when spectators are present.

When only one ambulance licensed in accordance with OC.G.A. Title 31, Chapter 11, Article 2, is on location and must leave, the event shall stop and not be restarted until such an ambulance has been returned to the racetrack.

(d) Each racetrack facility shall maintain a minimum of two (2) private vehicle roads for ingress and egress. Each road shall have at least two (2) lanes that shall permit two-way traffic.

(e) Areas in which emergency fire trucks, wreckers, and ambulances must operate shall be free, accessible, and serviceable at all times.

(f) Subject to the approval of the Authority Having Jurisdiction, events sanctioned and governed by national and international organizations shall be permitted to utilize firefighting personnel not recognized by Georgia Firefighters Standards and Training Council, provided that such personnel provide documentation and certification that the individual is a firefighter in good standing with their state certifying agency or department when no certifying agency exists.

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.08

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Fire Evacuation Plan" adopted. F. Aug. 17, 1970; eff. June 16, 1970, as specified by the Agency.

Repealed: New Rule with same title adopted. F. June 3, 1987; eff. June 25, 1987, as specified by the Agency.

Repealed: New Rule entitled "Fire Suppression Equipment, Personnel and Ambulance Service" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-18-.09 Emergency Evacuation Plan

The owner/operator shall be solely responsible to create and maintain a current emergency evacuation plan and to secure crowd control officers. These personnel shall be responsible for ensuring that all spectators standing or seated remain in designated spectator areas. Designated aisles and other means of egress established shall continuously maintained free of all obstructions and impediments to full instant use at all times. The entire spectator area shall be zoned to ensure that a crowd control officer shall not have more than 2500 spectators under their jurisdiction. Where spectators number less than 2500, at least one (1) crowd control officer shall be assigned. Crowd control officers shall be thoroughly trained in crowd control and fire extinguisher type and application.

The crowd control officer shall constantly patrol their responsible area to make sure that control is maintained at all times. In the event of an emergency, the crowd control officer shall assist spectators in their zone to evacuate the area safely to a pre-designated place and then assist other officers as required to secure the area.

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.09

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Reporting Accidents/Injury/Fatality and Fires" adopted. F. Aug. 17, 1970; eff. June 16, 1970, as specified by the Agency.

Repealed: New Rule with same title adopted. F. June 3, 1987; eff. June 25, 1987, as specified by the Agency.

Repealed: New Rule entitled "Emergency Evacuation Plan" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-18-.10 Reporting and Investigations of Accidents, Injuries, Fatalities and Fire

(1) The Safety Fire Commissioner shall be notified should the following events occur. The notification shall be made by the quickest means available, but in no case shall notification be made later than 8 hours after the occurrence of the event. Any event which results in a fatality shall be reported immediately at 1-800-282-5804. A follow-up written report shall be submitted electronically by the racetrack licensee via the online portal available at www.oci.georgia.gov within 24 hours of the event occurring.

(a) A report shall be completed and submitted when:

- (1) A fatality is experienced from any cause;
- (2) A race car injures a spectator, racing official, participant, member of the assisting crew of a participant, employee of the racetrack, or other person;
- (3) Any injury or fatality is caused by a failure of grandstands, guardrails, or fences;
- (4) Any injury or fatality is caused by a fire or from the fear of fire;
- (5) Any injury or fatality is caused from panic.

(b) A report shall be completed and submitted on any fire which occurs within the boundaries of the racetrack.

(1) This fire report is not required for carburetor fires, brake fires, and electrical fires that involve race cars and which do not create a hazard to the spectators.

(c) The report shall include the following information at a minimum:

- 1.) The name, date of birth, telephone number, and address of the injured parties;
- 2.) The name, date of birth, telephone number, and address of any drivers involved, where applicable;
- 3.) A list of any confirmed witnesses, including names and contact information;
- 4.) The known circumstances of the event.

(2) Investigators of the State Fire Marshal's Investigations Unit shall investigate any of the following incidents:

- (a) When a race car injures a spectator, racing official, member of the assisting crew of a participant, employee of the racetrack, or other person;
- (b) Any injury or fatality caused by a failure of grandstands, guardrails, or fences;
- (c) Any injury or fatality caused by a fire or from the fear of fire;
- (d) Any injury or fatality caused from panic;
- (e) A fatality from any cause.

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.10

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Storage and Handling of Flammable and Combustible Liquids" adopted. F. Aug. 17, 1970; eff. June 16, 1970, as specified by the Agency.

Repealed: New Rule with same title adopted. F. June 3, 1987; eff. June 25, 1987, as specified by the Agency.

Repealed: New Rule entitled "Reporting and Investigations of Accidents, Injuries, Fatalities, and Fire" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-18-.11 Storage and Handling of Flammable and Combustible Liquids

(1) The storage, handling and dispensing of Flammable and Combustible Liquids at racetracks shall be in accordance with the Rules and Regulations of the Safety Fire Commissioner, Chapter 120-3-11.

(2) Special provisions for racetracks having defined pit areas where flammable or combustible liquids are handled, stored, or dispensed to competition vehicles:

(a) Storage in each vehicle assigned pit area shall not exceed thirty (30) gallons of fuel in approved containers of not more than three (3) ten-gallon capacity containers, except where the approved organizations sanction and rules provide for a greater quantity, and such variation is made known and approved by the authority having jurisdiction.

(b) The allowed pit storage shall be located or protected so as to provide maximum protection from physical damage and accidental overturning of portable fuel containers. "No Smoking or Open Flames" signs shall be prominently posted.

(c) Prior to the start of any event, the portable storage containers may be filled and placed in a designated area outside the pit area. Such area shall be secured from unauthorized entry and tampering and shall be designed to prohibit the flow of spilled liquid to any other area. Diking or natural protection is acceptable, but the diked area or natural barriers shall be capable of handling 110% of the maximum total quantity of liquid which will be placed in the area. While containers with fuel are in the area, adequate firefighting equipment and personnel shall be stationed in the immediate vicinity and with primary duty to maintain security of the area. Container openings shall have adequate caps or lids to minimize the escape of vapors. A fully approved safety container is recommended but where sanctioning and organization rules permit, open top, dump type containers with a semi-tight cap or cover may be used.

(d) Aboveground tanks for the storage of flammable or combustible liquids shall be installed in accordance with Rules of the Safety Fire Commissioner Chapter 120-3-11. Aboveground tanks shall have a means to prohibit the flow of spilled liquid into any area open to spectators or other areas not directly associated with dispensing of the liquids.

(e) Each vehicle-assigned pit area shall have at least one (1) portable Dry Chemical fire extinguisher 20 B.C. available that meets the requirements of 120-3-18-.07(3). Such extinguishers shall be checked by the senior racetrack official or an appointed representative prior to the start of daily events.

(f) Each racetrack shall be equipped with sufficient spare portable extinguishers as called for above to provide for one (1) spare for every ten (10) extinguishers in the pit area. Such spares shall not be in the pit area, but shall be located so as to be available to replace expended units as quickly as possible. All spares shall be checked by the senior racetrack official or an appointed representative prior to the start of daily events. Expended extinguishers shall be replaced immediately.

(3) Special Provisions for Drag Strips

(a) Each Drag Strip shall provide defined areas for storage, handling, and dispensing of flammable and combustible liquids for competition vehicles. Such areas shall be secured from unauthorized entry and tampering and supervised to restrict or control spectators in the immediate area where flammable and combustible liquids are stored, dispensed or handled. "No Smoking or Open Flames" signs shall be prominently posted.

(b) Flammable and Combustible Liquids intended for competition vehicles, or any vehicle to be driven on the strip, shall be stored in approved safety containers, except that small quantities of additives may be stored in original

containers provided pouring can be done without spilling. All such flammable and combustible liquids shall be kept within the area assigned to the vehicle or other defined area approved by the authority having jurisdiction and shall be located or protected so as to provide maximum protection from physical damage and accidental overturning of portable fuel containers. "No Smoking or Open Flames" signs shall be prominently posted.

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.11

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Storage and Handling and Use of Liquefied Petroleum Gases" adopted. F. Aug. 17, 1970; eff. June 16, 1970, as specified by the Agency.

Repealed: New Rule with same title adopted. F. June 3, 1987; eff. June 25, 1987, as specified by the Agency.

Amended: F. Dec. 31, 1992; eff. Jan. 20, 1993.

Repealed: New Rule entitled "Storage and Handling of Flammable and Combustible Liquids" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-18-.12 Storage, Handling and Use of Liquefied Petroleum Gases

(1) Storage, handling, and use of liquefied petroleum gases shall be in accordance with Rules of the Safety Fire Commissioner Chapter 120-3-16, NFPA 54, and NFPA 58.

(2) Portable or temporary installations for concession stands.

(a) Portable cylinders for the storage of liquefied petroleum shall be located outside the concession stands. They shall be placed on a firm, level, non-combustible foundation and shall be protected from accidental striking, vehicular impact, or overturning. Such protection may be by Vehicular Barrier Protection as specified in NFPA 58 or by securing the cylinder to the sidewall of the concession stand, if the storage capacity of the cylinder does not exceed 125 gallons.

(b) Portable cylinders connected for use in concession areas in grandstands shall be located so that if a gas leak develops, the gas cannot be trapped in a low area or closed space. Protection as described in the above paragraph shall be provided, as necessary.

(c) Portable equipment shall be maintained and kept in proper operating condition. Connections for cylinders and appliances shall be inspected by facility operators prior to hook-up to ensure flares, flare nuts, or other type connectors are in good condition, and if not, they must be repaired or replaced before connections are made.

(d) All appliances, pipe or tubing, cylinders, regulators, and other equipment shall be approved for use with liquefied petroleum gases and where appropriate shall bear the approval seal or symbol of the approving agency. All equipment shall be inspected by facility operators prior to use and shall be kept in good operating condition.

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.12

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Special Provisions" adopted. F. June 3, 1987; eff. June 25, 1987, as specified by the Agency.

Repealed: New Rule entitled "Storage, Handling, and use of Liquefied Petroleum Gases" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-18-.13 Special Provisions

Upon receipt of a sworn affidavit stating all relevant facts and circumstances and such other information as may be required, the State Fire Marshal may recommend to the Safety Fire Commissioner that specific requirements of the Chapter and the NFPA codes, standards and recommended practices adopted herein, be modified to allow alternative arrangements that will secure as nearly equivalent measures as practical for the prevention of injury to persons and property. The Safety Fire Commissioner in his discretion may accept the State Fire Marshal's recommendation and grant the requested modification.

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.13

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Severability" adopted. F. June 3, 1987; eff. June 25, 1987, as specified by the Agency.

Amended: F. Dec. 31, 1992; eff. Jan. 20, 1993.

Repealed: New Rule entitled "Special Provisions" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-18-.14 Severability

If any rule or portion thereof contained in this Chapter is held invalid by a court of competent jurisdiction, the remainder of the rules herein and the applicability of such provisions to other circumstances shall not be affected thereby.

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.14

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Notes" adopted. F. Dec. 31, 1992; eff. Jan. 20, 1993.

Repealed: New Rule entitled "Severability" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-18-.15 Penalties, Suspension or Revocation of License

(a) The Safety Fire Commissioner is authorized to suspend or revoke the license of any person who operates or conducts motor vehicle races or exhibitions without complying with this chapter, subject to the person's right to request a hearing within ten (10) days after that person's receipt of an Order imposing revocation or suspension of licensure.

(b) The Safety Fire Commissioner is authorized to immediately suspend operations at any racetrack in Georgia that is or should be licensed under these Regulations and applicable statutes when the Commissioner or designees observe conditions at a racetrack which present an emergency posing immediate threat to life, health, or safety of the spectators and the general public. For the purposes of this sub-chapter, refusal by representatives of the racetrack or facility to grant entry to an authorized representative of the State Fire Marshal for purposes of inspections or investigations constitutes grounds for emergency suspension.

(c) The Commissioner may impose a monetary fine of up to \$1,000 against the holder of a license for each violation of these regulations, related statutes, or any order of the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.15

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Penalties, Suspension or Revocation of License" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-18-.16 Notes

(1) The National Fire Protection Association Standards adopted in this chapter are on file in the office of the State Fire Marshal and are available for viewing.

(2) Copies of the National Fire Protection Association Standards may be obtained from:

National Fire Protection Association

Batterymarch Park

Quincy, Massachusetts 02269

Cite as Ga. Comp. R. & Regs. R. 120-3-18-.16

AUTHORITY: O.C.G.A. § [25-2-4](#).

HISTORY: Original Rule entitled "Notes" adopted. F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

**Department 120. OFFICE OF COMMISSIONER OF INSURANCE,
SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN
COMMISSIONER**

Chapter 120-3. RULES OF SAFETY FIRE COMMISSIONER

**Subject 120-3-25. RULES AND REGULATIONS FOR ESCALATORS
AND ELEVATORS**

120-3-25-.15 Existing Installation (General)

(1) The minimum requirements for regular maintenance and safety practices for existing elevators as provided for in the Safety Act and Rules. All existing features or components of the elevator shall comply with the Rules as adopted by the Commissioner.

(2) All existing elevators having a travel of more than 25' 0" shall have "Fire Emergency Service" complying with ASME A17.1 1987 Edition as a minimum.

(3) A permanent decal or metal tag shall be affixed to the lift equipment, in the machine room, control space, machine space, pits, hoistway required to be tested by ASME A17.1, Section 8.6 of the Standard. This decal or tag shall be affixed to the affected equipment when new installations, alterations, or periodic tests are conducted, as required by the Standard. This decal or tag must indicate the date of the test, and the name of the person or firm which performed the test and type of test performed. A decal will not be acceptable when the Standard requires a metal tag. At the time of new installation, alteration, or periodic tests, additional data shall be provided to the building owner or his representative. This document shall include the date of the test, the name of the person or firm conducting the tests and all pertinent data relating to the test.

(4) Mass transit equipment shall have a routine and a periodic inspection as defined by ASME A17.1 latest adopted edition, as modified by OCGA Section [8-2-102](#).

(5) Existing Hydraulic Elevators are exempted from the requirements of Rule 8.6.5.8 for five (5) years. Elevators shall have all work required for compliance with ASME A17.3, Section 4.3.3 completed within five (5) years of the effective date of this regulation. Failure to complete work within the required time period will result in the elevator being removed from service until such work is completed, unless the cylinder is replaced.

(6) Existing escalators shall meet the Performance Step Indexing requirements of ASME A17. 3, Rule 5.1.11 within two (2) years of the effective date of this Rule revision.

(7) State Elevator Inspectors are not required to meet 8.11, QEI-1 requirements.

(8) Existing passenger elevators shall meet the Restricted Opening of Hoistway Doors or Car Doors as required by ASME A17.3, Rule 2.7.5 within two (2) years of the effective date of this Rule revision.

(9) All existing automatic passenger and freight elevators shall comply with ASME A17.3 Section 3.10.12 within three (3) years of the effective date of this rule.

Cite as Ga. Comp. R. & Regs. R. 120-3-25-.15

AUTHORITY: O.C.G.A. § [8-2-104](#).

HISTORY: Original Rule entitled "Existing Installations (Special Purpose Personnel Elevators, Including Wheelchair Lifts)" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

Repealed: New Rule of same title adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

Repealed: New Rule entitled "Existing Installation (General)" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-25-.20 New Installation (General)

(1) The following sections outline the minimum requirements, regular maintenance and approved safety practices for elevators as provided for in the Georgia Laws Regulating Elevators. All Existing features or components of the elevators shall comply with this law and the rules proposed by the Board and adopted by the Commissioner.

(2) Certified Inspectors shall use the latest adopted edition of the ASME A17.2 inspector's manual with such revision, amendments, and interpretation.

(3) All new elevators machine rooms shall not have sprinklers in these rooms if they are separated from the building with a minimum of a two hour fire separation and have smoke detectors in accordance with NFPA. If these rooms do not have the two hour minimum fire separation they shall have sprinkler protection conforming to the requirements NFPA and shall be provided with means to automatically disconnect the main power supply to the affected elevator prior to the application of water as required by ASME A17.1, unless prohibited by the building code as covered in Section 3007 or 3008. The machine room door shall swing outward from the machine room. Elevator machine rooms must have conditioned air (heated and cooled) to maintain a temperature range between 55 and 90 degrees Fahrenheit, with a maximum relative humidity of 85%.

(4) Elevator machine rooms and machinery spaces shall be enclosed with fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 711, or both. The fire-resistance rating shall be not less than two hours. Openings in the fire barriers shall be protected with assemblies having a fire protection rating not less than that required for the hoistway enclosure doors. Exceptions:

1. Where machine rooms and machinery spaces do not meet the required fire resistance rating, they shall require sprinklers and shunt trip breaker in accordance with NFPA 72.

(5) All machine rooms, machinery spaces, control rooms, control spaces, and elevator electrical spaces must meet electrical clearances as set in NFPA 70 with the room/spaces access doors closed. This will include all machine rooms, machinery spaces, control rooms, control spaces, and elevator electrical spaces that have fused elevator and cab light disconnects.

(6) All residential elevators will be required to have a machine room, control room, machinery space, or control space with proper electrical clearance with the door in the closed position with the exception of machine room less elevators that have all equipment located in the hoistway.

(7) All new elevators shall have a Fireman Emergency Keybox. The keybox is to be a minimum 5.375" wide by 9" high by 2" deep. Front cover shall be hinged on the right side. Lock and key shall be uniform with Lock and Key, Catalogue #25460 or equivalent. Box may either be flush or recessed mounted. Front cover shall be engraved with 1/4" high letters and shall read in capitals "FIRE DEPARTMENT USE ONLY." Engraving shall be filled with color which will be readily conspicuous. Location of key-box shall be at each bank of elevators in the lobby normally used as a place of entrance to the building. As a minimum, the keybox shall contain the key to the elevator machine room, the elevator hoistway access key, and necessary keys to operate Fireman's Emergency Return System. The key shall be available to Group 1, Group 2 and Group 3 levels of security. This keybox shall be located within sight of the elevator(s) with all required keys at the designated level of Phase I recall.

(8) All new elevators shall be prohibited from providing side emergency exits as detailed in ASME A17.1 Rule 2.14.1.10 provided the elevators are in full compliance with paragraphs (10) and (11) below.

(9) All new elevators shall have the means in the elevator controller for a qualified elevator mechanic to electrically move a stalled elevator to the nearest landing. Key pads or control boxes used for this function shall be permanently installed.

(10) All elevators shall have emergency key access at all landings.

(11) Other Devices - Gravity elevators, hand elevators, incline elevators, multideck elevators, observation elevators, moving walks, material lifts and dumbwaiters with automatic transfer devices and screw column elevators shall meet the requirements of the Codes, as references by these rules.

(12) Reserved for future use

(13) All new escalators installed after January 1, 2002, shall comply with the latest adopted edition of ASME A17.1.

(14) All variance requests from the law, rules or standards on new, altered or modernized elevator, escalator, dumbwaiter, material lift, manlift, moving walk, wheelchair lift, or stairway chairlift shall be reviewed by the Elevator Advisory Board Members and recommendations given to the Safety Inspection Section. These variance requests shall be submitted to Board Members by Safety Inspection staff for email ballot within three (3) days from the date received. Board Members shall return their votes to approve or disapprove within ten (10) days. The majority of the returned votes are to be considered the recommendation of the Board.

(15) Reserved for future use

(16) ASME A17.1, Section 5.3 shall be modified to read as follows:

5.3.1.8.3 Clearance Between Doors or Gates and Landing Sills and Car Doors or Gates. The clearance between the hoistway doors or gates and the hoistway edge of the landing sill shall not exceed 19 mm (3/4 in.). The distance between the hoistway face of the landing door or gate shall not exceed 75 mm (3 in.).

Cite as Ga. Comp. R. & Regs. R. 120-3-25-.20

AUTHORITY: O.C.G.A. § [8-2-104](#).

HISTORY: Original Rule entitled "New Installation - Wheelchair Lift" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

Repealed: New Rule entitled "New Installation - Platform Lifts (Wheelchair Lift) and Stairway Chairlifts" adopted. F. Dec. 12, 2014; eff. Jan. 1, 2015.

Repealed: New Rule entitled "New Installation (General)" adopted. F. Dec. 4, 2020; eff. Dec. 29, 2020, as specified by the Agency.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

**Department 120. OFFICE OF COMMISSIONER OF INSURANCE,
SAFETY FIRE COMMISSIONER AND INDUSTRIAL LOAN
COMMISSIONER**

Chapter 120-3. RULES OF SAFETY FIRE COMMISSIONER

**Subject 120-3-26. RULES AND REGULATIONS FOR BOILERS AND
PRESSURE VESSELS**

**120-3-26-.07 State Inspection Fees New Installation of Boilers and Installation of
Secondhand Boilers or Pressure Vessels**

(1) The company or person responsible for the installation of the boiler or secondhand pressure vessel is required to obtain an installation permit for the boiler or pressure vessel prior to any work being performed. A "Request to Install a Boiler or Pressure Vessel" along with the installation fee and any drawings, calculations, or ASME Code Data Reports as applicable will be forwarded to the Office of Insurance and Safety Fire Commissioner, Safety Engineering Section. Boilers or pressure vessels that are ASME Code stamped and National Board registered need only the ASME Data Report. A request for a Georgia State Special must be accompanied by all design documents. No boilers or pressure vessels shall be sold to be installed in the State unless the boiler or pressure vessel meets all adopted Codes, Standards, and/or these Rules.

(2) All boiler installations shall meet all requirements of ASME, the NBIC, and CSD-1. Boilers 12,500,000 BTU/hr and over shall meet any additional requirements of NFPA85. All fluid heaters shall meet the requirements of NFPA 87.

(3) A Deputy Inspector, prior to the vessel being used must inspect all completely new and secondhand packaged boilers and secondhand pressure vessels installed. The company or person performing the installation is responsible for notifying the Safety Engineering Section when the boiler or secondhand pressure vessel is ready for inspection.

(4) All Permits that have not had any action toward the installation shall expire 24 months after the issue date. The expiration date shall be shown on the permit. The monies for the expired permit shall be forfeited and the file closed out. The installer shall be required to resubmit for another permit in accordance with paragraph (1) above and Rule [120-3-26-.05\(4\)](#), when a file has been closed out.

(5) Water heaters must have a check valve installed in the cold water supply line at the heater.

(6) All low pressure steam heating, water heating or hot water supply boilers as described in Rule [120-3-26-.02](#) must have a type "B" vent. The vent must be double wall galvanized or other corrosion resistant material, or as specified by the boiler manufacturer.

(7) All high pressure power boilers for steam, water or oil as described in Rule 120-3-26.02 must have a single wall welded stack at least .056 inches thick (16 gage), or double wall manufactured corrosion resistant stack, or as specified by the boiler manufacturer. The double wall must be UL listed for the temperature specified by the boiler manufacturer.

(8) All stack clearance from combustible material shall be as specified in NFPA Standard 31, 54, or 58 as applicable.

(9) All steam boilers over 15 psi and over 10 boiler horsepower must be in a 2 hr. fire rated room, (except for Group F Occupancy). All heating boilers installed in places of Assembly (Group A), or place of Hazardous Occupancy (Group H) must be in a 2 hr. fire rated room.

(10) (a) Each boiler room containing one or more boilers or hot water heaters or pressure vessels from which carbon monoxide can be produced shall be equipped with a carbon monoxide detector with a manual reset. The requirements of this subsection apply to boiler rooms in which new installations or reinstallations of one or more boilers are completed.

(1) The carbon monoxide detector will alarm at 50 ppm and boiler(s) shall be interlocked to disable the burners when the measured level of carbon monoxide rises above 200 ppm.

(2) The carbon monoxide detector shall disable the burners upon loss of power to the detector.

(3) When the carbon monoxide detector trips in the boiler room, the detector should be interlocked with all boilers or hot water heaters or pressure vessels installed in the space to secure the fuel burning equipment thus stopping the production of carbon monoxide.

(4) The carbon monoxide detector shall be calibrated every eighteen months after installation or in accordance with the manufacturer's recommendations, whichever is more frequent. A record of calibration shall be posted at or near the boiler or be readily accessible to an inspector.

(5) The carbon monoxide detector shall be installed and function in accordance with all other regulations and standards adopted by the Commissioner.

(6) Any boiler room that is monitored by a full-time boiler operator is exempt from the safety shutdown, as defined in ASME CSD-1. The presence of a full-time boiler operator does not exempt such boilers from the alarm requirement.

Cite as Ga. Comp. R. & Regs. R. 120-3-26-.07

AUTHORITY: O.C.G.A. §§ [25-2-4](#), [25-15-13](#).

HISTORY: Original Rule entitled "Boiler and Pressure Vessel Inspection Requirements. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

Amended: F. Jan. 10, 2014; eff. Jan. 30, 2014.

Repealed: New Rule entitled "Boiler and Pressure Vessel Inspection Requirements" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

Repealed: New Rule entitled "State Inspection Fees New Installation of Boilers and Installation of Secondhand Boilers or Pressure Vessels" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

120-3-26-.15 Boiler and Pressure Vessel Repair or Alteration

(1) Repairs and alterations to Boilers and Pressure Vessels shall be performed in accordance with the National Board Inspection Code or as otherwise specified by the jurisdiction. All repair facilities must have a valid contract with an approved inspection agency.

(2) When repairs or alterations are to be made, permission shall be obtained from an inspector and shall be done in accordance with the latest edition of the National Board inspection code by an authorized repair facility holding a valid National Board "R" stamp or jurisdictional approval for owner/users repairing their own boilers or pressure vessels. Welded repairs to cast iron boilers, pressure vessels or parts thereof shall not be allowed.

(3) A request for permission to restamp the boiler or pressure vessel shall be made to the Chief Inspector and proof of the original stamping shall accompany the request.

The Chief Inspector may grant such authorization. Restamping, authorized by the Chief Inspector, shall be done only in the presence of an Inspector and shall be identical to the original stamping except for the ASME Code symbol stamp.

(4) The repair facility shall provide the Chief Inspector with a copy of a completed R-1 repair form with the inspector's signature when a welded repair has been done within 30 days of the repair. An electronic or paper copy is acceptable.

(a) The repair stamp holder shall complete a repair form on all welded repairs. The distribution shall be to the owner/user and jurisdiction and others as required by the National Board Inspection Code within 30 days of the repair. An electronic or paper copy is acceptable.

(b) An R-2 report for alternation shall be completed on all alterations and distributed in accordance with the National Board Inspection Code. The Chief inspector will receive a copy within 30 days. An electronic or paper copy is acceptable.

(5) The repair facility shall register all R-1 and R-2 forms with the National Board.

Cite as Ga. Comp. R. & Regs. R. 120-3-26-.15

AUTHORITY: O.C.G.A. §§ [25-2-4](#), [25-15-13](#).

HISTORY: Original Rule entitled "Boiler and Pressure Vessel Construction. Amended" adopted. F. Sep. 4, 2013; eff. Sep. 24, 2013.

Repealed: New Rule entitled "Reinstallation of Certain Boilers and Pressure Vessels" adopted. F. Mar. 16, 2015; eff. Apr. 5, 2015.

Repealed: New Rule entitled "Boiler and Pressure Vessel Repair or Alteration" adopted. F. Dec. 31, 2020; eff. Jan. 20, 2021.

Amended: F. Jan. 13, 2022; eff. Jan. 1, 2022, as specified by the Agency.

Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

Chapter 160-1.

Subject 160-1-4. GRANT PROGRAMS

160-1-4-.304 Rural Education Innovation Grant for STEM/STEAM

1. **Purpose of Grant.** The purpose of the Rural Education Innovation Grant for STEM/STEAM is to start or supplement existing STEM and STEAM programs and activities that help students make connections between the content standards, their passions and curiosities, and strategic partnership experiences within the local or regional community.
2. **Terms and Conditions.** Grants are awarded through a competitive process to eligible schools and districts to provide one or more of the following: (1) exposure to and a hands-on learning experience in STEM/STEAM, (2) collaboration among STEM/STEAM programs that occur during the school day and those that occur during out-of-school time, or (3) the integration of academic subjects into STEM/STEAM curriculum. All recipients must submit a completion report and all other reports required by the GaDOE. The grant awards are one-time funds for use during the fiscal year of the award.
3. **Eligible Recipient(s).** Eligible applicants must be either (1) a rural K-12 public school or district eligible to receive federal grant funds through the Federal Rural and Low-Income School Program or the Small Rural Achievement Program and located and served by either the First District Regional Educational Service Agency or the Southwest Georgia Regional Educational Service Agency, or (2) a non-public school located within the geographic boundaries of the aforementioned public school districts. An eligible non-public school must apply through the public school district where the non-public school is located.
4. **Criteria for Award.** Applications are reviewed and scored by the Georgia Department of Education. Funding will be awarded based on rank (the highest score first) and available funding. All recipients will receive 100% of their proposed budget until funds are exhausted. No partial grants will be awarded.
5. **Directions and Deadlines for Applying.** Links to the application portal and information regarding the application deadline are available on the Georgia Department of Education's Title IV, Part A webpage. For additional information, contact the Office of Federal Programs at federalprograms@doe.k12.ga.us.

Cite as Ga. Comp. R. & Regs. R. 160-1-4-.304

AUTHORITY: O.C.G.A. § [20-2-240](#).

HISTORY: Original grant description entitled "Rural Education Innovation Grant for STEM/STEAM" submitted Jan. 6, 2022.

160-1-4-.305 Georgia Leadership Institute for School Improvement (GLISI) Base Camp and Leadership Professional Learning Grant

1. **Purpose of Grant.** The purpose of the grant is to provide funds to local educational agencies (LEA) to support leaders and teachers in building strategies to advance improvement efforts in their schools.
2. **Term and Conditions.** Grants are awarded through a competitive process to LEAs. Applicant LEAs must (1) respond to a need identified in their comprehensive needs assessment and (2) identify specific improvement goals.

Recipient LEAs must produce a report at the conclusion of the grant period. Grant award funds are one-time funds and must be used during the fiscal year in which the funds are awarded. There is no allowability for carryover.

3. Eligible Recipient(s). Eligible applicants must be rural LEAs with a Comprehensive Support and Improvement (CSI) school(s). CSI Alternative schools and CSI schools that have previously attended a GLISI Base Camp and Leadership Summit are not eligible for this grant.

4. Criteria for Award. Applications will be reviewed and scored by the Georgia Department of Education. Funding will be awarded based on rank (the highest score first) and available funding. All recipients will receive 100% of their proposed budget until funds are exhausted. No partial grants will be awarded.

5. Directions and Deadlines for Applying. Information about the grant, including the deadline, can be found on the Office of School Improvement, Division of School and District Effectiveness's webpage (<https://www.gadoe.org/School-Improvement/School-Improvement-Services/Pages/default.aspx>) or by contacting the Office of School Improvement at schoolimprovement@doe.k12.ga.us. Information about the grant will be shared with all eligible districts.

Cite as Ga. Comp. R. & Regs. R. 160-1-4-.305

AUTHORITY: O.C.G.A. § [20-2-240](#).

HISTORY: Original grant description entitled "Georgia Leadership Institute for School Improvement (GLISI) Base Camp and Leadership Professional Learning Grant" submitted Jan. 24, 2022.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-3. DRIVER LICENSE SERVICES

Subject 375-3-1. GENERAL PROVISIONS

375-3-1.16 Eligibility for Veterans', Honorary or Distinctive Driver's License and Identification Cards

(1) (a) Veterans', honorary or distinctive driver's licenses shall be issued to veterans who have satisfied all other requirements for issuance of a driver's license upon receipt by the Department of a Certificate of Eligibility issued for said veteran by the Georgia Department of Veterans Service.

(b) In order to be eligible for a Certificate of Eligibility, a veteran must present evidence of the following:

(i) Residence:

1) A veteran must be a resident of the State of Georgia at the time of application for the license; and

(ii) Service:

1) A veteran must have served in the active military, naval, or air service; and

2) A veteran must have been discharged or released therefrom under conditions other than dishonorable.

(2) A member of the National Guard or Reserve Forces shall obtain a letter from their Commanding Officer in the Georgia National Guard stating they served on active duty or evidencing twenty (20) or more years creditable service therein. This letter shall be forwarded to the Department.

(3) A surviving spouse of a veteran who would have been eligible for a veterans' license shall follow the procedure in paragraph (1) and may then be issued an honorary license.

(a) Any license to such spouse shall be valid as long as that person remains unmarried.

(4) A spouse of a veteran who is or would have been eligible for a veteran's license but has been disabled to the extent that he or she is unable to operate a motor vehicle safely, shall acquire an honorary license by having the disabled veteran surrender his license to the Department, or if he or she has no license notify the Department of his disability. Such surrender of license or notification must be accompanied by a letter from a physician evidencing the disability. The applicant shall then follow the procedure set out in paragraph (1).

(5) Once eligibility is established pursuant to paragraphs (1) through (4) the licensee need not reestablish eligibility.

(6) Any customer who would be eligible for a driver's license under the provisions of this regulation shall also be eligible for an identification card at no charge.

(7) National Guard driver's licenses shall be issued free of charge by the Department to any guardsman who meets the requirements of O.C.G.A. § [40-5-36](#). Each guardsman shall present to any driver's license examiner a completed Certificate of Eligibility for Georgia National Guard Driver's License, their current National Guard identification card and surrender their existing Georgia driver's license or instructional permit to such examiner. The National Guard driver's license shall be valid for eight (8) years or until the Department receives written notice from the Adjutant General, or his agent, that the guardsman is no longer a member of the Georgia National Guard in good standing.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.16

AUTHORITY: O.C.G.A. §§ [40-5-4](#), [40-5-36](#), [40-5-103](#).

HISTORY: Original Rule entitled "Eligibility for Veterans, Honorary or Distinctive Drivers License" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Amended: F. Jan. 31, 2008; eff. Feb. 20, 2008.

Amended: Changed title to "Eligibility for Veteran's, Honorary or Distinctive Driver's License and Identification Cards." adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

Amended: New title "Eligibility for Veterans', Honorary or Distinctive Driver's License and Identification Cards." F. Nov. 19, 2020; eff. Dec. 9, 2020.

Amended: F. Jan. 13, 2022; eff. Feb. 2, 2022.

375-3-1-.23 Application for Personal Identification Cards

(1) Georgia identification cards are available to Georgia residents only. Any Georgia resident, as defined in O.C.G.A. § [40-5-1](#), applying for an identification card shall provide to the Department the information as specified in O.C.G.A. § [40-5-100](#).

(2) Individuals with out-of-state driver's licenses may not obtain a Georgia identification card and maintain the out-of-state license. In order for these individuals to obtain a Georgia identification card, they must either obtain a Georgia driver's license prior to the issuance of the identification card; or surrender the out-of-state license to the examiner at the time the identification card is issued. Customers who cannot surrender a driver's license or identification card previously issued by another state must provide their driving record from the state that issued said driver's license or identification card.

(3) Customers who previously have been issued an identification card or driver's license in another country may retain said identification card or driver's license. The Department shall make a notation on the customer's driving record that the foreign driver's license or identification card was retained, and this notation shall be made available to law enforcement officers via the Georgia Crime Information Center.

(4) The Department shall collect a fee as listed in Ga. Comp. R. & Regs. R. [375-3-1-.36](#).

(5) (a) All non-profit organizations referring anyone to the Department for an identification card shall provide that individual with a copy of an agreement previously entered into with the Department whereby such organization verifies that the individual applying for such identification card is indigent.

(b) It shall be the responsibility of the non-profit organization to provide the Department with an agreement. Upon approval by the Department and the non-profit organization, the Department may accept a copy of the agreement from the indigent referred by the non-profit organization in order to provide the identification card to the individual at a reduced fee of \$5.00.

(6) (a) Any license, permit or identification card that is intended to be compliant with the requirements of [49 U.S.C. § 30301](#) note and 6 C.F.R. § 37.01, et seq. shall contain the information or design requirements set forth therein.

(b) No person may be issued a license, permit or identification card that is compliant with paragraph (a), supra, while he or she retains another such card. Customers are eligible for issuance of non-compliant cards in addition to the compliant card. Similarly, a customer may switch from one type of compliant card to another by surrendering the compliant card that is no longer desired and paying a replacement fee.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.23

AUTHORITY: O.C.G.A. §§ [40-5-4](#), [40-16-2](#), [40-16-3](#), [40-16-4](#), [40-16-5](#), [40-5-100](#), [40-5-101](#).

HISTORY: Original Rule entitled "Application for Personal Identification Cards" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Amended: F. Sept. 3, 2009; eff. Sept. 23, 2009.

Amended: Rule with new title of "Application for Personal Identification Cards. Amended" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

Amended: F. Jan. 19, 2018; eff. Feb. 8, 2018.

Amended: F. Jan. 13, 2022; eff. Feb. 2, 2022.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-3. DRIVER LICENSE SERVICES

Subject 375-3-3. REVOCATION AND SUSPENSION

375-3-3-.01 Penalties for Violations of Uniform Rules of the Road

(1) The Department shall impose the following penalties upon receipt of a conviction of a violation of any of the listed offenses found within the Uniform Rules of the Road:

Code Section	Offense	Penalty
40-6-2	Failure to Obey Person Directing Traffic	3 points
40-6-6	Emergency Vehicle Violation	3 points
40-6-10	No Insurance	Suspension - O.C.G.A. § 40-5-70
40-6-11	No Proof of Insurance-Motorcycle	3 points
40-6-14	Limits on Sound Volume	3 points
40-6-15	Suspended/Revoked/Cancelled Registration	HV Contributor
40-6-16(b)	"Move Over" Violation	3 points
40-6-16(c)	Improper Passing of a Stationary Utility Service Vehicle	3 points
40-6-16.1	Improper Passing of an Active Sanitation Vehicle	3 points
40-6-17	Use of Traffic-Control Device Preemption Emitter (while operating a motor vehicle)	3 points
40-6-20	Disregard of Traffic Control Device or Signal	3 points
40-6-21	Failure to Obey Traffic Signal or Light	3 points
40-6-23	Failure to Obey Flashing Signal	3 points
40-6-24	Lane Direction Violation	3 points
40-6-26(a)	Tampering with Traffic Signs or Signals (while operating vehicle)	3 points
40-6-26(b)	Operating Vehicle on Closed Roadway	3 points
40-6-40	Improper Lane Usage	3 points
40-6-41	Failure to Yield to Oncoming Traffic	3 points
40-6-42	Improper Passing	3 points
40-6-43	Improper Passing on the Right	3 points
40-6-44	Improper Passing	3 points
40-6-45	Improper Passing on Hill or Curve	4 points
40-6-46	Passing in a No Passing Zone	3 points
40-6-47(b)	Wrong Way on One-Way Road	3 points
40-6-47(c)	Rotary Traffic Island Violation	3 points
40-6-48	Failure to Maintain Lane	3 points
40-6-49	Following Too Closely	3 points
40-6-50	Driving Within Gore or Improper Entry to Controlled Access Highway	3 points
40-6-51	Improper Use of Controlled-Access Road	3 points

Code Section	Offense	Penalty
40-6-51 (a)(1)	Improper Use of Controlled Access Road	3 points
40-6-51 (a)(2)	Improper Use of Controlled Access Road	3 points
40-6-52	Truck Lane Usage Violation	3 points
40-6-53	Bus or Motorcoach Lane Violation	3 points
40-6-55	Failure to Yield to Bicycle	3 points
40-6-56	Failure to Maintain Safe Distance from Bicycle	3 points
40-6-54	HOV Lane Violation	1 point for 4th +
40-6-70	Failure to Yield at Intersection	3 points
40-6-71	Failure to Yield when Turning Left	3 points
40-6-72	Stop/Yield Sign Violation	3 points
40-6-73	Failure to Yield when Crossing or Entering Road	3 points
40-6-74	Failure to Yield to Emergency Vehicle	3 points
40-6-75	Failure to Yield to Construction Vehicle	3 points
40-6-76	Failure to Yield to Funeral Procession	3 points
40-6-77	Failure to Yield Resulting in Serious Injury	Suspension - O.C.G.A. § 40-5-57.3 for 2nd+ in 5 years
40-6-91	Failure to Yield to Pedestrian	3 points
40-6-93	Failure to Exercise Due Care Near Pedestrian	3 points
40-6-94	Failure to Yield to Blind Pedestrian	3 points
40-6-98	Driving Through Safety Zone	3 points
40-6-120	Improper Turning	3 points
40-6-121	Improper U-Turn	3 points
40-6-122	Improper Starting	3 points
40-6-123	Failure to Signal Turn	3 points
40-6-124	Improper Use of Signal	3 points
40-6-125	Improper Use of Hand Signal	3 points
40-6-126	Improper Use of Turn Lane	3 points
40-6-140	Railroad Grade Crossing Violation	3 points
40-6-141	Disregard of Stop Sign at Railroad Grade Crossing	3 points
40-6-142	Failure to Stop at Railroad Grade Crossing	3 points
40-6-143	Improper Movement of Heavy Equipment at Railroad Grade Crossing	3 points
40-6-144	Improper Emerging from Alley, Driveway or Building	3 points
40-6-160	School Bus Speeding Violation	15-18 mph - 2 points 19-23 mph - 3 points 24-33 mph - 4 points 34+ mph - 6 points
40-6-161	School Bus Headlight or Communication Device Violation	3 points
40-6-162	School Bus Signal Violation	3 points
40-6-163	Unlawful Passing of School Bus	6 points
40-6-164	School Bus Disembarking Violation	3 points
40-6-165	School Bus Operation Violation	3 points

Code Section	Offense	Penalty
40-6-181	Speeding	15-18 mph - 2 points 19-23 mph - 3 points 24-33 mph - 4 points 34+ mph - 6 points
40-6-184	Impeding the Flow of Traffic	3 points
40-6-184(a)	Speed Less than Minimum	3 points
40-6-184(c)	Impeding the Flow of Traffic	3 points
40-6-185	Speeding on Bridge or Structure	15-18 mph - 2 points 19-23 mph - 3 points 24-33 mph - 4 points 34+ mph - 6 points
40-6-186	Racing	HV Contributor
40-6-188	Speeding in Work Zone	15-18 mph - 2 points 19-23 mph - 3 points 24-33 mph - 4 points 34+ mph - 6 points
40-6-205	Obstructing an Intersection	3 points
40-6-240	Improper Backing	3 points
40-6-241(b)	Failure to Exercise Due Care	1 st offense - 1 point 2 nd offense - 2 points 3 rd or subsequent offense - 3 points
40-6-241(c)	Unlawful Use of Wireless Device	1 st offense - 1 point 2 nd offense - 2 points 3 rd or subsequent offense - 3 points
40-6-241(d)	Unlawful Use of Wireless Device	1 st offense - 1 point 2 nd offense - 2 points 3 rd or subsequent offense - 3 points
40-6-242	Driving with Obstructed View	3 points
40-6-244	Allowing Passenger in House Trailer	3 points
40-6-245	Improper Mountain/Canyon Driving	3 points
40-6-246	Coasting	3 points
40-6-247	Improper Following of Emergency Vehicle	3 points
40-6-248	Crossing Fire Hose	3 points
40-6-248.1	Unsecured Load Resulting in Accident	2 points
40-6-250	Wearing Device Impairing Vision or Hearing	3 points
40-6-251	Laying Drags	3 points
40-6-252	Cruising	3 points
40-6-253	Open Container	2 points
40-6-253.1	Improper Transportation of Infectious Substance	3 points
40-6-254	Unsecured Load Resulting in Accident	2 points
40-6-270	Hit and Run	HV Contributor
40-6-271	Violation of Duty Upon Striking Unattended Vehicle	3 points
40-6-272	Violation of Duty Upon Striking Fixed Object	3 points
40-6-273	Failure to Report Accident	3 points
40-6-275	Failure to Remove Vehicle From Roadway	3 points
40-6-311	Improper Operation of Motorcycle	3 points
40-6-312	Motorcycle Lane Violation	3 points

Code Section	Offense	Penalty
40-6-312(e)	Operation of Motorcycle Without Head/Tail Light	3 points
40-6-313	Clinging to Vehicle While on Motorcycle	3 points
40-6-314	Motorcycle Equipment Violation	3 points
40-6-315	Motorcycle Protective Gear Violation	3 points
40-6-326	Operating Personal Assistive Mobility Device While Intoxicated	3 points
40-6-352	Moped Headgear Violation	3 points
40-6-361	Low Speed Vehicle Lane Violation	3 points
40-6-362	Low Speed Vehicle Roadway Violation	3 points
40-6-390	Reckless Driving	4 points
40-6-391	Driving Under the Influence	HV Contributor
40-6-391(1)	Endangering a Child by DUI	HV Contributor
40-6-393(a)	Vehicular Homicide-1st Degree	Suspension - O.C.G.A. § 40-5-63(d)
40-6-393(b)	Vehicular Homicide-1st Degree	HV Contributor
40-6-393(c)	Vehicular Homicide-2nd Degree	HV Contributor
40-6-393(d)	Vehicular Homicide-1st Degree	HV Contributor
40-6-393.1(b)	Feticide by Vehicle-1st Degree	HV Contributor
40-6-393.1(c)	Feticide by Vehicle-2nd Degree	3 points
40-6-394	Serious Injury by Vehicle	Suspension - O.C.G.A. § 40-5-63(d)
40-6-395	Fleeing and Attempting to Elude	HV Contributor
40-6-397	Aggressive Driving	6 points
40-8-76	Child or Youth Restraint Not Properly Used (Under the Age of 8)	1st offense - 1 point 2 nd or subsequent offense - 2 points

(2) The assessment of points for any of the aforementioned offenses may result in the suspension of the customer's driver's license pursuant to O.C.G.A. §§ [40-5-57](#) and/or 40-5-57.1.

(3) Notwithstanding the provisions of paragraph (2), *supra*, points shall not be assessed if the Department receives notification from the trial court that the points for such offense are to be avoided pursuant to O.C.G.A. § [40-5-57\(c\)\(1\)\(C\)](#) or the customer entered a plea of *nolo contendere* to the offense.

(a) The aforementioned points avoidance measures are only available to each customer once every five (5) years.

(b) The Department shall treat a plea of *nolo contendere* as a conviction for purposes of imposing a suspension pursuant to O.C.G.A. § [40-5-57.1](#) for customers under age twenty-one (21) at the time of the conviction.

(4) In addition to the offenses set forth in paragraph 1, points shall also be assessed for upon receipt of convictions for child safety restraint requirements as set forth in O.C.G.A. § [40-8-76](#).

(5) Notwithstanding the provisions of paragraph 1, *supra*, no points shall be assessed for an unsecured load that does not cause an accident. Additionally, if the unsecured load that resulted in the accident contained fresh farm produce, no points shall be assessed.

(6) The Department shall impose the penalty set forth in paragraph 1 upon receipt of notice of a conviction for an equivalent offense in another state as if the conviction had been entered by a court in the State of Georgia.

(7) Notwithstanding the provisions of paragraph 1, *supra*, no points shall be assessed for a conviction imposed by a Georgia court against a non-resident.

(8) The penalty set forth in paragraph 1 shall be assessed for each conviction, including multiple convictions from a single incident.

(9) Any offense identified herein as an HV contributor shall result in a driver's license suspension pursuant to O.C.G.A. §§ [40-5-54](#) and [40-5-63](#) or a habitual violator revocation pursuant to O.C.G.A. § [40-5-58](#) depending upon the customer's prior driving record within five years as calculated between or among the dates of the applicable incidents.

(a) As provided in O.C.G.A. §§ [40-5-54](#), [40-5-63](#) and [40-5-58](#), offenses not included in this regulation may also contribute to a license suspension or revocation under said statutes.

(b) In the event that an offense which occurred after a prior offense results in a conviction or is processed before the earlier offense is resolved or processed, the Department shall impose suspensions and/or revocations based upon the order in which the convictions are processed.

(10) Customers convicted of any of the offenses listed herein may be subject to a commercial driving disqualification in addition to the listed penalty.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.01

AUTHORITY: O.C.G.A. §§ [40-5-4](#), [40-16-2](#), [40-16-3](#), [40-16-4](#), [40-16-5](#), [40-5-101](#).

HISTORY: Original Rule entitled "Moving Traffic Violations Defined" adopted. F. Jan. 9, 2003; eff. Jan. 29, 2003.

Amended: F. Sept. 1, 2004; eff. Sept. 21, 2004.

Repealed: New Rule entitled "Penalties for Violations of Uniform Rules of the Road" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.

Amended: F. Mar. 30, 2012; eff. Apr. 19, 2012.

Amended: F. Aug. 20, 2014; eff. Sep. 9, 2014.

Amended: F. Sep. 15, 2015; eff. Oct. 5, 2015.

Amended: F. Apr. 12, 2018; eff. May 2, 2018.

Amended: F. Jan. 13, 2022; eff. Feb. 2, 2022.

375-3-3-.10 Limited Driving Permits

(1) The issuance of limited driving permits and the permissible uses of such permits, which shall be reflected as restrictions on the permit, will be governed by the applicable provisions of state and federal law.

(2) Customers applying for a DUI limited driving permit following the suspension of a driver's licenses pursuant to O.C.G.A. § [40-5-63\(a\)\(1\)](#) based upon a conviction for driving under the influence (DUI) in violation of O.C.G.A. § [40-6-391](#) or an equivalent offense must submit DDS Form 1126 completed by the convicting court or a certified copy of the conviction unless the DUI conviction is already reflected on the customers' driving record.

(3) The following applicants are not eligible for a limited driving permit:

(a) Customers who are not Georgia residents;

(b) Customers who have never been issued a Georgia driver's license; and

(c) Customers whose Georgia driver's license is suspended, revoked, cancelled, disqualified or otherwise withdrawn for any other reason in addition to the suspension imposed pursuant to O.C.G.A. § [40-5-63\(a\)\(1\)](#) unless otherwise

eligible for a limited driving permit for said withdrawal. This list should not be considered exhaustive, and the issuance of limited driving permits will be governed by the applicable provisions of state and federal law.

(4) Any customer applying for a limited driving permit must surrender any previously issued driver's license or execute a lost license affidavit on Form DS-250A.

(5) Issuance, renewal, and/or replacement of limited driving permits will be governed by the applicable provisions of state and federal law.

(6) Any person applying for an ignition interlock limited driving permit for a suspension imposed for a second conviction for DUI within five (5) years pursuant to O.C.G.A. § [40-5-63\(a\)\(2\)](#) must submit documentation satisfactory to the Department of the following:

(a) proof of installation of an approved ignition interlock device installed on any vehicle that he or she will be operating pursuant to such permit;

(b) A certificate of completion from a DUI Drug or Alcohol Use Risk Reduction program; and

(c) Authorization for issuance of such permit by the Court that handled the underlying DUI charge, and enrolled in a drug court or clinical treatment that satisfies the requirements of O.C.G.A. § [40-5-63.1](#).

(i) No limited driving permit shall be available to any person subject to a driver's license suspension imposed pursuant to O.C.G.A. § [40-5-63\(a\)\(2\)](#) who has been granted an exemption from installing an ignition interlock device limited driving due to financial hardship pursuant to O.C.G.A. § [42-8-111\(a\)\(1\)](#) until such person has served at least twelve months of such suspensions.

(7) The Department shall interpret amendments to the statutory provisions relating to limited driving permit eligibility in the manner that is most advantageous to each customer so as to allow for the issuance of permits at the earliest date that is legally permissible.

(8) Any person applying for an ignition interlock permit due to a suspension triggered by a second DUI conviction within five (5) years shall be required to maintain such ignition interlock device for the following period:

(a) For incidents prior to January 1, 2013: six (6) months;

(b) For incidents between January 1, 2013 and June 30, 2013: eight (8) months; and

(c) For incidents on or after July 1, 2013: twelve (12) months. After maintaining such interlock for the time required, such customer shall be eligible for a permit without the interlock restriction if otherwise eligible.

(9) Any person who is subject to a suspension imposed pursuant to O.C.G.A. § [40-5-75](#) who is participating in a drug court, mental health court, veteran's court program, or operating under the influence court for such conviction may be issued a limited driving permit for such suspension if authorized by the court.

(10) For the purposes of O.C.G.A. §§ [40-5-64\(g\)](#) and [40-5-64.1\(f\)](#) regarding the revocation of a limited driving permit, any bond forfeiture or plea of *nolo contendere* or conviction of O.C.G.A. §§ [40-8-76](#) or [40-8-76.1](#) shall not be considered a violation of state law relating to the movement of a motor vehicle, and shall not revoke a limited driving permit.

(11) Any person aged eighteen (18) or older whose driver's license has been suspended pursuant to O.C.G.A. § [40-5-57.1](#) as a result of a conviction for speeding where such person's speed was at least twenty-four (24) miles per hour over the posted speed limit, but less than thirty-four (34) miles per hour above the posted speed limit, shall be eligible for a limited driving permit.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.10

AUTHORITY: O.C.G.A. §§ [40-5-4](#), [40-5-57.1](#), [40-5-64](#), [40-5-64.1](#), [40-5-101](#), [40-16-2](#), [40-16-3](#), [40-16-4](#), [40-16-5](#).

HISTORY: Original Rule entitled "120 Day Limited Permit Application" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Repealed: New Rule entitled "Limited Driving Permits" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.

Amended: F. Dec. 26, 2012; eff. Jan. 15, 2013.

Amended: F. Jun. 19, 2014; eff. Jul. 9, 2014.

Amended: F. Sep. 15, 2015; eff. Oct. 5, 2015.

Amended: F. Apr. 12, 2018; eff. May 2, 2018.

Amended: F. Jan. 13, 2022; eff. Feb. 2, 2022.

375-3-3-.11 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.11

AUTHORITY: O.C.G.A. §§ [40-5-4](#), [40-5-64](#).

HISTORY: Original Rule entitled "One Year Limited Permit Application" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Repealed: New Rule entitled "Limited Driving Permits for Teen Drivers" adopted. F. Aug. 24, 2010; eff. Sept. 13, 2010.

Repealed: F. Jan. 13, 2022; eff. Feb. 2, 2022.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-5. DRIVER TRAINING AND DRIVER IMPROVEMENT

Subject 375-5-3. COMMERCIAL DRIVER TRAINING SCHOOLS

375-5-3-.17 Commercial Driver Training School Program of Instruction

(1) A commercial driver training school certified by the Department must provide the student both theoretical and practical instruction regarding the operation of a commercial motor vehicle in accordance with 49 C.F.R. Parts 383 and 384.

(2) The theoretical instruction shall be classroom instruction in specific areas of traffic safety to include subject matter relating to the rules and regulations of the road, safe driving practices, proper attitudes, pedestrian safety, and driver responsibility.

(3) Practical instruction shall be behind-the-wheel experience and shall include demonstration and actual performance of stopping, starting, shifting (if straight shift), turning, backing, parallel parking and steering in a vehicle which meets the requirements of the Department. Behind-the-wheel is defined as the actual time the student is behind the steering wheel driving or being instructed.

(4) Test or exam questions prepared by the school for instructional purposes shall not be worded or constructed in the same manner as the questions used by the Department on its official driver examination.

(5) The student must pass a written exam with a minimum grade of eighty (80) to successfully complete the course and receive a certificate of completion. In the event of excused absence, sickness, etc., the student shall be required to attend makeup classes for each hour exceeding ten (10) percent of the road or range time specifically outlined in the approved school curriculum. The certificate must include the name and address of the school, DDS Certification number, the student's name, the number of hours of instruction, the instructor's signature or the signature of a duly authorized employee of the school, and the date of completion. The certificates shall be numbered, and a roster of each class listing each student's name, date of completion, instructor's name, fee paid, and certificate number must be kept by the commercial driver training school for a minimum of three (3) years.

(6) All non-passenger road training must include city, rural, and interstate driving.

(7) Every school providing instruction for non-passenger vehicles and passenger vehicles meeting the definition of a bus shall maintain, for practical truck and/or bus driver training, a range 250 ft. X 250 ft. or a minimum of 62,500 square feet. Approval for additional vehicles requires inspection by the Department to determine that adequate space is available. Each range will be equipped with sufficient cones and/or barrels for non-passenger vehicles to perform the following mandatory maneuvers:

(a) Straight Line Backing

(b) Off-set Backing

(i) Off-set left

(ii) Off-set right

(c) Parallel Parking

(i) Sight Side

(ii) Blind Side

(d) Alley Dock

(i) 45 degree

(ii) 90 degree

(8) In accordance with 49 C.F.R. Parts 383 and 384, effective February 7, 2022, commercial drivers are required to complete entry-level driver training.

(a) Except as provided in subsection (b), on or after February 7, 2022, any entry-level commercial driver shall be required to successfully complete an entry-level driver training program approved by the Federal Motor Carrier Safety Administration, in accordance with 49 C.F.R. Parts 383 and 384. The term "entry-level commercial driver" shall mean any person who:

(i) seeks to obtain a new Class A or Class B commercial driver's license;

(ii) seeks to upgrade any existing commercial driver's license to a higher Class commercial driver's license;

(iii) seeks to obtain a new school bus (S), passenger (P), or hazardous materials (H) endorsement; or

(iv) is otherwise subject to the entry-level driver training requirements set forth in 49 C.F.R. Parts 383 and 384.

(b) The entry-level driver training requirements set forth in subsection (a) shall not apply to the following persons:

(i) commercial drivers who hold a valid commercial driver's license or an S, P, or H endorsement that was issued prior to February 7, 2022;

(ii) commercial drivers who obtained a commercial learner's permit prior to February 7, 2022, and upgrade to a commercial driver's license before the commercial learner's permit expires; or

(iii) any person who is exempted from taking a skills test pursuant to 49 C.F.R. Part 383.

(c) Effective February 7, 2022, in order to add a hazardous materials (H) endorsement to a commercial driver's license, the driver must:

(i) complete entry-level driver training prior to taking the knowledge exam for the hazardous materials (H) endorsement;

(ii) complete the Hazardous Materials Endorsement Threat Assessment Program administered by the Transportation Security Administration (TSA);

(iii) pass the knowledge exam for the hazardous materials (H) endorsement; and

(iv) renew their commercial driver's license to have the H or X (Tank Vehicles and Hazardous Material) endorsement added.

(9) Effective February 7, 2022, every commercial driver training school and every CDL third-party tester certified by the Department shall provide, prior to administering a third-party skills test or as part of its instructional curriculum, a human trafficking awareness and prevention course that is administered to every student it tests and/or trains, and evidence of such completion as required by the department.

Cite as Ga. Comp. R. & Regs. R. 375-5-3-.17

AUTHORITY: O.C.G.A. §§ [40-15-3](#), [43-13-8](#).

HISTORY: Original Rule entitled "Program of Instruction" adopted. F. Sept. 1, 2004; eff. Sept. 21, 2004.

Amended: New title, "Commercial Driver Training School Program of Instruction." F. Jan. 13, 2022; eff. Feb. 2, 2022.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-5. DRIVER TRAINING AND DRIVER IMPROVEMENT

Subject 375-5-6. DUI ALCOHOL OR DRUG USE RISK REDUCTION PROGRAM

375-5-6-.06 DUI Alcohol or Drug Use Risk Reduction Qualifications of Program Instructors

(1) **Initial qualifications.** To be certified by the Department, each Applicant for Program Instructor shall meet the following initial qualifications:

(a) **Clear criminal record.** Each Applicant for Program Instructor shall be subject to a fingerprint-based check of his or her criminal history, as designated by the Department. No person with a conviction of a felony or any other crime involving violence or a crime of moral turpitude or a pattern of misdemeanors that evidences a disregard for the law, shall be certified by the Department as a Program Instructor, unless he or she has received a pardon and can produce evidence of same. For the purposes of this chapter, a plea of *nolo contendere* and "first offender" sentences imposed pursuant to O.C.G.A. § [42-8-60](#), *et seq.*, shall be considered a conviction.

(b) **Safe driving record.** Each Applicant for Program Instructor shall possess a valid driver's license from the state of his or her legal residence, unless he or she has a medical condition that makes him or her ineligible for a driver's license. Each Applicant for Program Instructor shall be subject to a check of his or her driving history. No Person whose driver's license or privilege to drive has been suspended or revoked as the result of any conviction or combination of convictions during the five (5) year period of immediately preceding application for Certification shall be certified by the Department as a Program Instructor.

(c) **Academic and work experience qualifications.** Each Applicant for Program Instructor shall have the following documented academic and/prior work experience requirements:

(i) An undergraduate or graduate degree from an accredited college or university in a human service related field; or

(ii) An undergraduate degree in any field of study from an accredited institution, and two (2) years of work experience (20 hours per week or more) of teaching, counseling or training experience or three (3) years part-time training experience; or

(iii) At least two (2) years of full-time work experience as a licensed, certified, or credentialed substance abuse counselor with at least six (6) months of experience in group counseling or group facilitation.

(d) **Age.** Each Applicant for Program Instructor shall be at least twenty-one (21) years of age.

(e) **Freedom from substance abuse and illicit drug use.** Each Applicant for Program Instructor shall certify to the Department that he or she refrains from, and will continue to refrain from, abusing alcoholic beverages or controlled substances and from using illicit drugs.

(2) **Ongoing qualifications.** Each Instructor certified by the Department shall possess the following qualifications, on an ongoing basis:

(a) **Continued clear criminal record.** Each Program Instructor shall maintain a criminal record free of felony or misdemeanor convictions or pleas. In addition, each Instructor certified by the Department shall notify the Department if he or she pleads guilty or *nolo contendere* to, or is convicted of, any felony or misdemeanor within five (5) business days immediately following such event. Further, each Program Instructor certified by the Department shall, within five (5) business days immediately thereafter, report to the Department any arrests, which,

if convicted thereof, would have excluded him or her from becoming initially certified as a Program Instructor pursuant to Ga. Comp. R. & Regs. R. 375-5-6-.06(1)(a). The Department may suspend, revoke, or cancel any Program Instructor Certification upon receipt of notice of a conviction or arrest.

(b) **Continued safe driving record.** Each Program Instructor shall continue to maintain a safe driving record during his or her period of Certification by the Department. Each Program Instructor shall continue to possess a valid driver's license from the state of his or her legal residence, unless he or she has a medical condition that makes him or her ineligible for a driver's license. Each Program Instructor shall notify the Department, within five (5) business days immediately thereafter, if his or her driver's license or privilege to drive is cancelled, suspended, or revoked in any jurisdiction, including the State of Georgia, for any reason. The Department may suspend, revoke, or cancel any Program Instructor's Certification upon receipt of such notice.

(c) **Continuing education.** Each Program Instructor shall complete a minimum of thirty-two (32) hours of continuing education in alcohol and drug training or group facilitation training sponsored or approved by the Department every four (4) years; of which, a minimum of sixteen (16) hours shall be in Department-designated refresher courses specific to Program components. Each Program Instructor shall complete a minimum of sixteen (16) of the required thirty-two (32) hours of continuing education training biannually and provide proof thereof to the Department on a biannual basis. The Department may cancel a Program Instructor's certification for failure to complete a minimum of sixteen (16) hours of continuing education training and to provide proof thereof to the Department biannually.

Cite as Ga. Comp. R. & Regs. R. 375-5-6-.06

AUTHORITY: O.C.G.A. §§ [40-5-82](#), [40-5-83](#).

HISTORY: Original Rule entitled "Qualifications of Program Instructors" adopted. F. July 24, 2009; eff. Aug. 13, 2009.

Amended: New title, "DUI Alcohol or Drug Use Risk Reduction Qualifications of Program Instructors." F. Jan. 13, 2022; eff. Feb. 2, 2022.

Department 515. RULES OF GEORGIA PUBLIC SERVICE COMMISSION

Chapter 515-12. TELEPHONE SERVICE

Subject 515-12-1. TELEPHONE SERVICE

515-12-1-.17 [Effective 2/15/2022] Quality of Service - General

(1) Each telephone utility shall provide telecommunication service to the public in its service area in accordance with its tariffs on file with the Commission.

(2) Each telephone utility shall employ prudent management and engineering practices, including employing reliable procedures for forecasting future demand for service, and conducting studies and maintaining records to the end that reasonable margins of facilities and adequate personnel are available with the objective that service will meet the quality described herein.

(3) Each telephone utility shall make traffic studies and maintain records as required to determine that sufficient equipment and an adequate operating force are provided at all times including the average busy hour, busy season.

(4) Each telephone utility shall adhere to the standards as prescribed by the Commission, but the normal operating procedures and practices, as presented by the Commission and directed by the utility, are not intended to govern the implementation or execution of such procedures and practices in individual instances. The execution or non-execution of such procedures and practices in individual instances is not indicative of whether the utility has provided adequate service to a particular subscriber or group of subscribers.

Cite as Ga. Comp. R. & Regs. R. 515-12-1-.17

AUTHORITY: 1965, p. 283, 1973, pp. 677 to 681, 1975, Sec. 2, p. 406. O.C.G.A. §§ [46-2-20](#), [46-2-21](#), [46-2-24](#), [46-2-30](#).

HISTORY: Original Rule entitled "Quality of Service - General" adopted. F. Dec. 29, 1975; eff. Jan. 1, 1976, as specified by Ga. L. 1975, p. 411.

Amended: F. Jan. 26, 2022; eff. Feb. 15, 2022.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-7. INCOME TAX DIVISION

Subject 560-7-8. RETURNS AND COLLECTIONS

560-7-8-.56 Historic Rehabilitation Tax Credit

(1) **Purpose.** This regulation provides guidance concerning the implementation and administration of the tax credits under O.C.G.A. § [48-7-29.8](#).

(2) **Coordination of Agencies.** The Georgia Department of Community Affairs is the state agency responsible for certifying that the rehabilitation meets the requirements of O.C.G.A. § [48-7-29.8](#).

(3) **Definitions.** As used in this regulation, the terms "certified rehabilitation", "certified structure", "historic home", "qualified rehabilitation expenditure", "substantial rehabilitation", and "target area" shall have the same meaning as in O.C.G.A. § [48-7-29.8](#). As used in this regulation, the terms "full-time employee" and "full-time permanent job" means a person who works a job that requires 30 or more hours per week.

(4) **Historic Rehabilitation Tax Credit for a Historic Home.** A taxpayer shall be allowed a tax credit equal to 25 percent of the qualified rehabilitation expenditures for the certified rehabilitation of a historic home in the taxable year in which the certified rehabilitation is placed in service; except that in the case of a historic home located within a target area, an additional credit equal to 5 percent of the qualified rehabilitation expenditures shall be allowed. For historic homes completed on or after January 1, 2022, the credit must be preapproved as provided in paragraph (5) of this regulation.

(a) **Credit limitation.** The amount of historic rehabilitation tax credit for a historic home shall not exceed \$100,000.00 in any 120 month period.

(b) **Claiming the Historic Rehabilitation Tax Credit for a Historic Home.** For a taxpayer to claim the historic rehabilitation tax credit for a historic home, the taxpayer must submit with the taxpayer's Georgia income tax return Form IT-RHC, the property tax bill for the year immediately before the beginning of the 24 month (or 60 month) period, the property tax bill for the year immediately after the beginning of the 24 month (or 60 month) period, and their completed final certification from the Georgia Department of Community Affairs.

(c) **Carry Forward.** Any unused historic rehabilitation tax credit for a historic home may be carried forward for ten years after the close of the taxable year in which the certified rehabilitation was completed.

(d) **Sale of the Historic Home.** Except as provided in subparagraph (4)(e) of this regulation, in the event a historic rehabilitation tax credit for a historic home is claimed and allowed the taxpayer, upon the sale or transfer of the historic home, the taxpayer shall be authorized to transfer the remaining unused amount of such historic rehabilitation tax credit for a historic home to the purchaser of such historic home. If a historic home for which a certified rehabilitation has been completed by a nonprofit corporation is sold or transferred, the full amount of the credit to which the nonprofit corporation would be entitled if taxable shall be transferred to the purchaser or transferee at the time of the sale or transfer.

1. Such purchaser shall be subject to the limitations of this paragraph and O.C.G.A. § [48-7-29.8](#), and shall file with the purchaser's tax return a copy of the final certification from the Georgia Department of Community Affairs and a copy of the form evidencing the transfer of the tax credit.

2. Such purchaser shall be entitled to rely in good faith on the information contained in and used in connection with obtaining the final certification of the credit including without limitation, the amount of the qualified rehabilitation expenditures.

(e) Recapture of the Historic Rehabilitation Tax Credit for a Historic Home. If an owner other than a nonprofit corporation sells a historic home within three years of receiving the credit, the seller shall recapture the credit to the Department as follows:

1. If the property is sold within one year of receiving the credit, the recapture amount will equal the lesser of the credit or the net profit of the sale;

2. If the property is sold within two years of receiving the credit, the recapture amount will equal the lesser of two-thirds of the credit or the net profit of the sale; or

3. If the property is sold within three years of receiving the credit, the recapture amount will equal the lesser of one-third of the credit or the net profit of the sale.

(f) Exception to Recapture Provision. The recapture provisions in subparagraph (4)(e) of this regulation shall not apply to a sale resulting from the death of the owner.

(5) Credit cap for 2022 for Historic Homes and for Any Other Certified Structure earning \$300,000 or less. In no event shall the aggregate amount allowed for historic homes completed on or after January 1, 2022 and any other certified structures earning \$300,000 or less, together exceed \$5 million for calendar year 2022.

(a) Preapproval for Historic Homes Completed on or after January 1, 2022. Any taxpayer seeking preapproval to claim the historic rehabilitation tax credit for a historic home which is completed on or after January 1, 2022 must electronically submit Form IT-RHC-AP, and their precertification from the Georgia Department of Community Affairs through the Georgia Tax Center. The taxpayer must estimate their credit amounts on Form IT-RHC-AP if the certified rehabilitation has not been completed. The amount of tax credit claimed on the taxpayer's applicable Georgia income tax return must be based on the actual amount of the qualified rehabilitation expenditures. If the taxpayer is preapproved for an amount that exceeds the amount that is calculated using the actual amount of the qualified rehabilitation expenditures when the return is filed, the excess preapproved amount cannot be claimed by the taxpayer, nor shall the excess preapproved amount be claimed by, reallocated to, assigned to, or transferred or sold to any other taxpayer. If the taxpayer is a disregarded entity then such information should be submitted in the name of the owner of the disregarded entity.

(b) Preapproval for Any Other Certified Structure Earning \$300,000 or less. Any taxpayer seeking preapproval to claim the historic rehabilitation tax credit for any other certified structure earning \$300,000 or less completed on or after January 1, 2022 must request preapproval by submitting the electronic Form IT-RHC-AP through the Georgia Tax Center, including the information required by subparagraph (6)(f)1. of this regulation, and their precertification from Department of Community Affairs; provided, however, a project that was expected to be completed in 2021 or before and which has a preapproval for such year, is not required to request another preapproval but must complete the project within the two year period of and as provided in paragraph (7) of this regulation. The taxpayer must estimate their credit amounts on Form IT-RHC-AP if the certified rehabilitation has not been completed. The amount of tax credit claimed on the taxpayer's applicable Georgia income tax return must be based on the actual amount of the qualified rehabilitation expenditures. If the taxpayer is preapproved for an amount that exceeds the amount that is calculated using the actual amount of the qualified rehabilitation expenditures when the return is filed, the excess preapproved amount cannot be claimed by the taxpayer, nor shall the excess preapproved amount be claimed by, reallocated to, assigned to, or transferred or sold to any other taxpayer. If the taxpayer is a disregarded entity then such information should be submitted in the name of the owner of the disregarded entity.

(c) Notification. The Department will notify each taxpayer of the tax credits preapproved and allocated to such taxpayer within thirty (30) days from the date the fully completed Form IT-RHC-AP and all required supporting documentation was submitted through the Georgia Tax Center.

(d) Allocation of Tax Credit. The Commissioner shall allow the tax credit under paragraph (5) of this regulation on a first-come, first-served basis. The date the fully completed Form IT-RHC-AP is electronically submitted shall be used to determine such first-come, first-served basis.

(e) Applications received on the day the maximum credit amount is reached. In the event that the credit amounts on applications received by the Commissioner, for historic homes completed on or after January 1, 2022 and for any other certified structure earning \$300,000 or less completed on or after January 1, 2022, exceed the maximum aggregate limit in paragraph (5) of this regulation, then the tax credits shall be allocated among the taxpayers who submitted Form IT-RHC-AP on the day the maximum aggregate limit was exceeded on a pro rata basis based upon amounts otherwise allowed under O.C.G.A. § [48-7-29.8](#) and this regulation. Only credit amounts on applications received on the day the maximum aggregate limit was exceeded will be allocated on a pro rata basis.

(f) In the event it is determined that the taxpayer has not met all the requirements of O.C.G.A. § [48-7-29.8](#) and this regulation, then the amount of credits shall not be approved or the approved credits shall be retroactively denied. The taxpayer shall file amended returns for the taxable year the credit was claimed reducing the credit. With respect to such denied credits, tax, interest, and penalties shall be due if the credits have already been used by the taxpayer or have been sold or transferred regardless of whether the transferee has used the credit or not.

(6) Historic Rehabilitation Tax Credit for Any Other Certified Structure. A taxpayer shall be allowed a tax credit equal to 25 percent of the qualified rehabilitation expenditures for the certified rehabilitation of any other certified structure, other than a historic home, in the taxable year in which the certified rehabilitation is placed in service, except as provided in subparagraph (6)(j) of this regulation and paragraph (7) of this regulation.

(a) Credit limitations. For certified rehabilitations completed before January 1, 2017, the historic rehabilitation tax credit for any other certified structure shall not exceed \$300,000 in any 120 month period.

(b) For certified rehabilitations completed on or after January 1, 2017, the maximum credit for any other individual certified structure shall be \$5 million per taxable year; except that in the case of a project that creates 200 or more full-time permanent jobs or \$5 million in annual payroll within two years of the placed in service date, the maximum credit amount is \$10 million for any other individual certified structure. For purposes of this regulation, a full-time permanent job means a person who works a job that requires 30 or more hours per week.

(c) For certified rehabilitations completed on or after January 1, 2017, in no event shall more than one application for any individual certified structure be approved in any 120 month period but a taxpayer is allowed to submit an additional preapproval application, electronic Form IT-RHC-AP if it is the same project. Such additional preapproval application, electronic Form IT-RHC-AP, is subject to the requirements of this regulation and shall not be given priority over applications with an application date that is earlier than the additional preapproval application date.

(d) Credit Carry Forward. For certified rehabilitations completed before January 1, 2017, any unused historic rehabilitation tax credit for any other certified structure may be carried forward for ten years after the close of the taxable year in which the certified rehabilitation was completed. For certified rehabilitations completed on or after January 1, 2017, no unused historic rehabilitation tax credit for any other certified structure shall be allowed the taxpayer or the transferee against succeeding years' tax liability.

(e) Credit cap for any other certified structure earning more than \$300,000 in historic rehabilitation tax credits. For certified rehabilitations completed on or after January 1, 2017, in no event shall historic rehabilitation tax credits for any other certified structure earning more than \$300,000 in historic rehabilitation tax credits under subparagraph (6)(b) of this regulation, exceed \$25 million per calendar year.

(f) Preapproval. For certified rehabilitations completed on or after January 1, 2017, any taxpayer seeking preapproval to claim the tax credits, for any other certified structure that is not subject to paragraph (5) of this regulation, must electronically submit Form IT-RHC-AP, including the information required by subparagraph (6)(f)1. of this regulation, and their precertification from the Georgia Department of Community Affairs through the Georgia Tax Center. The taxpayer must estimate their credit amounts on Form IT-RHC-AP if the certified rehabilitation has not been completed. The amount of tax credit claimed on the taxpayer's applicable Georgia income tax return must be based on the actual amount of the qualified rehabilitation expenditures. If the taxpayer is preapproved for an amount that exceeds the amount that is calculated using the actual amount of the qualified rehabilitation expenditures when the return is filed, the excess preapproved amount cannot be claimed by the taxpayer, nor shall the excess preapproved amount be claimed by, reallocated to, assigned to, or transferred or sold

to any other taxpayer. If the taxpayer is a disregarded entity then such information should be submitted in the name of the owner of the disregarded entity.

1. The following information must be submitted with Form IT-RHC-AP:

(i) Documentation to show one of the following:

(I) If the certified structure was purchased by the applicant, a copy of the warranty deed indicating the applicant as the owner of the property; or

(II) If the certified structure is leased by the applicant, documentation showing that the applicant leases the property and showing that the qualified rehabilitation expenditures would not be disqualified by Internal Revenue Code Section 47(c)(2)(B), which disallows expenditures if on the date the rehabilitation is completed, the remaining term of the lease is less than the building's recovery period. This documentation must include a copy of the lease and documentation showing whether the property is residential rental property with a recovery period of 27.5 years or nonresidential real property with a recovery period of 39 years;

(ii) The ownership and or membership of the applicant entity. This documentation must include information regarding each owner or member of the applicant, and, if any owner or member is itself a pass-through entity, information regarding its ownership and or membership. Such information must include the name, federal identification number, ownership percentage, whether or not they are a tax exempt entity, and whether they control the applicant entity;

(iii) Which entities or members of a pass-through entity intend to claim the credit and in what percentage(s);

(iv) The percentage of the subject property that will be used for non-profit purposes, if any;

(v) Whether the applicant or another entity intends to sublease the property to other entities and which entities they intend to sublease to and if such entities are tax exempt entities;

(vi) If the property is being leased, whether or not the owner of the property is a tax exempt entity;

(vii) Whether or not the project qualifies for the Federal Rehabilitation Credit allowed under Internal Revenue Code Section 47; and

(viii) Any other information requested by the Department.

(g) Notification. For any taxpayer seeking preapproval to claim the tax credits for any other certified structure that is not subject to paragraph (5) of this regulation, the Department will notify each taxpayer of the tax credits preapproved and allocated to such taxpayer, within thirty (30) days from the date the fully completed Form IT-RHC-AP and all required supporting documentation was submitted through the Georgia Tax Center.

(h) Allocation of Tax Credit. For any taxpayer seeking preapproval to claim the tax credits for any other certified structure that is not subject to paragraph (5) of this regulation, the Commissioner shall allow the tax credit on a first-come, first-served basis. The date the fully completed Form IT-RHC-AP is electronically submitted shall be used to determine such first-come, first-served basis.

(i) Applications received on the day the maximum credit amount is reached for any other certified structure earning more than \$300,000 in historic rehabilitation tax credits. In the event that the credit amounts on applications received by the Commissioner exceed the maximum aggregate limit in subparagraph (6)(e) of this regulation, then the tax credits shall be allocated among the taxpayers who submitted Form IT-RHC-AP on the day the maximum aggregate limit was exceeded on a pro rata basis based upon amounts otherwise allowed under O.C.G.A. § [48-7-29.8](#) and this regulation. Such proration shall include all applications received on the day the maximum aggregate limit was exceeded regardless of whether it is for the credit cap year at issue or for an earlier year where the credit cap has been reached. Only credit amounts on applications received on the day the maximum aggregate limit was exceeded will be allocated on a pro rata basis.

(j) For any other certified structure earning more than \$300,000 in historic rehabilitation tax credits, priority for prorated applications and applications submitted after a calendar year cap is reached. Any application that is prorated because a calendar year credit cap is reached and any application that is submitted after a calendar year credit cap is reached shall be approved for a subsequent calendar year whose credit cap has not been reached, and shall have priority over any applications with a latter submission date. In such case, the taxpayer shall claim the credit in the taxable year that begins in such subsequent preapproved calendar year or as provided in paragraph (7) of this regulation. If the calendar year credit cap for all subsequent calendar years has been reached then the application shall be denied.

(k) Preapproval for Calendar Year 2022 for any other certified structure earning more than \$300,000 in historic rehabilitation tax credits. Taxpayers that were prorated or denied the any other certified structure credit for a project earning more than \$300,000 because the credit cap was met for 2017, 2018, 2019, 2020 or 2021, may submit the electronic Form IT-RHC-AP for 2022 for additional credit amounts so long as it is the same project, and they will have priority as provided in this regulation. Taxpayers that met the requirements for any other certified structure for a credit amount of more than \$300,000 that choose to apply for the noncapped credit for any other certified structure (for a credit amount of \$300,000 or less) for 2017, 2018, 2019, 2020 or 2021 may submit an electronic Form IT-RHC-AP for 2022 for any other certified structure earning more than \$300,000, for additional credit amounts so long as it is the same project and they will have priority as provided in this regulation.

(l) Claiming the Historic Rehabilitation Tax Credit for Any Other Certified Structure. A taxpayer claiming the tax credits under subparagraph (6)(a) of this regulation shall attach to its Georgia income tax return for each year the credit is claimed Form IT-RHC, the property tax bill for the year immediately before the beginning of the 24 month (or 60 month) period, the property tax bill for the year immediately after the beginning of the 24 month (or 60 month) period, and their completed final certification from the Georgia Department of Community Affairs. A taxpayer claiming the tax credits under subparagraph (6)(b) of this regulation must attach to its Georgia income tax return for each year the credit is claimed an approved Form IT-RHC-AP, Form IT-RHC, the property tax bill for the year immediately before the beginning of the 24 month (or 60 month) period, the property tax bill for the year immediately after the beginning of the 24 month (or 60 month) period, and their completed final certification from the Georgia Department of Community Affairs.

(m) In the event it is determined that the taxpayer has not met all the requirements of O.C.G.A. § [48-7-29.8](#) and this regulation, then the amount of credits shall not be approved or the approved credits shall be retroactively denied. The taxpayer shall file amended returns for the taxable year the credit was claimed reducing the credit. With respect to such denied credits, tax, interest, and penalties shall be due if the credits have already been used by the taxpayer or have been sold or transferred regardless of whether the transferee has used the credit or not.

(n) Pass-through entities. When the taxpayer is a pass-through entity, and has no income tax liability of its own, the historic rehabilitation tax credit for any other certified structure, shall be allocated to the partners, members, or shareholders of that entity in accordance with the provisions of any agreement among the partners, members, or shareholders of that entity and without regard to the ownership interest of the partners, members, or shareholders in the rehabilitated certified structure, provided that the entity or person that claims the credit must be subject to Georgia tax. The credit forms will initially be filed with the tax return of the pass-through entity to establish the amount of the credit available for pass through. The credit will then pass through to its shareholders, members, or partners to be applied against the tax liability on their income tax returns. The credits are available for use as a credit by the shareholders, members, or partners for their tax year in which the income tax year of the pass-through entity ends. For example: A partnership earns the credit for its tax year ending January 31, 2017. The partnership passes the credit to a calendar year partner. The credit is available for use by the individual partner beginning with the calendar 2017 tax year.

(o) Selling or Transferring the Historic Rehabilitation Tax Credit for Any Other Certified Structure. The taxpayer may sell or transfer in whole or in part any historic rehabilitation tax credit for any other certified structure earned under subparagraph (6)(b) of this regulation that was previously claimed but not used by such taxpayer against its income tax, to another Georgia taxpayer subject to the following conditions:

1. The taxpayer may only make a one-time sale or transfer of historic rehabilitation tax credits for any other certified structure earned in each taxable year. However, the sale or transfer may involve more than one transferee. For example, taxpayer 1 earns a \$100,000 credit in year 1. In year 2 they sell \$75,000 of the credit to taxpayer 2. In year 3 they are allowed to sell the remaining \$25,000 of the credit to taxpayer 3. However, both taxpayer 2 and taxpayer 3 are not allowed to resell the credit since the credit can only be sold one-time.

2. The historic rehabilitation tax credits for any other certified structure may be transferred before the tax return is filed by the taxpayer provided the historic rehabilitation tax credits have been earned. However, the amount transferred cannot exceed the amount of the credit which will be claimed and not used on the income tax return of the transferor. The credit is considered earned when the credit has been preapproved by the Department, the certified rehabilitation has been completed, and the taxpayer has received their completed final certification from the Georgia Department of Community Affairs. Preapproval of the credits by itself does not qualify as earning the credit.

3. The taxpayer must file Form IT-TRANS "Notice of Tax Credit Transfer" with the Department of Revenue within 30 days of the transfer or sale of the historic rehabilitation tax credit for any other certified structure. Form IT-TRANS must be submitted electronically to the Department of Revenue through the Georgia Tax Center or alternatively as provided in subparagraph (6)(o)3.(i) of this regulation. The Department of Revenue will not process any Form IT-TRANS submitted or filed in any other manner. If the taxpayer is a disregarded entity then Form IT-TRANS should be filed in the name of the owner of the disregarded entity but the Form IT-RHC should be in the name of the disregarded entity and attached to the owner's Georgia income tax return.

(i) The web-based portal on the Georgia Tax Center. The taxpayer may provide selective information to a representative for the purpose of allowing the representative to submit Form IT-TRANS on their behalf on the Georgia Tax Center outside of a login. The provision of such information shall authorize the representative to submit such Form IT-TRANS. The representative must provide all information required by the web-based portal on the Georgia Tax Center to submit Form IT-TRANS.

4. The taxpayer must provide all required historic rehabilitation tax credit for any other certified structure detail and transfer information to the Department of Revenue. Failure to do so will result in the historic rehabilitation tax credit for any other certified structure being disallowed until the taxpayer complies with such requirements.

5. The carry forward period of the historic rehabilitation tax credit for any other certified structure for the transferee will be the same as it was for the taxpayer. For certified rehabilitations completed on or after January 1, 2017 no unused historic rehabilitation tax credit for any other certified structure shall be allowed to be carried forward.

(i) Example: Taxpayer sells the historic rehabilitation tax credit for any other certified structure on March 15, 2018. This credit is from a certified rehabilitation that received preapproval from the Department for calendar year 2017 and was placed in service in the taxpayer's calendar 2017 tax year. The transferee is a calendar year taxpayer. The credit may be claimed by the transferee on the calendar 2017 tax year return. This credit cannot be carried forward by the taxpayer or the transferee. This credit can only be utilized in tax year 2017.

6. A transferee shall have only such rights to claim and use the historic rehabilitation tax credit for any other certified structure that were available to the taxpayer at the time of the transfer. Thus, a transferee shall not have the right to subsequently transfer such credit since that right has been utilized by the transferor.

7. Only the taxpayer who earned the historic rehabilitation tax credit for any other certified structure, and no subsequent good faith transferee, shall be responsible in the event of a recapture, reduction, disallowance, or other failure related to such credit provided the credit was properly claimed by the taxpayer.

(p) How to Sell or Transfer the Historic Rehabilitation Tax Credit for Any Other Certified Structure. The taxpayer may sell or transfer the historic rehabilitation tax credit for any other certified structure directly to a Georgia taxpayer (or multiple Georgia taxpayers as provided in subparagraph (6)(o)1. of this rule). A pass-through entity may make an election to sell or transfer the unused historic rehabilitation tax credit for any other certified structure earned in a taxable year at the entity level. If the pass-through entity makes the election to sell the historic rehabilitation tax credit for any other certified structure at the entity level, the credit does not pass through to the

shareholders, members, or partners. In all cases, the effect of the sale of the credit on the income of the seller and buyer of the credit will be the same as provided in the Internal Revenue Code.

1. **Pass-Through Entity.** The taxpayer may be structured as a pass-through entity. If a pass-through entity does not make an election to sell or transfer the tax credit at the entity level as provided in subparagraph (6)(p) of this rule, the tax credit will pass through to the shareholders, partners or members of the entity based on any agreement among the partners, members, or shareholders of that entity without regard to the ownership interest of the partners, members or shareholders in the rehabilitated certified structure, provided that the entity or person that claims the credit must be subject to Georgia tax. The shareholders, members, or partners may then sell their respective historic rehabilitation tax credit for any other certified structure to a Georgia taxpayer.

2. **Transferee Pass-Through Entity.** The taxpayer or its shareholders, members, or partners, may sell or transfer the tax credit to a pass-through entity. If the pass-through entity has no income tax liability of its own, the pass-through entity may then pass the credit through to its shareholders, members, or partners based on any agreement among the partners, members, or shareholders of that entity without regard to the ownership interest of the partners, members, or shareholders in the pass-through entity, provided that the entity or person that claims the credit must be subject to Georgia tax. For example, if a calendar year partnership is buying the credit earned by a taxpayer in the calendar 2017 tax year and preapproved by the Department for calendar year 2017, then all of the partners receiving the credit must have been a partner in the partnership no later than the end of the 2017 tax year of the partnership. The credits are available for use as a credit by the shareholders, members, or partners for their tax year in which the income tax year of the pass-through entity ends. For example, a taxpayer that received preapproval for calendar year 2017 and placed in service the certified rehabilitation for any other certified structure in July of 2017, sells the credit to a pass-through entity in August of 2017, and the generating taxpayer claims the credit on their calendar year 2017 income tax return. The pass-through entity is entitled to use the credits on its calendar year 2017 tax return. The pass-through entity has two partners. The first partner is a calendar year partner. This credit can only be utilized on the calendar tax year 2017 return and cannot be carried forward by the partner. The second partner is a corporation with fiscal year ending June 30, 2018. This credit can only be utilized on the fiscal year ending June 30, 2018 and cannot be carried forward by the partner.

3. The credits are available for use by the transferee, provided the time has not expired for filing a claim for refund of a tax or fee erroneously or illegally assessed and collected under O.C.G.A. § [48-2-35](#) in the transferee's tax year in which the income tax year of the taxpayer which claims the historic rehabilitation tax credit for any other certified structure for the certified rehabilitation associated with the credit being sold, ends.

(i) Example: Taxpayer sells the historic rehabilitation tax credit for any other certified structure on March 15, 2018. This credit is from a certified rehabilitation that received preapproval from the Department for calendar year 2017 and was placed in service on or after January 1, 2017 and within the generating taxpayer's fiscal tax year ending June 30, 2017. The transferee is a calendar year taxpayer. The credit may be claimed by the transferee on the calendar 2017 tax year return. This credit cannot be carried forward by the taxpayer or the transferee. This credit can only be utilized in tax year 2017 by the transferee.

(ii) Example: Taxpayer sells the historic rehabilitation tax credit for any other certified structure on March 15, 2018. This credit is from a certified rehabilitation that received preapproval from the Department for calendar year 2017 (on their Form IT-RHC-AP the completion calendar year was 2017 and the credit was awarded for such year) and was placed in service on December 31, 2019. As provided in paragraph (7), the taxpayer chooses to claim the credit on their tax year ending June 30, 2020 tax return. The transferee is a calendar year taxpayer. The credit must be claimed by the transferee on the calendar 2020 tax year return. This credit cannot be carried forward by the taxpayer or the transferee. This credit can only be utilized on the transferee's calendar 2020 tax year return.

(q) **Required reporting.** Notwithstanding Code Sections [48-2-15](#), [48-7-60](#), and [48-7-61](#), the Department shall furnish a report to the chairperson of House Committee on Ways and Means and the chairperson of the Senate Finance Committee by June 30 of each year. Such report shall contain the total sales tax collected in the prior calendar year and the average number of full-time employees at the certified structure and the total value of credits claimed for each taxpayer claiming credits under subparagraph (6)(b).

1. For certified rehabilitations completed on or after January 1, 2017, any taxpayer that generates and claims the tax credit under subparagraph (6)(b) of this regulation must electronically report to the Department through the Georgia Tax Center, using Form IT-RHC-RPT, the monthly average full-time employees employed at the certified structure, the total sales tax collected, and the credits claimed. Such reports must be submitted to the Department for five calendar years following the calendar year in which the credit is claimed by the taxpayer. Such report shall be due by the February 28 that follows the calendar year that is being reported.

2. For purposes of this subparagraph in the event that the taxpayer that generates and claims the tax credit under subparagraph (6)(b) of this regulation leases such other certified structure, all total sales tax receipts from the certified structure and all total full-time employees at the certified structure shall be aggregated.

3. For certified rehabilitations completed on or after January 1, 2017, where the maximum credit amount exceeds \$5 million for any other individual certified structure, the taxpayer shall report using Form IT-RHC-RPT whether or not they created 200 or more full-time permanent jobs or had \$5 million in annual payroll within two years of the placed in service date. Such report shall be due no later than 60 days following the end of such 2 year period.

(7) Completion of the Project For Preapproved Projects.

(a) For certified rehabilitations of any other certified structure under subparagraph (6)(b) of this regulation completed on or after January 1, 2017 and historic homes preapproved on or after January 1, 2022 under paragraph (5) of this regulation, the project must be placed in service within two years after the completion calendar year listed in the taxpayer's Form IT-RHC-AP (the year for which the credit was originally reserved). If the taxpayer has a fiscal year, such completion calendar year shall for purposes of this paragraph be the tax year that begins in such completion calendar year. If this requirement is met the taxpayer claims the credit in the year listed in the taxpayer's preapproval letter from the Department of Revenue; or the taxpayer may claim the credit in the tax year in which the project is placed in service provided the project is placed in service within two years after the completion calendar year listed in their Form IT-RHC-AP and provided such placed in service year ends later than the end of the year listed in the taxpayer's preapproval letter from the Department of Revenue. If the project is not placed in service within such time period the credit is lost and cannot be claimed, sold, or transferred, unless the taxpayer reapplies for the credit and receives preapproval for such other time period. Unless the Department has evidence to the contrary, the date of completion listed in the final certification authorized by the Georgia Department of Community Affairs shall be used to determine when the project was placed in service. This paragraph shall apply even if the taxpayer is given priority under subparagraph (6)(j) of this regulation and is preapproved for a subsequent calendar year.

1. Example 1. The taxpayer lists 2017 in their Form IT-RHC-AP as the completion calendar year and is preapproved to claim the credit for 2017. The taxpayer is a calendar year taxpayer. The taxpayer must place the project in service on or before December 31, 2019. This taxpayer places the project in service on November 15, 2019. The taxpayer may claim the credit on their taxable year end December 31, 2017 Georgia income tax return or their taxable year end December 31, 2019 Georgia income tax return.

2. Example 2. The taxpayer lists 2018 in their Form IT-RHC-AP as the completion calendar year and is preapproved to claim the credit for 2018. The taxpayer is a fiscal year filer with a February 28 taxable year end. The taxpayer must place the project in service on or before February 28, 2021. This taxpayer places the project in service on March 31, 2019. The taxpayer may claim the credit on their taxable year end February 28, 2019 Georgia income tax return or their February 28, 2020 Georgia income tax return.

(b) The following examples illustrate how the credit is claimed if the taxpayer is preapproved for the credit in a subsequent year as provided by subparagraph (6)(j):

1. Example 3. The taxpayer lists 2018 in their Form IT-RHC-AP as the completion calendar year and is preapproved to claim the credit for 2019. The taxpayer is a calendar year taxpayer. This taxpayer places the project in service on November 15, 2020. The taxpayer may claim the credit on their taxable year end December 31, 2019 Georgia income tax return or their taxable year end December 31, 2020 Georgia income tax return.

2. Example 4. The taxpayer lists 2018 in their Form IT-RHC-AP as the completion calendar year and is preapproved to claim the credit for 2019. The taxpayer is a fiscal year filer with a February 28 taxable year end. This taxpayer places the project in service on January 31, 2021. The taxpayer may claim the credit on their taxable year end February 28, 2020 Georgia income tax return or their February 28, 2021 Georgia income tax return.

(c) For historic homes estimated to be completed before January 1, 2022 and which are not actually completed before January 1, 2022, the project must be placed in service within two years after the estimated completion year listed on the precertification from the Georgia Department of Community Affairs. If this two year requirement is met, the taxpayer claims the credit in the estimated completion year listed on the precertification from the Georgia Department of Community Affairs, and the taxpayer does not need to apply for preapproval for the historic home under paragraph (5) of this regulation. If the project is not placed in service within such time period, the credit is lost and cannot be claimed, sold or transferred, unless the taxpayer reapplies for the credit and receives preapproval for such other time period. Unless the Department has evidence to the contrary, the date of completion listed in the final certification authorized by the Georgia Department of Community Affairs shall be used to determine when the project was placed in service.

(d) A project which is delayed beyond 2 years may submit an application for a later year subject to all the other requirements of this regulation.

(8) **Qualified Rehabilitation Expenditures only Counted Once.** Qualified rehabilitation expenditures can only be counted once in determining the amount of the tax credit available, and more than one entity may not utilize the historic rehabilitation tax credit for the same qualified expenditures.

(9) For money that is available for the calendar year 2022, the Department shall start allowing applications on the first day of 2022 that is not a Saturday, Sunday, legal holiday, or day on which the Federal Reserve Bank is closed and the provisions of Regulation [560-7-8-.54](#) shall apply. Applications submitted before the start date will be denied by the Department.

(10) **Sunset Date.** O.C.G.A. § [48-7-29.8](#), the historic rehabilitation tax credit, shall be repealed December 31, 2022. As such projects completed on or after January 1, 2023 are not eligible except as allowed by paragraph (7) of this regulation.

(11) **Effective Date.** This regulation shall be applicable to certified rehabilitations completed on or after January 1, 2017 regardless of when the certified rehabilitation was started.

Cite as Ga. Comp. R. & Regs. R. 560-7-8-.56

AUTHORITY: O.C.G.A. §§ [48-2-12](#), [48-7-29.8](#).

HISTORY: Original Rule entitled "Historic Rehabilitation Tax Credit" adopted. F. Dec. 8, 2015; eff. Dec. 28, 2015.

Amended: F. Sep. 19, 2016; eff. Oct. 9, 2016.

Amended: F. Dec. 13, 2019; eff. Jan. 2, 2020.

Amended: F. Apr. 13, 2021; eff. May 3, 2021.

Amended: F. Nov. 18, 2021; eff. Dec. 8, 2021.

Amended: F. Jan. 13, 2022; eff. Feb. 2, 2022.

Department 672. STATE DEPARTMENT OF TRANSPORTATION

Chapter 672-22. GOVERNING ALTERNATIVE CONTRACTING METHODS

672-22-.01 Statement of Policy and Purpose of Rules & Regulations

(a) **Policy.** It is the policy of the Department to consider when the public interest is best served by using an Alternative Contracting Method (ACM) to deliver projects under consideration by the Department, pursuant to the ACM Statute.

(b) **Suitability of Projects.** In assessing the suitability and feasibility of using an ACM to deliver a project, the Department will consider at least the following factors:

- (1) Public interest.
 - (2) Innovation.
 - (3) Risk identification, risk allocation, and risk mitigation.
 - (4) Design complexity.
 - (5) Cost control.
 - (6) Construction schedule optimization.
 - (7) Expected benefits from phased project delivery or issuance of multiple work packages.
 - (8) Projects that present unique needs that would benefit from Construction Manager or Developer involvement early in the design process.
- (c) **Board Approval.** The Department shall submit to the State Transportation Board a written request to proceed with using an Alternative Contracting Method to procure a project when consideration of the factors in (b) indicate the public interest is best served by doing so, in accordance with the ACM Statute. Each request to use an Alternative Contracting Method will clearly identify the statutes and rules that will apply for the solicitation and any resultant ACM agreement. Alternative Contracting Methods that are included in a separate Public Private Initiative or a Public Private Partnership authorized by Section [32-2-80](#) of the Official Code of Georgia are subject to Board action provided for in Section [32-2-80\(f\)](#), governed by separate rules and regulations, and are not subject to approval as provided for projects initiated under the ACM Statute.

Cite as Ga. Comp. R. & Regs. R. 672-22-.01

AUTHORITY: O.C.G.A. §§ [32-2-2](#), [32-2-82](#), [50-13-4](#).

HISTORY: Original Rule entitled "Statement of Policy and Purpose of Rules & Regulations" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

672-22-.02 Definitions

The following terms, as used in this chapter, shall have the following meanings unless the context thereof indicates to the contrary:

- (a) **"Alternative Contracting Method" or "ACM"**: One of the three contracting methods authorized by the ACM Statute, specifically: (i) Construction Manager/General Contractor ("CM/GC") Agreement, (ii) Comprehensive Development Agreement, and (iii) Predevelopment Agreement.
- (b) **"ACM Statute"**: Section 32-2-82 of the Official Code of Georgia Annotated.
- (c) **"Board"** shall mean the State Transportation Board of the State of Georgia.
- (d) **"Capital Budget"**: The current, projected, and final audited total amount of state, federal, and other funds received by the Department for the support of the capital program including the construction, operations, and maintenance of public roads.
- (e) **"Comprehensive Development Agreement" or "CDA"**: An alternative contracting method consisting of a single, multi-phase contract that allows for expedited project delivery through the concurrent design and construction of a project pursuant to which the Developer shall (i) collaborate with the Department to advance development of the project concept, (ii) perform or provide for the design and construction services, and (iii) perform or provide any operations or maintenance services required for the project; provided, however, that the initial CDA agreement may provide for negotiating and entering into future phases or segments of the project at the times that the Department considers advantageous to the Department.
- (f) **"Construction Manager/General Contractor" or "CM/GC"**: The counterparty to a Construction Management Agreement let by the Department in accordance with Rule 672-22-.04.
- (g) **"CM/GC Agreement" or "Construction Management Agreement"**: An alternative contracting method consisting of a two-phase contract between the Department and a CM/GC, whereby: (i) in the first phase, the CM/GC performs specified Preconstruction Services for a project, in the capacity of a construction manager, in collaboration with the Designer of Record and the Department, and (ii) in the second phase - which is subject to the Department's acceptance of the CM/GC 's proposed Negotiated Construction Price - the Department may authorize CM/GC to proceed, in the capacity of a general contractor, to complete construction of the project.
- (h) **"Department"**: The Department of Transportation of the State of Georgia.
- (i) **"Designer of Record" or "DOR"**: The entity under a separate contract with the Department that is responsible for the design of a project delivered using the CM/GC method.
- (j) **"Developer"**: shall mean the counterparty to a Comprehensive Development Agreement or a Predevelopment Agreement approved by the Board as an ACM in accordance with the ACM Statute.
- (k) **"Encumbered Amount"** shall refer to the amount of the Department's annual contractual commitments for the projected payments by the Department pursuant to an executed ACM agreement authorized under the ACM Statute.
- (l) **"Negotiated Construction Price" or "NCP"**: The maximum price - that includes project direct costs, indirect costs, and profit - to which the CM/GC commits to deliver a construction project with a quantified and defined scope of work.
- (m) **"Preconstruction Services"**: The scope of services that a CM/GC or Developer may be requested to perform during the design phase of a project, which will be identified on a project-by-project basis in the solicitation issued by the Department for an ACM agreement.
- (n) **"Preconstruction Services Fee"**: The price component, expressed in a lump-sum amount or any other payment method permitted by law, covering the full scope of Preconstruction Services identified in a solicitation for a CM/GC procurement of a prospective CM/GC 's proposal.
- (o) **"Predevelopment Agreement" or "PDA"**: An alternative contracting method that provides the framework for one or more Developers to collaborate with the Department on one or more projects: (i) for the conceptual, preliminary, and final planning and project development work for such project(s), which may include, but is not

limited to, predevelopment services, financial planning, environmental studies and mitigation, survey, conducting transportation and revenue studies, right of way acquisition, design and engineering, preliminary engineering, implementation planning, and assistance with public outreach; and (ii) to perform, at the Department's election, any aspect of the development of the transportation facility including the construction work for the project or projects, that the parties may deem appropriate, subject to agreement between the Department and the Developer(s) as to the scope of such services, a reasonable price for that scope of services, and the basis of payment for those services.

Cite as Ga. Comp. R. & Regs. R. 672-22-.02

AUTHORITY: O.C.G.A. §§ [32-2-2](#), [32-2-82](#), [50-13-4](#).

HISTORY: Original Rule entitled "Definitions" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

672-22-.03 General Rules for ACM Agreements

(a) **Applicability.** When the Board approves the use of an Alternative Contracting Method, the Department shall solicit participation through a procurement process in accordance with the authority of subsection 32-2-82(e) of the Official Code of Georgia Annotated, and as otherwise authorized by applicable law and regulation.

1) When procuring a contractor to enter an ACM agreement with the Department for a project that does not or is not anticipated to require private financing the Department shall utilize the procurement procedures set out in Section [32-2-81\(d\)](#) of the Official Code of Georgia Annotated.

a. When procuring a CM/GC to enter a Construction Management Agreement with the Department, the Department shall utilize the process in Rule 672-22-.04.

b. When procuring a Developer to enter a CDA or PDA utilize Chapter 672-18 of the Rules of the State of Georgia.

2) When procuring a contractor or developer to enter an ACM agreement with the Department that is associated with a project that is anticipated to require or requires private financing, the Department shall utilize the procurement procedures set out in Section [32-2-80](#) of the Official Code of Georgia Annotated.

(b) **Subsequent Phases of Work.** Each Alternative Contracting Method authorized by the ACM Statute and herein contemplates an initial phase of work followed by one or more subsequent phases of work, subject to the Department's discretion; the initial and subsequent phases of work shall be considered one project. The terms of any subsequent phases of work under an ACM agreement are authorized to be negotiated and memorialized in an amendment, supplemental agreement, or separate agreement according to the terms of the ACM agreement and are not subject to Section [32-2-73](#) of the Official Code of Georgia.

(c) **Confidentiality and Open Records.** Except as specifically provided under these Rules, no proposal shall be made public, and no information about any proposer's approach or proposal will be shared with other proposers, until the Department has either publicly announced the successful proposer and executed the ACM agreement or terminated the project.

(d) **Terms of an ACM Agreement.** A contract to deliver a project using an ACM shall identify the rights and obligations of the Department, the contractor, and any other parties with respect to that project, consistent with these Rules. All design documents prepared in association with an ACM shall become the property of the Department upon preparation and all construction documents prepared in association with an ACM shall become the property of the Department upon delivery to the Department.

Cite as Ga. Comp. R. & Regs. R. 672-22-.03

AUTHORITY: O.C.G.A. §§ [32-2-2](#), [32-2-82](#), [50-13-4](#).

HISTORY: Original Rule entitled "General Rules for ACM Agreements" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

672-22-.04 CM/GC Procurement Process

(a) **Notice of Request for Proposals.** The Department shall announce its intention to initiate a procurement of a CM/GC to perform the requirements of a Construction Management Agreement by posting a Public Notice Advertisement ("PNA") of an upcoming Request for Proposals ("RFP") on the Department of Administrative Services website or in substantially the same manner utilized by the Department to solicit requests for proposals. The PNA will provide information on the upcoming project, the tentative scope and description of services, and anticipated procurement schedule.

(b) **Prequalification Requirements.** The Department requires contractors and professional consultants to be prequalified for the work they are proposing to perform, by the date of submission of proposals in response to the RFP utilizing a one phase selection method, or by the date of submission of a statement of qualifications utilizing a two phase selection method. All contractors and consultants for CM/GC projects must be prequalified by the Department, pursuant to either Chapter 672-5 of the Rules of the State of Georgia or project specific qualifications set forth in the solicitation which at a minimum must comply with Chapter 672-5. The request for qualifications or the RFP will set forth the requirements for evidence of bonding capacity required of the CM/GC.

(c) **Procurement.** The Department may award a Construction Management Agreement following either a one-phase or two-phase selection process based on qualifications, best value, suitability, or any other combination of factors considered appropriate by the Department and which are clearly specified in the RFP. A best value-based selection is based on the proposer's submittals regarding among other things (i) qualifications, key personnel, and prior experience performing work under contracts for projects of a similar size, scope, complexity, and magnitude, (ii) its technical proposal, and (iii) the proposer's Preconstruction Services Fee.

(1) **Evaluation Criteria.** In the RFP for a Construction Management Agreement, the Department will specify the evaluation criteria as well as the basis for award, including the weight of each evaluation factor and subfactor in evaluating proposals.

(2) **Interviews.** The Department shall identify, in the RFP, whether it intends to conduct interviews with responsive proposers. These interviews may be a component of the score, or otherwise evaluated. If the interview will be scored the scoring will be clearly stated in the evaluation criteria and in accordance with [23 CFR §635.504](#).

(3) **Evaluation of Proposals.** The Department shall evaluate proposals in accordance with the requirements in the RFP. A proposal will only be considered nonresponsive if it does not contain all the information and level of detail requested in the RFP; provided, that the Department has sole discretion to determine whether a proposal is nonresponsive. No proposal will be considered unless it is accompanied by a proposal guaranty in a form of security acceptable to the Department and specified in the RFP.

(4) **Selection Decision.** Based on the evaluation factors as set forth in the RFP, the Department shall rank all proposals that are complete, in conformance with, and responsive to the RFP, consistent with the specified basis for award. The Department shall announce the award of the Construction Management Agreement to the CM/GC in the same manner used to publish the initial notice of solicitation.

(d) **Reserved Rights.** The Department reserves all rights available by law in administering these rules, including without limitation, the right in its sole discretion to:

(1) Reject any and all responses to a solicitation for a Construction Management Agreement at any time.

(2) Suspend, discontinue or terminate evaluation of any and all responses to a solicitation for a Construction Management Agreement at any time.

(3) Suspend, discontinue or terminate discussions or negotiations with any proposer at any time prior to the actual authorized execution of such final agreement by all parties.

(4) Discuss and negotiate with a proposer without being bound by any provision in its proposal.

- (5) Modify, issue addenda to, or cancel any CM/GC solicitation.
- (6) Request or obtain additional information about any proposal, or request revisions thereto.
- (7) Undertake such other action or exercise such other rights as may be provided for in an Construction Management Agreement solicitation.

Cite as Ga. Comp. R. & Regs. R. 672-22-.04

AUTHORITY: O.C.G.A. §§ [32-2-2](#), [32-2-82](#), [50-13-4](#).

HISTORY: Original Rule entitled "CM/GC Procurement Process" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

672-22-.05 Rules Governing Construction Management Agreements

(a) **Phase One - Preconstruction Services.** Upon award of the Construction Management Agreement, the CM/GC will be authorized to begin performing Preconstruction Services pursuant to the requirements of the Construction Management Agreement. During the initial phase of the Construction Management Agreement, the CM/GC will be required to perform phase-one services, which may include, but are not limited to, the following:

- (1) Collaborating with the DOR and the Department on the design and preparation of the construction documents, for improved overall constructability of the project.
- (2) Participating in design reviews and anticipating construction issues.
- (3) Engaging in risk assessment and mitigation workshops with the Department.
- (4) Identification of potential risks and assistance in identifying means and methods to mitigate such risks during design.
- (5) Assisting with material selection, scheduling, sequencing, and other related services.
- (6) Evaluating contemplated innovations and constructability recommendations for cost-effectiveness.
- (7) Assisting the Department with project-level budgeting for construction through progressive cost estimating for the project.
- (8) Active management and mitigation of project risks with the Department.

(b) **Construction Price Proposal.** The CM/GC will be responsible for progressing the estimates of probable construction costs and developing the price proposal for the construction of the project, to include the direct cost of construction, contingency, overhead, and profit (collectively, the "NCP Proposal"). The timing of the development of the NCP Proposal will be based on the percentage of design complete, as determined by GDOT on a project specific basis. The NCP Proposal shall be prepared on an open book basis using labor and equipment rates; and must include a construction schedule and the assumptions underlying the NCP amount. A price reconciliation meeting will be held to review and discuss any differences in the Department's estimate and the CM/GC's NCP Proposal.

(1) **Accepting the NCP Proposal.** If a reasonable NCP is negotiated, the CM/GC and GDOT shall execute a supplemental agreement or amendment to the Construction Management Agreement, authorizing the CM/GC to complete the construction of the project. The CM/GC will be required to provide performance and payment bonds in the full amount of the NCP.

(2) **Rejecting the NCP Proposal.** If the Department and the CM/GC are unable to agree upon a reasonable NCP, the Department may initiate a new procurement to complete the construction-phase work for the project.

(c) **Phase Two - Construction.** Upon execution of a supplemental agreement or amendment to the Construction Management Agreement, its terms, including the NCP, become contractual. The Department may authorize the CM/GC to proceed in constructing the project through the release of distinct work packages based on the design documents.

(d) **Construction Works Packages.** The construction services may be authorized through various construction works packages, which are subject to negotiation and agreement on price between the Department and the CM/GC, and will be included in the NCP as part of the development of the construction price proposal under Rule 672-22-.05(b).

Cite as Ga. Comp. R. & Regs. R. 672-22-.05

AUTHORITY: O.C.G.A. §§ [32-2-2](#), [32-2-82](#), [50-13-4](#).

HISTORY: Original Rule entitled "Rules Governing Construction Management Agreements" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

672-22-.06 Rules Governing Predevelopment Agreements

(a) **Contracting for Project Planning and Development Services Using a PDA.** Predevelopment agreements allow the Department to procure one or more Developers to assist in developing the framework for one or more projects' conceptual, preliminary, and final planning and project development work and may include preconstruction services on one or more projects that would benefit from early involvement by the Developer(s) in the project(s). The PDA (i) allows the commencement of activities including predevelopment services, financial planning, environmental studies and mitigation, survey, conducting transportation and revenue studies, right-of-way acquisition, design and engineering, and public outreach; and (ii) contains provisions related to any aspect of the development of a transportation facility, including construction work for the project or projects, that the parties may deem appropriate, subject to agreement as to the basis for payment for any construction services.

(b) **Implementation of Design and Construction After a PDA.** Upon the completion of the elements of the PDA, the Department will have rights to the work-product developed by the Developer and may use such work product in the further development of its projects, including in any procurements for financing, design, engineering, value engineering, or construction services.

(c) **Form of the Agreement.** The Department shall prescribe the general form of a predevelopment agreement and may include any matter the Department considers advantageous to the Department, including that each PDA shall:

- (1) set forth the scope of work to be performed by the Developer, its subconsultants, and subcontractors;
- (2) specify the level of design, alternatives to be reviewed, impacts and outcomes to consider, and other information to be provided by the Developer, its subconsultants, and subcontractors;
- (3) reserve to the Department the right to independently review any studies and conclusions reached by the Developer, its subconsultants, and subcontractors before their inclusion in an environmental document, and reserve to the Department the responsibility for the environmental document.

Any changes to the Predevelopment Agreement shall be negotiated by the parties and memorialized in a supplemental agreement thereto or in a separate agreement pursuant to the PDA.

Cite as Ga. Comp. R. & Regs. R. 672-22-.06

AUTHORITY: O.C.G.A. §§ [32-2-2](#), [32-2-82](#), [50-13-4](#).

HISTORY: Original Rule entitled "Rules Governing Predevelopment Agreements" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

672-22-.07 Rules Governing Comprehensive Development Agreements

(a) **Using a CDA.** A Comprehensive Development Agreement provides the Department with a single multi-phase contract to allow for the development of the project concept, the concurrent design and construction of the project, and the operations and maintenance of the project. The CDA (i) allows the commencement of activities including conceptual, preliminary and final project planning and development, right-of-way acquisition, design and engineering, environmental support and mitigation, survey, conducting transportation and revenue studies, ascertaining the availability of financing for the proposed facility or facilities and public outreach; and (ii) contains provisions related to any aspect of the development, construction, operations, and maintenance of a transportation facility that the parties may deem appropriate.

(b) **Form of Agreement.** The Department shall prescribe the general form of a comprehensive development agreement and may include any matter the Department considers advantageous to the Department, including that each CDA shall:

- (1) set forth the scope of work to be performed by the Developer, its subconsultants, and subcontractors;
- (2) specify the level of design, alternatives to be reviewed, impacts and outcomes to consider, and other information to be provided by the Developer, its subconsultants, and subcontractors;
- (3) reserve to the Department the right to review any studies and conclusions reached by the CDA contractor, its subconsultants, and subcontractors before their inclusion in an environmental document, and reserve to the Department the responsibility for the environmental document.

(c) **Negotiations Authorized.** The initial procurement of the Developer shall follow Rule 672-22-.03. GDOT and the contractor shall negotiate the specific terms of a CDA. Any changes to the initial Comprehensive Development Agreement, including those for subsequent project phases, shall be negotiated by the parties and memorialized in a supplemental agreement to the CDA or in a separate agreement pursuant to the CDA.

Cite as Ga. Comp. R. & Regs. R. 672-22-.07

AUTHORITY: O.C.G.A. §§ [32-2-2](#), [32-2-82](#), [50-13-4](#).

HISTORY: Original Rule entitled "Rules Governing Comprehensive Development Agreements" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

672-22-.08 Size and Frequency Limitations for ACMs

Pursuant to subsection 32-2-82(f) of the Official Code of Georgia Annotated:

(a) **Limitations.** The Department is subject to the limitation on the number of projects delivered using one or more ACM agreements set forth in subsection 32-2-82(f) of the Official Code of Georgia Annotated.

(b) **Cap on Annual Encumbered Amount for an ACM Agreement.** Solely as it relates to a project authorized by the Board to be delivered using an ACM, the Department shall not encumber under any one ACM, in any one fiscal year, an amount greater than five percent of the Department's Capital Budget in the previous fiscal year.

Cite as Ga. Comp. R. & Regs. R. 672-22-.08

AUTHORITY: O.C.G.A. §§ [32-2-2](#), [32-2-82](#), [50-13-4](#).

HISTORY: Original Rule entitled "Size and Frequency Limitations for ACMs" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

672-22-.09 Reporting ACM Contracting Activity

(a) **Fiscal Year Reports.** Pursuant to subsection 32-2-82(g) of the Official Code of Georgia Annotated, no later than 90 days after the end of a fiscal year in which the Department has executed a contract to deliver a project using an ACM as approved by the Board, the Department will provide the Governor, Lieutenant Governor, Speaker of the House of Representatives, and chairpersons of the House and Senate Transportation Committees a summary containing all contracts that utilize an ACM. The report may include, but is not limited to, the following: The project name, project number, county, project description, name of CM/GC or Developer, selection method, and date of contract award. ACM Agreements that are part of a separate Public Private Initiative or Public Private Partnerships are outside of this Rule and are not included in this summary. This Report will be made available for public information.

(b) **Reports Required Every Five Years.** Pursuant to subsection 32-2-82(i) of the Official Code of Georgia Annotated, no later than five years after the effective date of that Code section and then once every five years thereafter, the Department will submit a report to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and members of the House and Senate Transportation Committees detailing all contracts delivered using an ACM, along with the benefits of using an ACM compared with other contracting methods for purposes of the executive's and legislature's review and consideration of the effectiveness of that Code section and any necessary amendments.

Cite as Ga. Comp. R. & Regs. R. 672-22-.09

AUTHORITY: O.C.G.A. §§ [32-2-2](#), [32-2-82](#), [50-13-4](#).

HISTORY: Original Rule entitled "Reporting ACM Contracting Activity" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.