

HOUSE BILL 3765

By Hill

AN ACT to amend Tennessee Code Annotated, Section
68-201-118, relative to variances.

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

SECTION 1. Tennessee Code Annotated, Section 68-201-118, is amended by adding the following as a new, appropriately designated subsection:

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(1) The board may delegate the authority to approve certain types of variances to the commissioner, or the commissioner's designee, pursuant to this subsection.

(2) The types of variances that may be delegated for granting by the commissioner upon recommendation by the technical secretary include, but are not limited to, the following:

(A) The use of open burning, not otherwise permitted by rules or regulations, for the limited purpose of testing a fire control device or system in order to obtain insurance; and

(B) The use of a variance in the case of financial hardship or other extenuating circumstances under which a vehicle that fails emissions testing required by § 55-4-130 and for which a waiver under § 55-4-128, or any rules and regulations promulgated pursuant thereto, is not permitted.

(3) Any petitioner for a variance who objects to a conditional grant of a variance by the commissioner may seek a hearing before the full board as if the

variance was denied. Any such hearing shall be subject to the procedural requirements for hearings conducted under subsection (b).

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