

**PUBLIC CHAPTER NO. 786**

**HOUSE BILL NO. 4119**

**By Representatives Borchert, Odom, Jim Cobb, Gilmore, Maddox, Shepard,  
Pinion**

**Substituted for: Senate Bill No. 4163**

**By Senators Kyle, Roller, Ford, Raymond Finney, Marrero**

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 3, relative to the offenses of reckless burning, violating burning bans and burning without a permit

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

SECTION 1. Tennessee Code Annotated, Section 39-14-304(a), is amended by deleting the period (".") at the end of subsection (2) and by substituting instead the language "; or" and by adding a new subsection (3) which provides as follows:

(3) Knowingly starts an open air or unconfined fire in violation of a burning ban as provided in Section 39-14-306(b).

SECTION 2. Tennessee Code Annotated, Section 39-14-306 is amended by deleting the existing language in its entirety and substituting instead the following:

(a) (1) It is unlawful for any person to start an open-air fire between October 15 and May 15, inclusive, within five hundred feet (500') of any forest, grasslands or woodlands without first securing a permit from the state forester or the state forester's duly authorized representative. Depending upon the potential for hazardous burning conditions, the state forester may prescribe a period other than October 15 to May 15 within which a permit must be obtained prior to starting an open-air fire.

(2) A violation of this subsection is a Class C misdemeanor.

(b) (1) In extreme fire hazard conditions, the commissioner of agriculture in consultation with the state forester and the county mayors of impacted counties, may issue a burning ban prohibiting all open air fire in any area of the state.

(2) A violation of this subsection is reckless burning and punishable as a Class A misdemeanor as provided in § 39-14-304.

(c) The provisions of this section shall not apply to fires which may be set within the corporate limits of any incorporated town or city which has passed ordinances controlling the setting of fires.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: April 10, 2008**

  
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JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
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RON RAMSEY, SPEAKER  
SENATE OF THE SENATE

**APPROVED this 21st day of April 2008**

  
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PHIL BREDESEN, GOVERNOR