



BILL HASLAM
Governor

STATE OF TENNESSEE
DEPARTMENT OF REVENUE
ANDREW JACKSON STATE OFFICE BUILDING
NASHVILLE, TENNESSEE 37242

RICHARD H. ROBERTS
Commissioner

MEMORANDUM

TO: All Tennessee County Clerks
Tennessee Department of Revenue, Vehicle Services Division
Tennessee Air Pollution Control Board

FROM: Tennessee Department of Revenue

SUBJECT: Limitation on use of Temporary Operation Permits
Requirements for Vehicle Registration or Renewal after Failure
of Initial Vehicle Inspection

DATE: June 22, 2012

Effective immediately, vehicle temporary operation permits (TOPS) shall not be issued for vehicles that have failed vehicle inspection requirements.

Registrations and renewals of registration for vehicles that are based in counties or cities that are required by the Tennessee Air Pollution Control Board to have motor vehicle inspection and maintenance programs are governed by the Board's terms and conditions. See TENN. CODE ANN. §§ 55-4-101(d)(2), 55-4-104(d)(2), and 55-6-105(a)(9) (2011). The Board's terms and conditions require that every light-duty motor vehicle based in one of the designated counties or cities,¹ with a few limited exceptions, annually go through a vehicle inspection and obtain a Certificate of Compliance which must be presented to the County Clerk in order to register the vehicle or renew the registration. Under Tennessee law, neither the Department of Revenue nor the County Clerks are authorized to issue TOPS to allow operation of motor vehicles that have failed a vehicle inspection. Accordingly, a temporary operation permit² shall not be issued for a vehicle that has failed vehicle inspection requirements.

¹ Currently Davidson County, Hamilton County, Rutherford County, Sumner County, Williamson County, Wilson County, and the City of Memphis.

² The temporary operation permits referred to in this memo are those authorized by TENN. CODE ANN. § 55-4-115 (2011), and do not refer to the temporary dealer plates commonly called drive-out tags authorized by TENN. CODE ANN. § 55-4-221(c)(4) (2011).

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If a vehicle fails to pass the inspection requirement, the owner of the vehicle is issued a vehicle inspection report by the inspector. The failed report provides a grace period of 30 days from the required registration date or from the last day of the month set for renewal of a registration. During that time, any necessary repairs must be made to the vehicle prior to retesting. The failed vehicle inspection report allows for continued operation of the vehicle on the highways during the 30-day grace period. TENN. CODE ANN. § 55-4-128 (2011).

In the event a vehicle fails the second inspection after undergoing repairs, the vehicle owner may apply to the Tennessee Department of Environment and Conservation, Division of Air Pollution Control, for a waiver from the testing requirement. Such waiver requirements are set forth in TENN. COMP. R. & REG. 1200-03-29-.11 (2004). However, Metropolitan Davidson County and the City of Memphis may have procedures that vary from the state provision.

In order to register or renew the registration of a vehicle that has previously failed the vehicle inspection, the owner must either 1) pass the retest and receive a certificate of compliance or 2) apply for and receive a waiver from the Department of Environment and Conservation. In circumstances where a vehicle has failed the initial emissions test, neither the Department of Revenue nor the County Clerks are authorized to issue a vehicle registration or renewal of registration unless one of these two criteria are met.