

West's Tennessee Code Annotated
Title 54. Highways, Bridges and Ferries (Refs & Annos)
Chapter 7. Tennessee County Uniform Highway Law
Part 1. General Provisions

T. C. A. § 54-7-101

§ 54-7-101. Short title

Currentness

This chapter shall be known and may be cited as the “Tennessee County Uniform Highway Law.”

Credits

1974 Pub.Acts, c. 738, § 1; modified.

Formerly § 54-1001.

T. C. A. § 54-7-101, TN ST § 54-7-101

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly, eff. through July 1, 2022. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 54-7-102

§ 54-7-102. Applicability of chapter

Effective: January 1, 2013

Currentness

This chapter applies to all counties of the state, except for those excluded by Chapter 801 of the Public Acts of 1976, and counties with a charter or a metropolitan form of government, unless the charter of such county provides for the application of this chapter.

Credits

1974 Pub.Acts, c. 738, §§ 17 to 19; 1976 Pub.Acts, c. 513, § 1; 1976 Pub.Acts, c. 556, § 1; 1976 Pub.Acts, c. 801, § 1; 1977 Pub.Acts, c. 193, § 1; 1979 Pub.Acts, c. 234, § 1; 1980 Pub.Acts, c. 548, § 1; 1980 Pub.Acts, c. 881, § 1; 1981 Pub.Acts, c. 180, § 2; 1982 Pub.Acts, c. 954, § 1; 1991 Pub.Acts, c. 293, § 1; 2012 Pub.Acts, c. 689, § 1, eff. Jan. 1, 2013.

Formerly § 54-1002.

T. C. A. § 54-7-102, TN ST § 54-7-102

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T. C. A. § 54-7-103

§ 54-7-103. Definition

Effective: August 14, 2008

Currentness

For purposes of this chapter, “chief administrative officer” is defined as a county road superintendent, county road supervisor, director of public works, county engineer, or similar county highway official either elected or appointed pursuant to any general or private act of this state.

Credits

1974 Pub.Acts, c. 738, § 2.

Formerly § 54-1003.

T. C. A. § 54-7-103, TN ST § 54-7-103

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T. C. A. § 54-7-104

§ 54-7-104. Chief administrative officers; qualifications; qualifying deadline extension

Effective: July 1, 2016 to August 31, 2022

Currentness

(a) There is created and established the Tennessee highway officials certification board, referred to as the “board,” which shall be composed of five (5) members as follows:

(1) One (1) member appointed by the secretary of state;

(2) One (1) member appointed by the director of the Tennessee Chapter of the American Public Works Association;

(3) One (1) member appointed by the governor from a list of nominees submitted by the representative professional engineering society of the state;

(4) One (1) member appointed by the comptroller of the treasury; and

(5) One (1) member appointed by the executive director of the Tennessee County Services Association.

(b) The board has and shall exercise the power to review the qualifications of all candidates for both elected and appointed positions as chief administrative officer of the highway department. Candidates for this office in counties where the position is filled by popular election shall file affidavits and other evidence the board requires with the board not later than fourteen (14) days prior to the qualifying deadline for candidates in the election. After review of the applicable qualifications and standards, the board shall certify to the coordinator of elections that a candidate's qualifications are acceptable prior to the candidate's name being placed on the ballot. The coordinator of elections shall forward the certification to the appropriate county election commission. A certificate of qualification from the board shall be filed with the candidate's qualifying petition prior to the qualifying deadline. Notwithstanding any law to the contrary, votes for write-in candidates, whether in a primary or general election, shall only be counted for an individual who has been certified by the board prior to the date of the election. Persons wishing to receive a party nomination or to be elected by write-in ballot must file with the board affidavits and other evidence the board requires not later than sixty-four (64) days prior to the election. Candidates for chief administrative officer of the highway department in counties where the position is appointed shall, prior to their appointment to the office, file with the board evidence satisfactorily demonstrating that they meet the qualifications to hold the office. However, in any county, pursuant to subsection (h), that has established by private act more stringent qualifications and standards than those set forth in subsection (g), and that has an appointed chief administrative officer, candidates shall submit evidence of their qualifications to the local appointing authority and shall not be required to submit evidence of their qualifications to the board.

(c) Members of the board shall serve for a term of four (4) years beginning with the term commencing on July 1, 2013. The appointee representing the secretary of state shall serve as chair of the board. Upon the death, resignation, or removal of any appointive member, a replacement shall be appointed by the party representing the same area of interest as the member whose position has been vacated to fill the unexpired term of the member.

(d) No chief administrative officer of a highway department shall be appointed to the board if that person may become subject to reelection or reappointment as a chief administrative officer during that person's term of service on the board.

(e) The board shall only meet as is necessary to fulfill its duties. All materials or correspondence submitted to the board shall be received through the office of the coordinator of elections, who shall forward the materials or correspondence to the board. The board shall keep complete and accurate records of the proceedings of all its meetings. A copy of records of all proceedings shall be kept on file in the office of the coordinator of elections and open to public inspection.

(f) Subject to the approval of the secretary of state, the board may promulgate rules to be followed by persons wishing to submit themselves for certification as qualified to seek the office of the chief administrative officer of the highway department. The board shall submit any promulgated rules pertaining to the qualifications for the office of chief administrative officer to the administrator of elections of each affected county election commission. The county election commission shall publish such rules in a local newspaper with general circulation in the county at least sixty (60) days before the qualifying deadline for either the primary or general election, or appointment by the legislative body of the county.

(g) In each county, in order to qualify for the office of the chief administrative officer of the highway department, a person shall:

(1) Be a graduate of an accredited school of engineering, with at least two (2) years of experience in highway construction or maintenance;

(2) Be licensed to practice engineering in Tennessee; or

(3) Have had at least four (4) years' experience in a supervisory capacity in highway construction or maintenance; or a combination of education and experience equivalent to subdivision (g)(1) or (g)(2), as evidenced by affidavits filed with the board.

(h) In no event shall the chief administrative officer have less than a high school education or a general equivalency diploma (GED). A county may, by private act, require more stringent qualifications and standards than those set forth in subsection (g) for persons to qualify for the office of the chief administrative officer of such highway department. Any county that establishes more stringent qualifications and standards by private act shall send a copy of such private act to the board.

(i) Incumbent chief administrative officers in office on December 31, 2012, who have met the qualifications for the office of chief administrative officer applicable to them in effect at the time of their last election shall be able to succeed themselves in office without meeting the qualifications set forth in this section for as long as such incumbents continuously hold office. If such incumbent leaves office for any reason and then subsequently is elected or appointed to the office of chief administrative officer, such incumbent shall then be subject to the qualifications set forth in this section.

(j) Satisfactory evidence of graduation from an accredited school of engineering shall be in the form of a diploma, transcript or other official documentation. Evidence of a candidate's engineering licensure shall only be deemed to be satisfied if the candidate can provide the board with a copy of the candidate's engineering license, including the candidate's license number. Any provision in this section requiring a chief administrative officer to have a high school diploma or GED shall only be deemed to be satisfied if the candidate can demonstrate that the candidate has obtained a high school diploma or its equivalent in educational training as recognized by the state board of education by providing the board with the candidate's diploma, GED certificate or other official documentation.

(k) A person may challenge whether a candidate has the required qualifications for chief administrative officer of the highway department, as identified in subsection (g); provided, that the challenge is filed in writing with the Tennessee highway officials certification board no later than twelve o'clock (12:00) noon, prevailing time, on the third day after the qualifying deadline, as determined under § 2-5-101(a) in counties where the position is filled by popular election. In counties where the position is appointed, the challenge must be filed by a deadline established by the local appointing authority.

(l) If a candidate's qualifications are challenged pursuant to subsection (k), the Tennessee highway officials certification board shall:

(1) Notify the candidate of the challenge;

(2) Review and verify the candidate's required qualifications, identified in subsection (g);

(3) Review and verify the candidate's required qualifications and standards under a county's private act, if applicable, pursuant to subsection (h); and

(4) If the Tennessee highway officials certification board determines the candidate does not possess the required qualifications for chief administrative officer of the highway department:

(A) Disqualify the candidate;

(B)(i) In counties where the position is filled by popular election, notify the candidate and county election commission of its determination no later than twelve o'clock (12:00) noon, prevailing time, on the seventh day after the qualifying deadline, as determined under § 2-5-101(a); or

(ii) In counties where the position is appointed, notify the candidate and local appointing authority of its determination prior to the appointment to office; and

(C) Request that the county election commission:

(i) Not print the candidate's name on any ballot; and

- (ii) Remove the candidate's name from any printed ballot.

Credits

1974 Pub.Acts, c. 738, § 3; 1976 Pub.Acts, c. 583, § 1; 1976 Pub.Acts, c. 728, § 1; 1977 Pub.Acts, c. 193, § 2; impl. am. by 1978 Pub.Acts, c. 934, §§ 7, 36; 1979 Pub.Acts, c. 127, § 1; 1982 Pub.Acts, c. 550, § 1; 1982 Pub.Acts, c. 636, § 1; 1982 Pub.Acts, c. 687, §§ 1, 2; 1983 Pub.Acts, c. 39, § 1; 1983 Pub.Acts, c. 113, § 1; 1983 Pub.Acts, c. 360, § 1; 1986 Pub.Acts, c. 695, § 1; 1987 Pub.Acts, c. 61, § 1; 1987 Pub.Acts, c. 340, § 1; 1989 Pub.Acts, c. 77, §§ 1, 2; 1990 Pub.Acts, c. 811, § 1; 1990 Pub.Acts, c. 1015, §§ 1, 2; 1991 Pub.Acts, c. 416, § 1; 1991 Pub.Acts, c. 494, § 1; 1992 Pub.Acts, c. 705, § 1; 1992 Pub.Acts, c. 741, § 1; 1995 Pub.Acts, c. 138, §§ 1, 2, eff. April 20, 1995; 1997 Pub.Acts, c. 205, §§ 1 to 7; 1998 Pub.Acts, c. 653, § 1, eff. March 24, 1998; 1999 Pub.Acts, c. 67, § 1, eff. April 7, 1999; 2001 Pub.Acts, c. 193, §§ 1 to 3, eff. July 1, 2001; 2012 Pub.Acts, c. 689, § 2, eff. Jan. 1, 2013; 2016 Pub.Acts, c. 604, § 1, eff. July 1, 2016.

Formerly § 54-1004.

T. C. A. § 54-7-104, TN ST § 54-7-104

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T. C. A. § 54-7-105

§ 54-7-105. Term of office

Effective: January 1, 2013

Currentness

Elected or appointed chief administrative officers shall serve a term of four (4) years. Elected chief administrative officers shall take office on September 1, following their election.

Credits

1974 Pub.Acts, c. 738, § 4; 1978 Pub.Acts, c. 721, § 1; impl. am. by 1978 Pub.Acts, c. 934, §§ 7, 36; 1980 Pub.Acts, c. 548, § 2; 1980 Pub.Acts, c. 637, § 1; 1980 Pub.Acts, c. 669, §§ 1, 2; 2012 Pub.Acts, c. 689, § 3, eff. Jan. 1, 2013.

Formerly § 54-1005.

T. C. A. § 54-7-105, TN ST § 54-7-105

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T. C. A. § 54-7-106

§ 54-7-106. Compensation and salaries

Currentness

(a) In the event two (2) or more chief administrative officers are duly elected or appointed with equal duties, the compensation provided in this section shall be divided equally between them.

(b) The county legislative body of each county may at any time increase or decrease the salary of the chief administrative officer of the county highway department so long as the salary is maintained as specified in § 8-24-102.

Credits

1974 Pub.Acts, c. 738, § 5; impl. am. by 1978 Pub.Acts, c. 934, §§ 22, 36; 1982 Pub.Acts, c. 838, § 1; 1989 Pub.Acts, c. 492, §§ 1 to 4; 1990 Pub.Acts, c. 840, § 1; 1996 Pub.Acts, c. 936, § 3, eff. May 13, 1996.

Formerly § 54-1006.

T. C. A. § 54-7-106, TN ST § 54-7-106

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T. C. A. § 54-7-107

§ 54-7-107. Vacancies in office

Effective: July 1, 2008

Currentness

(a) If a vacancy occurs in the office of the chief administrative officer, a qualified successor shall be chosen in the manner specified by law.

(b) If the vacancy occurs as a result of death, resignation or removal of the chief administrative officer, then during the period of time from when the vacancy arises until the time that a qualified successor is chosen, the duties of the chief administrative officer shall be performed by the assistant superintendent of highways, chief foreman, administrative assistant or other highest ranking member of the office of the chief administrative officer, who shall be designated as an interim successor by the chief administrative officer of the county highway department. The chief administrative officer shall designate the interim successor, in writing, by either name or title or position held. The interim successor shall fulfill all duties of the office of chief administrative officer as prescribed by law.

(c) If the county in which the chief administrative officer serves is a county that has an elected highway commission, then the chief administrative officer shall file the written interim successor designation with the chair of the county highway commission and with the county clerk. If the county in which the chief administrative officer serves is a county that does not have an elected highway commission, then the chief administrative officer shall file the written interim successor designation with the chair of the county legislative body and with the county clerk.

Credits

1974 Pub.Acts, c. 738, § 6; 2008 Pub.Acts, c. 644, § 1, eff. July 1, 2008.

Formerly § 54-1007.

T. C. A. § 54-7-107, TN ST § 54-7-107

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T. C. A. § 54-7-108

§ 54-7-108. Oaths and affirmations; bonds

Currentness

Before entering into the discharge of official duties, the chief administrative officer shall take and subscribe to an oath in writing before the county clerk that the chief administrative officer will perform with fidelity the duties of the office of chief administrative officer, and shall enter into a bond of one hundred thousand dollars (\$100,000) as set forth in § 54-4-103.

Credits

1974 Pub.Acts, c. 738, § 7; impl. am. by 1978 Pub.Acts, c. 934, §§ 22, 36.

Formerly § 54-1008.

T. C. A. § 54-7-108, TN ST § 54-7-108

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T. C. A. § 54-7-109

§ 54-7-109. Powers and duties

Effective: January 1, 2013

Currentness

(a) The chief administrative officer shall be the head of the highway department and shall have general control over the location, relocation, construction, reconstruction, repair and maintenance of the county road systems of the county, including roads designated as county roads under § 13-3-406 and including bridges and ferries, but not including roads and bridges under the supervision of the department of transportation or a municipality.

(b) It is the duty of the chief administrative officer to employ qualified administrative personnel as required to handle all administrative functions, including maintenance of financial records, inventory of equipment, supplies, and materials, preservation of maintenance records, maintenance of the official county road list, and all other functions necessary for the operation of the highway department.

(c) The chief administrative officer is authorized to determine the total number of employees of the highway department, to determine personnel policies, hours of work, to establish job classifications, and to establish policies and wages within the classifications. The compensation established by the chief administrative officer should be in keeping with the compensation paid for similar services in the county and surrounding area.

Credits

1974 Pub.Acts, c. 738, § 8; 1977 Pub.Acts, c. 369, §§ 1, 2; modified; 1981 Pub.Acts, c. 180, §§ 1, 3; impl. am. by 1981 Pub.Acts, c. 264, § 12; 2012 Pub.Acts, c. 689, § 4, eff. Jan. 1, 2013.

Formerly § 54-1009.

T. C. A. § 54-7-109, TN ST § 54-7-109

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T. C. A. § 54-7-110

§ 54-7-110. Attorney and client

Effective: January 1, 2013

Currentness

(a) The chief administrative officer shall be empowered to employ legal counsel or to solicit the use of legal counsel retained by the county to prosecute or defend litigation caused by or necessary to the operation of the county highway department.

(b) Deleted by 2012 Pub.Acts, c. 689, § 5, eff. Jan. 1, 2013.

Credits

1974 Pub.Acts, c. 738, § 9; 2012 Pub.Acts, c. 689, § 5, eff. Jan. 1, 2013.

Formerly § 54-1010.

T. C. A. § 54-7-110, TN ST § 54-7-110

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T. C. A. § 54-7-111

§ 54-7-111. Annual work program

Effective: January 1, 2013

Currentness

(a) The chief administrative officer shall prepare and submit to the county legislative body and to the department of transportation an annual work program to be financed under the state-aid highway system program.

(b) The priorities for proposed work contained in the annual work program shall be established, taking into consideration the degree of deficiencies in the structural condition, capacity and safety of existing roadway, traffic volume and desirable level of service necessary for schools, religious institutions, industry, recreational facilities and other major uses.

Credits

1974 Pub.Acts, c. 738, § 10; impl. am. by 1978 Pub.Acts, c. 934, §§ 7, 36; 1980 Pub.Acts, c. 530, § 1; 1983 Pub.Acts, c. 320, § 4; 2012 Pub.Acts, c. 689, § 6, eff. Jan. 1, 2013.

Formerly § 54-1011.

T. C. A. § 54-7-111, TN ST § 54-7-111

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T. C. A. § 54-7-112

§ 54-7-112. Machinery and equipment; inventories; brands, marks and labels

Effective: August 14, 2008

Currentness

(a) The chief administrative officer has supervision and control over and is responsible for all the machinery, equipment, tools, supplies and materials owned or used by the county in the construction, reconstruction, repair and maintenance of the county roads and bridges. The chief administrative officer shall make or cause to be made a complete inventory of all machinery, equipment, tools, supplies, and materials, and file copies of the complete inventory with the county governing body, and the chief executive officer of the county within sixty (60) days after taking office, and thereafter a revised current inventory shall be submitted effective July 1 of each year. The revised inventory shall be submitted by September 1 of each year.

(b) All machinery, equipment and tools shall be plainly marked as the property of the county road department and each item shall be numbered and the number entered on the inventory filed by the chief administrative officer. It is the duty of the chief executive officer of the county to examine the inventories for compliance with this subsection(b), and upon the chief executive officer's determination that the inventory does not comply with the requirements of this chapter, the chief executive officer shall cause to be withheld from the chief administrative officer any funds due the chief administrative officer until the chief administrative officer complies with this subsection (b).

(c) The inventory filed by the chief administrative officer shall be maintained and made available to the comptroller of the treasury for audit purposes.

Credits

1974 Pub.Acts, c. 738, § 11; impl. am. by 1978 Pub.Acts, c. 934, §§ 16, 36; 1980 Pub.Acts, c. 473, § 1; 1995 Pub.Acts, c. 179, §§ 16, 17, eff. July 1, 1995.

Formerly § 54-1012.

T. C. A. § 54-7-112, TN ST § 54-7-112

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T. C. A. § 54-7-113

§ 54-7-113. Expenditures of funds; bids and bidding; chart of accounts

Effective: May 11, 2022

Currentness

(a) All funds received by any person for the county for road or highway purposes shall be promptly deposited with the county trustee and shall be expended only upon a disbursement warrant drawn on the trustee in accordance with law.

(b) Expenditures of funds for the operation of the county road department shall be made within the limits of the approved budget and the appropriations made for the department, in accordance with law.

(c)(1) Except as provided in subdivision (c)(3), all purchases by or for a county road department or by a chief administrative officer shall be by public advertisement and competitive bid, except as follows:

(A) Purchases costing less than ten thousand dollars (\$10,000); provided, that this exemption shall not apply to purchases of like items that individually cost less than twenty-five thousand dollars (\$25,000), but that are customarily purchased in lots of two (2) or more, if the total purchase price of the items would exceed ten thousand dollars (\$10,000) during any fiscal year;

(B) Repair of heavy road building machinery or other heavy machinery for which limited repair facilities are available;

(C) Purchases of any supplies, materials, or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work; but emergencies shall not include conditions arising from neglect or indifference in anticipating normal needs. A report of emergency purchases shall be kept, specifying each purchase, the amount paid, the items purchased, from whom the items were purchased, and the nature of the emergency; and

(D) All purchases costing less than twenty-five thousand dollars (\$25,000) by or for a county road department or by a chief administrative officer may be made in the open market without newspaper notice, but shall, wherever possible, be based on at least three (3) competitive bids.

(2) Except as provided in subdivision (c)(3), all leases or lease-purchase arrangements requiring payments of twenty-five thousand dollars (\$25,000) or more, or that are made or are automatically extendable, for periods of more than ninety (90) days, shall be entered into only after public advertisement and competitive bidding.

(3) This subsection (c) does not have the effect of repealing existing statutes, including private acts, that establish purchasing provisions for a county road department; but no county road department shall be required to publicly advertise and competitively bid purchases of twenty-five thousand dollars (\$25,000) or less even if the bids are now required by public or private act.

(d) A chart of accounts shall be kept by the chief administrative officer in conformity with a uniform chart of accounts developed and prescribed by the comptroller of the treasury in accordance with §§ 5-8-501 -- 5-8-503.

Credits

1974 Pub.Acts, c. 738, § 12; 1980 Pub.Acts, c. 473, § 2; 1980 Pub.Acts, c. 726, § 1; 1983 Pub.Acts, c. 295, § 1; 1995 Pub.Acts, c. 179, §§ 6 to 8, eff. July 1, 1995; 2005 Pub.Acts, c. 114, § 1, eff. May 4, 2005; 2012 Pub.Acts, c. 689, § 7, eff. Jan. 1, 2013; 2022 Pub.Acts, c. 1036, § 1, eff. May 11, 2022.

Formerly § 54-1013.

T. C. A. § 54-7-113, TN ST § 54-7-113

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly, eff. through July 1, 2022. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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West's Tennessee Code Annotated
Title 54. Highways, Bridges and Ferries (Refs & Annos)
Chapter 7. Tennessee County Uniform Highway Law
Part 1. General Provisions

T. C. A. § 54-7-114

§ 54-7-114. Repealed by 2012 Pub.Acts, c. 689, § 8, eff. January 1, 2013

Effective: January 1, 2013

Currentness

T. C. A. § 54-7-114, TN ST § 54-7-114

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly, eff. through July 1, 2022. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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Part 1. General Provisions

T. C. A. § 54-7-115

§ 54-7-115. Donations; repairs by private persons or entities

Effective: August 14, 2008

Currentness

(a) A county highway department is authorized to receive materials, property, services, funds or supplies for the benefit of the county highway department, which materials, property, services, funds or supplies shall be used or disbursed in good faith in accordance with the terms or conditions of the donation or reimbursement. Funds so received shall be paid into the office of the county trustee, credited to the county highway fund and disbursed according to law as other funds of the county highway department.

(b) The county highway department may adopt a policy to authorize private persons or entities to repair county roads to bring a road damaged by that person or entity up to the condition or standard of the road previous to the damage caused by the private person or entity.

Credits

1990 Pub.Acts, c. 765, § 1.

T. C. A. § 54-7-115, TN ST § 54-7-115

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly, eff. through July 1, 2022. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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Part 1. General Provisions

T. C. A. § 54-7-116

§ 54-7-116. Agreements with state; chief administrative officer; presumption of authority

Effective: August 14, 2008

Currentness

There is created a presumption of law that the chief administrative officer of each county highway department is authorized to sign agreements with the department of transportation on behalf of the county. Once an agreement is executed by the chief administrative officer of the county highway department for any county of the state, the agreement shall be fully binding upon the applicable county. The presumption of law may only be overcome by the provision of notice by the county legislative body that the chief administrative officer of the county highway department does not have the authority to execute these agreements on behalf of the county. The receipt of the notice shall be acknowledged by the department in order to overcome the presumption of law set forth in this section.

Credits

1995 Pub.Acts, c. 263, § 1, eff. May 24, 1995.

T. C. A. § 54-7-116, TN ST § 54-7-116

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly, eff. through July 1, 2022. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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West's Tennessee Code Annotated
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Part 2. Prohibited Acts--Penalties

T. C. A. § 54-7-201

§ 54-7-201. Obstructions

Effective: July 1, 2013

Currentness

(a) The chief administrative officer is authorized to remove or cause to be removed any fence, gate, or other obstruction from the roads, bridges and ditches of the county and to clean out and clear all fences and ditches along or adjacent to the county roads.

(b) Any person who places or maintains an obstacle or obstruction upon the right-of-way of any county road and refuses to remove the obstacle or obstruction upon direction of the chief administrative officer to do so commits a Class C misdemeanor.

(c) It is a Class C misdemeanor to place or cause to be placed any obstruction upon the right-of-way or in the ditches along any county road except that transmission lines, telephone or telegraph lines or poles may be placed on and along the right-of-way of any county road under the direction and with the permission of the chief administrative officer.

(d) Deleted by 2013 Pub.Acts, c. 472, § 3, eff. July 1, 2013.

(e) Notwithstanding any law to the contrary, this section shall apply to all counties.

Credits

1974 Pub.Acts, c. 738, § 13; 1989 Pub.Acts, c. 591, § 113; 2012 Pub.Acts, c. 689, § 9, eff. Jan. 1, 2013; 2013 Pub.Acts, c. 472, § 3, eff. July 1, 2013.

Formerly § 54-1014.

T. C. A. § 54-7-201, TN ST § 54-7-201

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly, eff. through July 1, 2022. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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Part 2. Prohibited Acts--Penalties

T. C. A. § 54-7-202

§ 54-7-202. Machinery and equipment; materials; private use

Effective: January 1, 2013

Currentness

(a) The chief administrative officer shall not authorize or knowingly permit the trucks or road equipment, the rock, crushed stone or any other road materials to be used for any private use or for the use of any individual for private purposes, and the chief administrative officer's failure to see that this subsection (a) is enforced is a Class C misdemeanor.

(b) Any employee of the county road department who uses any truck or any other road equipment or any rock, crushed stone or other road material for that employee's personal use, or sells or gives those things away, shall be immediately discharged.

(c) No truck or other road equipment or any rock, crushed stone or any road material shall be used to work private roads or for private purposes of owners of the roads.

(d) Neither the chief administrative officer nor any other official or employee of the county may use any county vehicle, equipment, supplies or road materials for other than official county road purposes; however, the county governing body has the authority to authorize the county road department to perform work for other governmental entities; provided, that the cost of the projects so authorized is to be reimbursed to the county road department.

(e) A violation of this section is a Class C misdemeanor. Each separate use of the same for other than authorized purposes constitutes a separate offense and is subject to a separate punishment.

(f) Any person whose property is improved by having road material placed on the property in violation of this section shall be liable to suit for the value of the improvement. Any amounts recovered, including all legal fees and other recovery costs, shall go to the county road department.

(g)(1) Notwithstanding this section or any other section to the contrary, at the written request of the appropriate United States postal authority or the appropriate school board or education department, the county may use county vehicles, equipment and supplies to maintain areas for the purpose of providing public school buses and postal vehicles with a route and a turnaround area, even though the areas may not be on the official county road map or part of a public road right-of-way for which the county is responsible. The county shall not maintain the area if it will not be used for that purpose. The county shall obtain written permission from the owner of any property proposed to be used as a turnaround area prior to commencing any work on that property.

(2) The county road department and the appropriate postal authority or school board or education department shall determine prior to commencement of the project whether all or part of the cost of the paving will be reimbursed to the road department.

(3) Deleted by 2012 Pub.Acts, c. 689, § 10, eff. Jan. 1, 2013.

Credits

1974 Pub.Acts, c. 738, § 14; 1989 Pub.Acts, c. 591, § 113; 1991 Pub.Acts, c. 89, § 1; 1999 Pub.Acts, c. 286, § 1; 2012 Pub.Acts, c. 689, § 10, eff. Jan. 1, 2013.

Formerly § 54-1015.

T. C. A. § 54-7-202, TN ST § 54-7-202

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly, eff. through July 1, 2022. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 54-7-203

§ 54-7-203. Adverse or pecuniary interest

Effective: March 30, 2012

Currentness

(a) Neither the chief administrative officer, county highway commissioner, member of the county governing body nor any employee of the county road department shall be financially interested in or have any personal interest, either directly or indirectly, in the purchase of any supplies, machinery, materials, equipment or contractual services for the department or system of roads for the county, nor in any firm, corporation, partnership, association or individual selling or furnishing the machinery, equipment, supplies and materials.

(b) A violation of this section constitutes official misconduct and is a Class C misdemeanor and is grounds for removal from office.

Credits

1974 Pub.Acts, c. 738, § 15; 1980 Pub.Acts, c. 682, § 1; 1989 Pub.Acts, c. 591, § 113; 2012 Pub.Acts, c. 640, § 3, eff. March 30, 2012.

Formerly § 54-1016.

T. C. A. § 54-7-203, TN ST § 54-7-203

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly, eff. through July 1, 2022. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 54-7-204

§ 54-7-204. Withholding state-aid funds

Effective: August 14, 2008

Currentness

If any provision of this chapter is violated in any county, the commissioner of transportation is authorized to withhold state-aid highway system funds due the county until the deficiency has been corrected to the satisfaction of the commissioner.

Credits

1974 Pub.Acts, c. 738, § 16; 1983 Pub.Acts, c. 320, § 5.

Formerly § 54-1017.

T. C. A. § 54-7-204, TN ST § 54-7-204

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly, eff. through July 1, 2022. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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Part 2. Prohibited Acts--Penalties

T. C. A. § 54-7-205

§ 54-7-205. Chief administrative officer; removal

Effective: August 14, 2008

Currentness

(a) “Chief administrative officer,” for the purpose of this section, includes county road commissioners, trustees, road supervisors, or other persons charged with supervision or control of a county road department.

(b) In addition to any proceeding under title 8, chapter 47, the chief administrative officer of a county road department may be removed from office in accordance with this section.

(c) The comptroller of the treasury shall forward a copy of audit reports covering county road departments to the district attorney general having jurisdiction and to the attorney general and reporter. If the audit indicates an apparent violation of any statute or regulation governing the operation of a county road department, including, but not limited to, an apparent violation of any statute or regulation applicable to accounting, budgeting or purchasing procedures, the audit report shall so state.

(d) The district attorney general and the attorney general and reporter shall each review the audit reports and determine if there is sufficient cause for further investigation.

(e) If the investigation indicates willful misfeasance, malfeasance or nonfeasance by the chief administrative officer of the road department, the district attorney general shall proceed, pursuant to title 8, chapter 47, to remove the chief administrative officer of the road department from office.

(f) Any chief administrative officer removed from office on the basis of misfeasance, malfeasance, or nonfeasance under this section shall be ineligible to ever seek the office of chief administrative officer of a county road department in any county.

Credits

1980 Pub.Acts, c. 553, § 1.

T. C. A. § 54-7-205, TN ST § 54-7-205

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly, eff. through July 1, 2022. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text,

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T. C. A. § 54-7-206

§ 54-7-206. Theft; embezzlement

Effective: July 1, 2013

Currentness

(a) Any theft by a chief administrative officer, either directly or indirectly, of county highway or road money shall be punished under § 39-14-105.

(b) If any chief administrative officer charged with the collection, safekeeping, transfer, or disbursement of money or property belonging to the county highway department uses or diverts any part of the money or property by loan, investment, or otherwise, without authority of law, or converts any part of the money or property to the chief administrative officer's own use in any way whatsoever, the chief administrative officer commits embezzlement, and for every act, upon conviction, shall be punished as in the case of larceny, and in addition shall be required to pay to the court an amount equal to the amount embezzled. The amount shall be forwarded by the clerk to the county highway department.

Credits

1988 Pub.Acts, c. 658, § 1; 2013 Pub.Acts, c. 308, § 9, eff. July 1, 2013.

T. C. A. § 54-7-206, TN ST § 54-7-206

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly, eff. through July 1, 2022. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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Part 2. Prohibited Acts--Penalties

T. C. A. § 54-7-207

§ 54-7-207. County highway structure; destruction or defacement; negligence; fines

Effective: July 1, 2013

Currentness

(a)(1) As used in this subsection (a), “county highway structure” includes any county highway, highway facility, building, bridge, overpass, tunnel, barricade, fence, wall, traffic control device, right-of-way, sign or marker of any nature whatsoever erected upon or maintained within or adjacent to a county highway or the county highway right-of-way.

(2) It is an offense for any person who is not authorized to construct or repair a county highway structure to knowingly carve upon, write, paint or otherwise mark upon, deface, rearrange, or alter any county highway structure.

(3) It is an offense for any person who is not authorized to construct or repair a county highway structure to knowingly, in any manner, destroy, damage, knock down, mutilate, mar, steal or remove any county highway structure.

(4) A violation of subdivision (a)(2) or (a)(3) is a Class A misdemeanor.

(5) In addition to any criminal penalty provided by law for a violation of subdivision (a)(2) or (a)(3), there is created a separate civil cause of action for the cost of any damage resulting from such prohibited action.

(6) There is created a civil cause of action for the cost of any damage done whenever a person negligently damages any county highway structure.

(7) Criminal actions prosecuted pursuant to this subsection (a) shall be brought by the district attorney general of the judicial district in which the damage occurred. Civil actions instituted pursuant to this subsection (a) shall be brought by the county attorney or an attorney employed by the chief administrative officer of the county highway department.

(b)(1) Any person who reports information to a law enforcement officer that leads to the apprehension and conviction of a person for a violation of this section shall receive a reward of two hundred fifty dollars (\$250). The county where the conviction occurs shall provide the reward money from the proceeds of the fines collected under this section.

(2) The proceeds from the fines imposed for violations of this section shall be collected by the respective court clerks and then deposited in a dedicated county fund. The fund shall not revert to the county general fund at the end of a fiscal year but shall remain for the vandalism enforcement rewards established in subdivision (b)(1).

(3) Each county shall expend the funds generated by the fines provided for in this section by appropriation for the vandalism enforcement rewards. Excess funds, if any, may be expended for litter control programs on adoption of an appropriate resolution by the county legislative body.

(c) Notwithstanding any law to the contrary, this section shall apply to all counties.

Credits

2013 Pub.Acts, c. 472, § 4, eff. July 1, 2013.

T. C. A. § 54-7-207, TN ST § 54-7-207

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly, eff. through July 1, 2022. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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