



November 19, 2024

Road Law

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Road Law

Private Acts of 1939 Chapter 295

SECTION 1. That in all counties of this State having a population of not more than 29,230, and not less than 29,215, according to the Federal Census of 1930, or any subsequent Federal Census, there is hereby created the office of Superintendent of Public Roads.

SECTION 2. That the qualified voters of said County shall elect a Superintendent of Public Roads for a term of four years at the regular August election 1954 and quadrennially thereafter.

As amended by: Private Acts of 1941, Chapter 145
Private Acts of 1953, Chapter 496

SECTION 3. That said Superintendent of Roads shall be not less than twenty-five years of age, shall have been a resident of said counties for at least five years, shall be well versed in the construction and maintenance of public highways, and shall give all of his time to the faithful performance of the duties of his office.

SECTION 4. That the said Superintendent of Roads, shall, before entering upon the performance of his duties, take and subscribe to an oath and shall enter into bond in the sum of \$5,000.00, for the faithful performance of the duties of his office and to account for and pay over all funds, monies or property that may come into his hands belonging to said counties or to the road funds of said counties. Said bond shall be secured by a reputable surety or indemnity company authorized to do business in the State of Tennessee.

SECTION 5. That said Superintendent of Roads shall receive as compensation the sum of Two Hundred (\$200.00) Dollars per month, payable monthly, on warrant drawn by the County Chairman or County Judge upon the Trustee of said counties, payable out of the road funds or two-cent gas tax funds.

As amended by: Private Acts of 1941, Chapter 145

SECTION 6. That said Superintendent of Roads shall have full control of all public roads in said counties and all road equipment of every kind and character belonging to said counties, shall be charged with the responsibility of all engineering, laying out, locating and construction of any of the road or roads in said counties, and the maintenance and upkeep of all existing roads belonging to said counties.

SECTION 7. That the Superintendent of Roads shall report to the Quarterly County Court, at each term, and file a complete itemized statement of all disbursements, and to whom paid; the respective road on which said amount or amounts, were expended, and for what purpose. Said report shall be sworn to and entered on the minutes of the Court.

SECTION 8. That it shall be the duty of said Superintendent of Roads to keep an accurate account of all expenditures upon the road fund or other funds belonging to said County. Said Superintendent of Roads shall have the right to enter into contracts for the purchase of any equipment, materials or supplies without being required to obtain the consent of the County Chairman or County Judge, and the Trustee of said County is hereby directed to pay warrants drawn by said Superintendent of Roads on any road funds, including the County's pro rata share of the State gasoline fund in the hands of said Trustee, when drawn in satisfaction of any liability created in the construction or maintenance of said County roads. Provided, that said Superintendent of Roads shall not hire employees or issue warrants in excess of budget appropriations, including the County's pro rata share of the State gasoline tax fund (2c [sic] gas tax fund) available to said Counties. Said Superintendent of Roads and the sureties on his bond shall be liable to said Counties for all expenditure or any commitments in excess of budget appropriations for those purposes, including the pro rata of the State gasoline tax fund available to said Counties.

As amended by: Private Acts of 1941, Chapter 145
Private Acts of 1947, Chapter 746

SECTION 9. That all laws or parts of laws in conflict with this Act, be, and the same are, hereby repealed.

SECTION 10. That this Act take effect from and after its passage, the public welfare requiring it.

SECTION 11. That should any section or portion of this amendment be held unconstitutional, the same shall not affect the validity of this Act as a whole or any part thereof other than the part so held to be unconstitutional.

As amended by: Private Acts of 1941, Chapter 145
Passed: February 21, 1939.

Private Acts of 1951 Chapter 591

SECTION 1. That in counties of this State having a population of not less than 35,100 nor more than 35,200, by the Federal Census of 1940, or any subsequent Federal Census, the Quarterly County Court is empowered to levy a tax for county road purposes not to exceed \$0.50 on the \$100.00 worth of assessed property.

SECTION 2. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1951.

Private Acts of 1989 Chapter 66

SECTION 1. The Carter County Highway Department, with the approval of the Carter County Legislative Body, is authorized to receive donations of money, property, or supplies or other gifts shall be used or disbursed in good faith in accordance with the terms or conditions of such donations or gifts. Any funds so received from such donations or gifts 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.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Carter County. Its approval or non-approval shall be proclaimed by the presiding officer of the County Legislative Body of Carter County and certified by him to the Secretary of State.

SECTION 3. For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: April 20, 1989.

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