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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,

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Road Law

Private Acts of 1943 Chapter 436

SECTION 1. That in all counties having a population of not less than 24,650 nor more than 24,665 by the 1940 Federal Census or any subsequent Federal Census, there shall be elected at the regular election in August 1944 by the qualified voters of said county a road superintendent who shall hold his office for a period of four (4) years and until his successor shall be elected and qualified. Until September 1, 1944, Brownlow Leach, Jr., is named as road superintendent.

Before entering upon his duties as such superintendent of roads whether appointed to fill a vacancy or elected for a full term, he shall execute a bond in the sum of \$50,000.00 conditioned upon the faithful performance of his duties as such, and if such bond be executed with a corporate surety, the premium therefor may be paid from road funds. The superintendent shall be paid the sum of \$10,000.00 per annum, payable monthly from highway funds, and said road superintendent shall be allowed a maximum of \$814.52 per month for clerical hire.

As amended by: Private Acts of 1979, Chapter 57
Private Acts of 1981, Chapter 20
Private Acts of 1982, Chapter 265

There is hereby created the office of Assistant Clerk to the Claiborne County Road Superintendent who shall be a legal resident of Claiborne County. Such Assistant Clerk shall be appointed by the County Road Superintendent and shall hold office at the will and pleasure of such Road Superintendent. The salary of the Assistant Clerk to the County Road Superintendent shall be \$758.36 a month payable monthly from county funds. Such Assistant Clerk shall perform such duties as shall be designated and appointed to the Assistant Clerk by the County Road Superintendent.

As amended by: Private Acts of 1979, Chapter 58
Private Acts of 1981, Chapter 20
Private Acts of 1982, Chapter 265

The road superintendent shall have charge of the handling of all road funds in counties to which this Act applies, made available to them by the Quarterly County Court under the Budget Law, Chapter 559 of the Private Acts of 1939, and shall generally supervise, build, maintain and construct the roads in said counties and keep the same in repair and shall be vested with authority to cooperate with the Department of Highways and Public Works of the State. They shall not enter into any contract in any fiscal year exceeding the funds available for such year nor shall the superintendent of roads expend more funds in any fiscal year than the reasonably anticipated revenues for highway purposes. Any violation of this provision shall subject the superintendent of roads to ouster and shall likewise be a felony for which he may be punished criminally.

He shall have charge of the expenditure of the general road funds of such County as set up in the budget adopted by the Quarterly County Court as provided in the Budget Law, Chapter 559 of the Private Acts of 1939, for the purpose of building, maintaining and repairing such road and in expending the same he shall distribute the funds as nearly as possible in the different sections of the County. All payments made by the superintendent of roads shall be made out on warrants signed by the superintendent of roads, such warrants being drawn on the County Trustee. It shall be the duty of the Superintendent to make a detailed itemized report of all receipts and expenditures, which reports shall be made to each regular term of the Quarterly County Court of such County at least five days before the date fixed by law for such meeting of the said Quarterly County Court.

That in said counties there is hereby created the office of Clerk to the County Road Superintendent who shall be a legal resident of Claiborne County. This Clerk shall be appointed by the County Road Superintendent and shall hold office at the will and pleasure of the County Road Superintendent. The salary of the Clerk to the County Road Superintendent shall be a \$125.00 a month payable monthly from any road funds of the county to which this Act applies, whether made available to the County Road Superintendent by action of the Quarterly County Court of such counties or from gas tax monies provided for such counties by the State of Tennessee.

The said Clerk to the County Road Superintendent shall perform such duties as shall be appointed to the Clerk by the County Road Superintendent.

All Warrants and purchase orders issued by the Superintendent of Roads shall be countersigned by the County Judge and no Warrant or purchase order shall be issued for any purposes except upon certification by the County Judge that the Road Superintendent has on hand currently sufficient funds to pay said Warrants, and it shall be the duty of the County Judge to maintain such records and to keep account of

the funds of the Office of County Road Superintendent so that he will be able to determine whether or not there are sufficient current funds available to pay any particular warrants issued by the County Road Superintendent. All purchases made by the Superintendent of Roads in excess [sic] of the sum of Five Hundred Dollars (\$500.00) must be let on competitive sealed bids and it shall be the duty of the Superintendent of Roads to advertise all purchases in excess of Five Hundred Dollars (\$500.00), at least one (1) time in the County newspaper, at least ten (10) days before said purchase is to be made. It is hereby declared to be a misdemeanor for any public official to fail to carry out the duties of this office as set forth above and upon conviction thereof he shall be fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00).

As amended by:

- Private Acts of 1947, Chapter 125
- Private Acts of 1949, Chapter 342
- Private Acts of 1951, Chapter 58
- Private Acts of 1953, Chapter 319
- Private Acts of 1961, Chapter 199
- Private Acts of 1967-68, Chapter 144
- Private Acts of 1972, Chapter 334
- Private Acts of 1974, Chapter 214
- Private Acts of 1978, Chapter 208

SEC. 2. That each section, subdivision, paragraph and sentence of this Act is hereby declared to be a separate and independent portion hereof, and the invalidity of any section, subdivision, sentence or paragraph hereof shall not affect any other portion of this Act.

SEC. 3. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 10, 1943.

Source URL: <https://www.ctas.tennessee.edu/private-acts/road-law-9>