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# Private Acts of 1961 Chapter 238

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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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## Private Acts of 1961 Chapter 238

**SECTION 1.** That it shall be unlawful for any person to equip or operate inside any county of this State having a population of not less than 227,905 nor more than 240,523, according to the Federal Census of 1960, or any subsequent Federal Census, any motor vehicle with a high frequency police radio receiving set, unless such vehicle is being used by the Federal, State, Municipal or County government, a peace officer, or unless a permit for the use of the same shall have been granted as hereinafter prescribed.

**SECTION 2.** That any person desiring a permit from the Sheriff of said county or counties to operate a high frequency police radio receiving set in a motor vehicle inside the county shall file an application with that County Sheriff in writing, stating the name of the applicant, the license number, engine number, model and make of the motor vehicle in which it is desired to install such set and shall furnish a photograph of applicant and his finger-prints. The application shall also state the reason why it is desired to install said set. If the Sheriff finds that the set will be used for a lawful purpose, and that the public interest will be served by a granting of the application, he shall issue a permit for installation and use of the set upon payment of an application fee of \$10.00. An application must be filed and a new permit must be secured for each year during any part of which a high frequency police radio receiving set is used. Each permit shall be good for one year from date of issuance, but may at any time be revoked by the Sheriff upon written or oral notice. The application fee shall be paid into the county general fund.

**SECTION 3.** That any permit issued under the provisions of Section 2 hereof shall not be transferable to any other person, and any high frequency police radio receiving set authorized to be installed and used by any such permit shall not be placed in any motor vehicle other than the one described in the application for said permit without first obtaining a permit from the County Sheriff for the removal of said set to the other motor vehicle. No fee shall be charged for such removal permit. In case of a change in license number of any motor vehicle in which a high frequency police radio receiving set has been permitted under this Act, the owner of said vehicle shall notify the Sheriff of such change within five (5) days after the change is made.

**SECTION 4.** That no person shall, within the county or counties to which this Act applies, intercept any message emanating through the medium of any radio network of the police departments, Sheriff's office, or any other legally constituted law enforcement agency, or divulge or publish the existence, contents, substance, purpose, effect or meaning of such intercepted communication, and no person not being entitled thereto shall receive or assist in receiving any such message and use the same, or any information therein contained, for his own benefit or for the benefit of another person.

**SECTION 5.** That it shall be a violation of this Act for any licensed auto wrecker operator to have in his place of business, or for any auto wrecker to be equipped with, any radio set capable of receiving signals or broadcasts on the frequencies allocated for police and law enforcement use.

**SECTION 6.** That it shall be unlawful for the operator of any motor vehicle, other than law enforcement and fire department officers in the line of duty, to follow up and answer police radio calls, or to in any way interfere with law enforcement officers answering such radio police calls.

**SECTION 7.** That definitions as used in this Act are as follows:

(a) High Frequency Police Radio Receiving Set. A high frequency police radio receiving set shall be any radio receiving set capable of receiving any message sent out by any police radio station.

(b) Person. The word "person" shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, club, co-partnership, society or any other organization.

**SECTION 8.** That any violations of this Act shall be punished as provided in Section 39-3113 of the Tennessee Code Annotated. Each person shall be deemed guilty of a separate offense for each day during any portion of which any violations of the provisions of this Act are committed, continued or permitted.

**SECTION 9.** That this Act is supplemental to and in support of Sections 39-3111--39-3114 of the Tennessee Code Annotated, and nothing in this Act shall be construed to repeal or in any way amend said Sections 39-3111--39-3114, anything in this Act to the contrary notwithstanding.

**SECTION 10.** That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

**SECTION 11.** That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the county council or Quarterly County Court of any county to which it may apply,

on or before the next regular meeting of said county council or Quarterly County Court of said county occurring more than thirty (30) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

**SECTION 12.** That this Act shall take effect from and after its passage for the purpose of validating same as provided in Section 11 above, and for all other purposes, on and after May 1, 1961, the public welfare requiring it.

Passed: March 9, 1961.

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