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Private Acts of 1921 Chapter 538

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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SECTION 1. That for the purpose of this Act, the improved public roads shall include those roads commonly known as pike roads, have been or shall hereafter be improved by the use of funds arising from bond issues or better special funds for the improvement of such roads, including all macadamized, hard surface, or graded roads.

SECTION 2. That it shall be unlawful for any person, firm or corporation to operate or transport any vehicle whether motor driven or not, upon any of the improved public roads or bridges within the Counties to which this Act applies which vehicle and its load combined, shall weigh more than five tons except as hereinafter provided, and this tonnage shall include also, any trailers as part of said vehicle and its load, which are drawn close enough to the main vehicle or propelling power to admit of both or all being on the same span of any bridge at the same time.

SECTION 3. That any person, firm or corporation, who desires to transport heavier load than that provided in Section 2 of this Act, shall make application to the Board of Public Road Commissioners for a special permit to transport such load or loads over any of the said improved roads in said Counties. The application shall be made in writing and specified as nearly as possible. The extent of such transportations desired and on what roads. When such applications is made, the Board of Public Road Commissioners shall have the power in their discretion to issue such permit in writing, stating what roads and what tonnage may be used, any transported and for what length of time provided the person, firm or corporation making application for such permit shall keep the roads and bridges thus used by them in as good repair as when the permit was granted, and in addition shall make a monthly report on oath to the County Court Clerk of the number of days, or parts of days such heavy vehicles shall have been operated on said road or roads, during the preceding month, and pay to the said Clerk, in addition to other taxes now required by law, a special privilege tax of \$1.00 per day or part of day, for each vehicle operated, carrying a tonnage of more than five tons, which special privilege tax shall be paid by the Clerk into the pike roads repair fund of the County to be used by the Board of Public Roads Commission in the repair of the pike roads in the County. Said report shall be filed and said tax aid not later than the 5th day of the succeeding month. Said Commissioners may revoke said permit at any time.

SECTION 4. That it shall be unlawful for any person, firm or corporation, to use or operate any vehicle, upon any hard surfaced road or macadamized road in said Counties with such corrugations, cleats or rough surface on the tires as will injure the said road surface.

SECTION 5. That it shall be unlawful for any vehicle, the combined weight of which and its load shall exceed three tons to be used upon any of the said roads immediately after a hard freeze and a thaw comes and breaks the land and softens the road or after a hard rain which softens the road bed, until the roads shall have had time to settle back to their usual strength and normal condition. And that its shall be unlawful for any Motor Truck the combined weight of which and its load shall exceed three tons, to be used upon any of said roads between December fifteenth and April fifteenth following of each and every year.

As amended by: Private Acts of 1925, Chapter 384. .

SECTION 6. That all persons, firms or corporations operating a regular daily line of passenger traffic with motor driven vehicle or vehicles, over any of said roads, in addition to other taxes now required by law, a special monthly privilege tax of \$1.00 per month for each seat according to the seating capacity of such vehicle operated at any time during the month and the person, firm or corporation operating such line, shall make their report on oath to the County Court Clerk, and pay the said taxes not later than the 5th day of each succeeding month and said taxes shall be paid over by the Clerk into the pike road repair fund of the County to be used as other pike repair funds.

SECTION 7. That all persons, firms or corporations, who violate any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than \$25.00 nor more than \$50.00 for each offense. Which fine shall be paid into the pike road repair fund of said County to be used as other repair funds in the repair of said pike roads. They shall also be liable to the County for damage for transporting excessive loads over the said roads in violation of this Act, which shall include any actual damage to the said roads and such punitive damages as the jury may think proper under the circumstances, and the Court may, in its discretion, revoke the license of such person, firm or corporation, obtained for the purpose of operating such vehicles, as has been run in violation of this Act.

SECTION 8. That the provisions of this Act shall not apply to the moving of engines and threshing machines used for threshing purposes, nor to machinery or vehicles and their loads used in the construction or repairing of roads in the County.

SECTION 9. That this Act shall apply only to Counties having a population of not less than 36,000 nor

more than 37,000 according to the Federal Census of 1920, or any subsequent Federal Census, nor shall it apply within the limits of incorporated towns within the Counties affected by this Act.

SECTION 10. That it shall be the duty of the sheriff, deputy sheriffs and constable of the County to apprehend all violation of this Act, and to see that the criminal provisions hereof, are enforced and to this end in case such officer has a well grounded belief that an excessive load is being transported in violation of this Act, he may require that the load be weighed at the most convenient place, and if it cannot be done at a more convenient place, the officer may require the load to be taken to the nearest scales belonging to the County for that purpose, and it shall be a misdemeanor for any person in charge of said vehicle or load to refuse to transport it to the place of weighing.

SECTION 11. That the declaring of any section of this Act to be unconstitutional by the Courts of the State shall not invalidate the remainder of this Act.

SECTION 12. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 29, 1921.

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