



County Technical Assistance Service

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Private Use of County Road Equipment and Materials Prohibited

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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 e-Li material.

Sincerely,

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Private Use of County Road Equipment and Materials Prohibited

Reference Number: CTAS-650

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. 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. 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. T.C.A. § 54-7-202(a) - (c). A violation of this statute 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. T.C.A. § 54-7-202(e). See *State ex rel. Leech v. Wright*, 622 S.W.2d 807, 817 (Tenn. 1981) ("The statute prohibits private use unequivocally, without mention of compensation and it follows that such use violates the statute, with or without compensation."); *State v. Keck*, 1997 WL 254228, *21 (Tenn.Crim.App. 1997) ("We note that regardless of the Defendant's good intentions, the statute clearly states that county equipment and materials shall not be authorized for private use. Whether the Defendant received any personal compensation or benefit is irrelevant."). See also Op. Tenn. Atty. Gen. 03-088 (July 15, 2003) (under the County Uniform Highway Act, the chief administrative officer of the county is specifically prohibited from authorizing or knowingly permitting the use of trucks, road equipment, rock, crushed stone or any other road material for private uses).

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