

**COUNTY UNIFORM HIGHWAY LAW**  
(T.C.A. §§ 54-7-101 through 54-7-206)

**NOTE:** This paper includes the current text of the County Uniform Highway Law following the 2003 legislative session with notes added for clarity. The laws have the potential to change each year. Before relying on these materials, you should consult with your county attorney or CTAS to verify that there have been no changes. Also note that there are numerous other provisions of law that affect highway officials scattered throughout the Tennessee Code which are not included in this paper.

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**PART 1 - GENERAL PROVISIONS**

**54-7-101. Title.** This chapter shall be known and may be cited as the "Tennessee County Uniform Highway Law."

**54-7-102. Application of chapter.**

(a) The provisions of this chapter apply to all counties of the state, except those counties having populations of not less than two hundred thousand (200,000) [Davidson, Hamilton, Knox, Shelby] according to the United States census of 1970 or any subsequent federal census

(b) However, all counties, except those of not less than two hundred thousand (200,000), shall be subject to and not be exempted from all amendments to this chapter as amended by the Public Acts of 1980.

**54-7-103. "Chief administrative officer" defined.** For purposes of this chapter, "chief administrative officer" is defined as a county road superintendent, county road supervisor, director of public works, county engineer, or similar county highway official either elected or appointed pursuant to the provisions of any general or private act of this state.

**54-7-104. Tennessee highway officials certification board.**

(a)(1) Subject to the provisions of subdivision (a)(7), there is hereby created and established the Tennessee highway officials certification board, hereinafter referred to as the "board," which shall be composed of five (5) members as follows:

- (A) One (1) member appointed by the secretary of state;
- (B) One (1) member appointed by the director of the Tennessee chapter of the American Public Works Association;
- (C) One (1) member appointed by the Governor from a list of nominees submitted by the representative professional engineering society of the state;
- (D) One (1) member appointed by the comptroller of the treasury; and
- (E) One (1) member appointed by the executive director of the Tennessee county services association.

(2) The board has and shall exercise the power to review the qualifications of all candidates for both elected and appointed positions as chief administrative officer of the county or metropolitan government departments which build and maintain the roads of the county. Candidates for this office in counties where the position is filled by popular election shall file affidavits and such other evidence as the board shall require with the board not later than fourteen (14) days prior to the qualifying deadline for candidates in the election. After review of the qualifications and the standards required for that county, the board shall certify to the coordinator of elections, who shall forward such certification to the appropriate county election commission, that a candidate's qualifications are acceptable prior to the candidate's name being placed on the ballot. A certificate of qualification from the board must be filed with the candidate's qualifying petition prior to the qualifying deadline. Candidates for this office in the counties where the position is appointed shall also file evidence satisfactorily demonstrating that they meet the qualifications to hold the office with the board prior to appointment to the office.

(3) Members of the board shall serve for a term of two (2) years. The appointee representing the secretary of state shall serve as the chair of the board. Upon the death, resignation, or removal of any appointive member, a replacement shall be appointed by the party representing the same area of interest as the member whose position has been vacated to fill the unexpired term of such member. The terms of the members of the board shall begin on July 1, 1997.

(4) No chief administrative officer of a county or metropolitan highway department shall be appointed to the board if that person may become subject to reelection or reappointment as a chief administrative officer during that person's term of service on the board.

(5) The board shall only meet as is necessary to fulfill its duties. All materials or correspondence submitted to the board shall be received through the office of the coordinator of elections, who shall forward the materials or correspondence to the board. The board shall keep complete and accurate records of the proceedings of all its meetings, a copy of which shall be kept on file in the office of the coordinator of elections and open to public inspection.

(6) Subject to the approval of the secretary of state, the board may promulgate rules to be followed by persons wishing to submit themselves for certification as qualified to seek the office of the chief administrative officer of the county or metropolitan highway department. The board shall

submit any such promulgated rules pertaining to such qualifications for the office of chief administrative officer to the administrator of elections of each affected county election commission who shall publish such rules in a local newspaper with general circulation in the county at least sixty (60) days before the qualifying deadline for either the primary or general election, or appointment by the legislative body of the county.

(7) Subsection (a) and subdivision (b)(1)(A) do not apply in counties having populations, according to the 1990 federal census, or any subsequent federal census, of

<u>not less than</u>	<u>nor more than</u>
67,600	67,900 [Wilson]
80,000	83,000 [Williamson]

or in counties having a metropolitan form of government and a population in excess of one hundred thousand (100,000) [Davidson], according to the 1990 federal census or any subsequent federal census.

(b)(1)(A) Except as provided in subdivisions (b)(1)(B) and (b)(1)(C), in each county of the state, in order to qualify for the office of the chief administrative officer of the county or metropolitan government departments which build and maintain the roads of the county, a person shall be a graduate of an accredited school of engineering, with at least two (2) years' experience in highway construction or maintenance or be licensed to practice engineering in Tennessee; or shall have had at least four (4) years' experience in a supervisory capacity in highway construction or maintenance; or a combination of education and experience equivalent to either of the above, as evidenced by affidavits filed with the Tennessee highway officials certification board. In no event shall the chief administrative officer have less than a high school education or a general equivalency diploma (GED).

(B)(i)The provisions of this subsection (b) do not apply to any chief administrative officer incumbent in office on April 5, 1974, or to any candidate for any such office qualifying for or being elected to any such office in 1974.

(ii)The provisions of this subsection (b) do not apply to chief administrative officers incumbent in office on February 6, 1976, in counties having a population of not less than fifty-six thousand two hundred (56,200) nor more than fifty-six thousand three hundred (56,300) [Sumner] according to the 1970 federal census or any subsequent federal census; furthermore, such incumbent officers may succeed themselves in office.

(iii)The provisions of this subsection (b) do not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
6,700	6,950 [Hancock]
9,275	9,400 [Jackson]
27,500	27,750 [Carroll]

(C)(i) The following provisions apply in counties having populations:

not less than  
67,600  
80,000

nor more than  
67,900 [Wilson]  
83,000 [Williamson]

or in counties having a metropolitan form of government and a population in excess of one hundred thousand (100,000) [Davidson], according to the 1990 federal census or any subsequent federal census.

(ii) In each county of the state, in order to qualify for the office of the chief administrative officer of the county or metropolitan government departments which build and maintain the roads of the county, a person shall be a graduate of an accredited school of engineering, with at least two (2) years' experience in highway construction or maintenance or be licensed to practice engineering in Tennessee; or shall have had at least four (4) years' experience in a supervisory capacity in highway construction or maintenance; or a combination of education and experience equivalent to either of the above, as evidenced by affidavits filed with the appointing authority or with the state coordinator of elections, when the chief administrator is an elected official. In no event shall the chief administrative officer have less than a high school education or a general equivalency diploma (GED). In the case of elected officials, candidates shall file affidavits and such other evidence as the state coordinator of elections may require with the state coordinator of elections not later than fourteen (14) days prior to the qualifying deadline for candidates in the election. The state coordinator of election shall certify to the county election commission that a candidate's qualifications are acceptable prior to the candidate's name being placed on the ballot, and such certificate of qualification must be filed with a candidate's qualifying petition prior to the qualifying deadline. Subject to approval by the secretary of state, the state coordinator of elections may promulgate rules to be followed by persons wishing to submit themselves for certification as qualified to seek the office of chief administrative officer of the county highway department.

(2) In counties having the following populations according to the 1970 federal census or any subsequent federal census:

not less than  
6,500  
12,350

nor more than  
6,700 [Clay, Perry]  
12,400 [Wayne, Bledsoe, Stewart]

the sole educational and/or experience qualification for the office of the chief administrative officer of the county or metropolitan government departments which build and maintain the roads of a county shall be a high school education or general equivalency diploma (GED).

(3) [Deleted by amendment - 2001 Public Chapter 193 - effective July 1, 2001].

(4) The provisions of this subsection do not apply in any county having a population of not less than eight thousand six hundred fifty (8,650) nor more than eight thousand seven hundred fifty (8,750) [Stewart] according to the 1980 federal census or any subsequent federal census. In such county the qualifications for such chief administrative officer shall be at least four (4) years' experience in a supervisory capacity in highway construction or maintenance.

(5) The provisions of this subsection do not apply to any county having a population of not less than fifteen thousand six hundred seventy-five (15,675) nor more than fifteen thousand seven hundred seventy-five (15,775) [Macon] according to the 1980 federal census or any subsequent federal census.

(6) In any county having a population of not less than forty-four thousand five hundred

(44,500) and not more than forty-five thousand (45,000) [Hawkins] according to the 1990 federal census or any subsequent federal census, the sole educational and/or experience qualification for the office of chief administrative officer of the county or metropolitan government departments which build and maintain the roads of the county shall be a high school education or general equivalency diploma (GED).

(7) In any county having a population of not less than twenty-six thousand one hundred (26,100) nor more than twenty-six thousand four hundred (26,400) [Claiborne] according to the 1990 federal census or any subsequent federal census, if only one (1) candidate meeting the minimum qualifications in subdivision (a)(1) for chief administrative officer has filed to qualify for election to such office prior to the qualifying deadline or the only qualified candidate legally withdraws, then the county election commission shall extend the qualifying deadline for ten (10) days. During such ten-day period, a candidate, who meets the minimum requirements of a high school education or a general equivalency diploma (GED), may qualify for election to the office of chief administrative officer of the county department which builds and maintains the roads of such county.

(8) [Deleted effective January 1, 1999].

(9) In any county having a population of not less than thirty-seven thousand one hundred (37,100) nor more than thirty-seven thousand four hundred (37,400) [Dyer] according to the 2000 federal census or any subsequent federal census, the sole educational and experience qualification for the office of the chief administrative officer of the county department which builds and maintains roads of the county shall be a high school education or general equivalency diploma (GED).

(c) Incumbent chief administrative officers on April 5, 1974, shall be able to succeed themselves in office without limitation as to the number of terms.

(d) Any provision in this section requiring a chief administrative officer to have a high school diploma or general equivalency diploma (GED) shall only be deemed to be satisfied if the candidate for office can demonstrate that the candidate has obtained a high school diploma or its equivalent in educational training as recognized by the Tennessee state board of education.

#### **54-7-105. Term of office.**

(a) Any chief administrative officer elected or appointed after April 5, 1974, shall serve for a term of four (4) years. Elected chief administrative officers shall take office on September 1, following their election.

(b) The provisions of this section shall not apply in counties of this state having populations of not less than thirty-five thousand four hundred fifty (35,450) nor more than thirty-five thousand four hundred seventy-five (35,475) [McMinn] according to the United States census of 1970 or any subsequent federal census. The provisions of this section shall not apply to counties with the metropolitan form of government.

(c) In counties having a population of not less than twenty-seven thousand seven hundred fifty (27,750) nor more than twenty-eight thousand two hundred (28,200) [Tipton, Henry, Lincoln, Bedford, Hardeman, Marion] according to the 1970 federal census or any subsequent federal census, and having appointed chief administrative officers, the appointed chief administrative officers shall serve at the pleasure of the county governing body which appointed them; or the county legislative body or other county governing body may enter into a personal services contract with the appointed chief administrative officer, not to exceed a term of four (4) years.

(d) The provisions of this section shall not apply to any counties having populations of not less than forty-seven thousand eight hundred seventy-one (47,871) nor more than forty-eight thousand (48,000) [Gibson] according to the United States census of 1970 or any subsequent federal

census.

**54-7-106. Salary of chief administrative officer.**

(a) In the event two (2) or more chief administrative officers are duly elected or appointed with equal duties, the compensation provided in this section shall be divided equally between them.

(b) The county legislative body of each county may at any time increase or decrease the salary of the chief administrative officer of the county highway department so long as the salary is maintained as specified in § 8-24-102.

**54-7-107. Vacancies in office of chief administrative officer.** If a vacancy occurs in the office of the chief administrative officer, a qualified successor shall be chosen in the manner specified by law.

**54-7-108. Oaths of office - Bond required.**

Before entering into the discharge of official duties, the chief administrative officer shall take and subscribe to an oath in writing before the county clerk that the chief administrative officer will perform with fidelity the duties of the office of chief administrative officer, and shall enter into a bond of one hundred thousand dollars (\$100,000) as set forth in § 54-4-103.

**54-7-109. Duties of chief administrative officer.**

(a) The chief administrative officer, except in those counties with elected road commissioners or county councils wherein the general control and authority provided by this subsection shall remain as is provided by private or general act, shall be the head of the county highway department and shall have general control over the location, relocation, construction, reconstruction, repair and maintenance of the county road systems of the county, including roads designated as county roads under § 13-3-406, and including bridges and ferries, but not including roads and bridges under the supervision of the department of transportation; provided, that in counties having a population of:

<u>not less than</u>	<u>nor more than</u>
12,550	12,600 [Fentress]
13,600	13,700 [Morgan, Polk, Union]
14,800	14,900 [Overton, Fentress]
60,250	60,350 [Anderson]

according to the 1970 federal census or any subsequent federal census, the county road system shall not include roads designated as county roads under § 13-3-406.

(b) It is the duty of the chief administrative officer to employ a qualified secretary and other office personnel as required to handle all correspondence, maintain accurate records of receipts and expenditures, equipment, supplies, materials, maintenance performed, and other items necessary for the operation of the county highway department.

(c) The chief administrative officer is authorized to determine the total number of employees of the county highway department, to determine personnel policies, hours of work, to establish job classifications, and to establish policies and wages within the classifications. The compensation established by the chief administrative officer should be in keeping with that paid for similar services in the county and surrounding area.

**54-7-110. Employment of legal counsel.**

(a) The chief administrative officer shall be empowered to employ legal counsel or to solicit the use of legal counsel retained by the county to prosecute or defend litigation caused by or necessary to the operation of the county highway department.

(b) In those counties with road commissioners or county councils, the general control and authority provided by this section for the chief administrative officer shall remain as provided by private or general act.

**54-7-111. Annual work program - Priorities for proposed work.**

(a) The chief administrative officer shall have prepared and submit to the county legislative body or other governing body and to the department of transportation an annual work program to be financed under the state-aid highway system program.

(b) The priorities for proposed work contained in the annual work program shall be established, taking into consideration the degree of deficiencies in the structural condition, capacity and safety of existing roadway, traffic volume and desirable level of service necessary for schools, religious institutions, industry, recreational facilities and other major uses.

**54-7-112. Safeguarding and inventory of machinery and equipment - Enforcement.**

(a) The chief administrative officer has supervision and control over and is responsible for all the machinery, equipment, tools, supplies and materials owned or used by the county in the construction, reconstruction, repair and maintenance of the county roads and bridges. The chief administrative officer shall make or cause to be made a complete inventory of all machinery, equipment, tools, supplies, and materials and file copies of the complete inventory with the county governing body, and the chief executive officer of the county within sixty (60) days after taking office, and thereafter a revised current inventory shall be submitted effective July 1 of each year. The revised inventory shall be submitted by September 1 of each year.

(b) All machinery, equipment and tools shall be plainly marked as the property of the county road department and each item shall be numbered and the number entered on the inventory filed by the chief administrative officer. It is the duty of the chief executive officer of the county to examine the inventories for compliance with this provision and upon the chief executive officer's determination that the inventory does not comply with the requirements of this chapter, the chief executive officer shall cause to be withheld from the chief administrative officer any funds due the chief administrative officer until the chief administrative officer complies with this provision.

(c) The inventory filed by the chief administrative officer shall be maintained and made available to the comptroller of the treasury for audit purposes.

**54-7-113. Receipt and disbursement of funds - Public advertisement and competitive bidding - Chart of accounts.**

(a) All funds received by any person for the county for road or highway purposes shall be promptly deposited with the county trustee and shall be expended only upon disbursement warrant drawn upon the trustee in accordance with law.

(b) Expenditures of funds for the operation of the county road department shall be made within the limits of the approved budget and the appropriations made for the department, in accordance with law.

(c)(1) Except as provided in subdivision (c)(3), all purchases by or for a county road

department or by a chief administrative officer shall be by public advertisement and competitive bid, except as follows:

(A) Purchases costing less than five thousand dollars (\$5,000); provided, that this exemption does not apply to purchases of like items which individually cost less than five thousand dollars (\$5,000), but which are customarily purchased in lots of two (2) or more, if the total purchase price of such items would exceed five thousand dollars (\$5,000) during any fiscal year;

(B) Repair of heavy road building machinery or other heavy machinery for which limited repair facilities are available; and

(C) Purchases of any supplies, materials, or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work; but such emergencies shall not include conditions arising from neglect or indifference in anticipating normal needs. A report of such emergency purchases shall be kept, specifying each purchase, the amount paid, the items purchased, from whom the items were purchased, and the nature of the emergency.

(D) All purchases costing less than five thousand dollars (\$5,000) by or for a county road department or by a chief administrative officer may be made in the open market without newspaper notice, but shall, wherever possible, be based upon at least three (3) competitive bids.

(2) Except as provided in subdivision (c)(3), all leases or lease-purchase arrangements requiring payments of five thousand dollars (\$5,000) or more, or which are made or are automatically extendable, for periods of more than ninety (90) days, shall be entered into only after public advertisement and competitive bidding.

(3) This subsection does not have the effect of repealing existing statutes, including private acts, which establish purchasing provisions for a county road department; but no county road department shall be required to publicly advertise and competitively bid purchases of five thousand dollars (\$5,000) or less even if such bids are now required by public or private act. The provisions of this subsection apply to all counties of the state of Tennessee except counties of population of two hundred thousand (200,000) or more [Shelby, Davidson, Knox, Hamilton] according to the 1970 census, whether or not excluded from the provisions of this chapter.

(d) A chart of accounts shall be kept by the chief administrative officer in conformity with a uniform chart of accounts developed and prescribed by the comptroller of the treasury in accordance with §§ 5-8-501--5-8-504.

#### **54-7-114. Agreements with adjoining counties.**

Notwithstanding any provision of the law to the contrary, a chief administrative officer of a highway department of a county containing and physically divided by a United States government corps of engineers dam and reservoir project of thirty-four thousand (34,000) acres, or more, may sell to, or purchase from, any adjoining county, at actual cost any road products for use on the public roads, and may contract with any adjoining county to maintain roads, or a portion of the roads, under the chief administrative officer's jurisdiction.

#### **54-7-115. Authorization to receive materials, property, services, funds or supplies for benefit of county highway department - Road repairs by private persons and entities.**

(a) A county highway department is authorized to receive materials, property, services, funds or supplies for the benefit of the county highway department, which materials, property, services, funds or supplies shall be used or disbursed in good faith in accordance with the terms or conditions

of such donation or reimbursement. Any funds so received 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.

(b) The county highway department may adopt a policy to authorize private persons or entities to repair county roads to bring a road damaged by that person or entity up to the condition or standard of the road previous to the damage caused by the private person or entity.

**54-7-116. Authorization to sign contracts.** There is hereby created a presumption of law that the chief administrative officer of each county highway department is authorized to sign agreements with the Tennessee department of transportation on behalf of the county. Once an agreement is executed by the chief administrative officer of the county highway department for any county of the state, the agreement shall be fully binding upon the applicable county. Such presumption of law may only be overcome by the provision of notice by the county legislative body that the chief administrative officer of the county highway department does not have the authority to execute such agreements on behalf of the county. The receipt of such notice must be acknowledged by the Tennessee department of transportation in order to overcome the presumption of law set forth above.

## **PART 2 - PROHIBITED ACTS - PENALTIES**

### **54-7-201. Obstruction of roads, bridges and ditches - Penalty - Removal.**

(a) The chief administrative officer is authorized to remove or cause to be removed any fence, gate, or other obstruction from the roads, bridges and ditches of the county and to clean out and clear all fences and ditches along or adjacent to the county roads.

(b) Any person who places or maintains an obstacle or obstruction upon the right-of-way of any county road and refuses to remove such obstacle or obstruction upon direction of the chief administrative officer to do so commits a Class C misdemeanor.

(c) It is a Class C misdemeanor to place or cause to be placed any obstruction upon the right-of-way or in the ditches along any county road except that transmission lines, telephone or telegraph lines or poles may be placed on and along the right-of-way of any county road under the direction and with the permission of the chief administrative officer.

### **54-7-202. Private use of equipment and materials prohibited - Penalty - Work for governmental entities authorized.**

(a) The chief administrative officer shall not authorize nor 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, and the chief administrative officer's failure to see that this provision is enforced is a Class C misdemeanor.

(b) Any employee of the county road department who shall use any truck or any other road equipment or any rock, crushed stone or other road material for that employee's personal use, or sell or give away the same, shall be immediately discharged.

(c) 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 thereof.

(d)(1) Neither the chief administrative officer nor any other official or employee of the county may use any county vehicle, equipment, supplies or road materials for other than official county road purposes.

(2) However, the county governing body has the authority to authorize the county road

department to perform work for other governmental entities; provided, that the cost of the projects so authorized is to be reimbursed to the county road department.

(e) A violation of this section 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.

(f) Any person whose property is improved by having road material placed thereon in violation of this provision shall be liable to suit for the value of such improvement; any amounts recovered, including all legal fees and other recovery costs, shall go to the county road department.

(g)(1) Notwithstanding the provisions of this section or any other section to the contrary, at the written request of the appropriate United States postal authority or the appropriate school board or education department, the county may use county vehicles, equipment and supplies to maintain areas for the purpose of providing public school buses and postal vehicles with a route and a turnaround area, even though such areas may not be on the official county road map or part of a public road right-of-way for which the county is responsible. The county shall not maintain any such area if it will not be used for such purpose. The county shall obtain written permission from the owner of any property proposed to be used as a turnaround area prior to commencing any work on that property.

(2) The county road department and the appropriate postal authority or school board or education department shall determine prior to commencement of the project whether all or part of the cost of such paving will be reimbursed to the road department.

(3) The provisions of this subsection do not apply in any county with a population of four hundred thousand (400,000) or more [Davidson and Shelby], according to the 1990 federal census or any subsequent federal census.

**54-7-203. Personal financial interest prohibited - Penalties.**

(a) Neither the chief administrative officer, county highway commissioner, member of the county governing body nor any employee of the county road department shall be financially interested in or have any personal interest, either directly or indirectly, in the purchase of any supplies, machinery, materials, or equipment for the department or system of roads for the county, nor in any firm, corporation, partnership, association or individual selling or furnishing such machinery, equipment, supplies and materials.

(b) A violation of this section constitutes official misconduct and is a Class C misdemeanor and is grounds for removal from office.

**54-7-204. Withholding of funds by state for violation.**

If any provision of this chapter is violated in any county, the commissioner of transportation is authorized to withhold state-aid highway system funds due such county until such deficiency has been corrected to the satisfaction of the commissioner.

**54-7-205. Removal of chief administrative officer.**

(a) "Chief administrative officer," for the purpose of this section, includes county road commissioners, trustees, road supervisors, or other persons charged with supervision or control of a county road department.

(b) In addition to any proceeding under the provisions of title 8, chapter 47, the chief administrative officer of a county road department may be removed from office in accordance with

the provisions of this section.

(c) The comptroller of the treasury shall forward a copy of audit reports covering county road departments to the district attorney general having jurisdiction and to the attorney general and reporter. If any such audit indicates an apparent violation of any statute or regulation governing the operation of a county road department, including, but not limited to, an apparent violation of any statute or regulation applicable to accounting, budgeting or purchasing procedures, the audit report shall so state.

(d) The district attorney general and the attorney general and reporter shall each review the audit reports and determine if there is sufficient cause for further investigation.

(e) If the investigation indicates willful misfeasance, malfeasance or nonfeasance by the chief administrative officer of the road department, the district attorney general shall proceed, pursuant to title 8, chapter 47, to remove the chief administrative officer of the road department from office.

(f) Any chief administrative officer removed from office on the basis of misfeasance, malfeasance, or nonfeasance under this section shall be ineligible thereafter to ever seek the office of chief administrative officer of a county road department in any county.

**54-7-206. Theft or embezzlement by chief administrative officer.**

(a)(1) Any theft by a chief administrative officer, either directly or indirectly, of more than one thousand dollars (\$1,000) of county highway or road money, is a felony, and, upon conviction, shall be punished by imprisonment in the penitentiary for any time not less than three (3) years nor more than twenty (20) years.

(2) Any theft by a chief administrative officer, either directly or indirectly, of one thousand dollars (\$1,000) or less of county highway or road money, is a misdemeanor, and, upon conviction, shall be punished by confinement for not more than one (1) year.

(b) If any chief administrative officer charged with the collection, safekeeping, transfer, or disbursement of money or property belonging to the county highway department uses or diverts any part of the money or property by loan, investment, or otherwise, without authority of law, or converts any part thereof to the chief administrative officer's own use in any way whatever, the chief administrative officer is guilty of embezzlement, and for every such act, upon conviction, shall be punished as in the case of larceny, and in addition shall be required to pay to the court an amount equal to the amount embezzled. Such amount shall be forwarded by the clerk to the county highway department.