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STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 16

AN ORDER TRANSFERRING THE AUTHORITY FOR REGISTRATION OF COMMERCIAL MOTOR VEHICLES IN THE DEPARTMENT OF REVENUE TO THE DEPARTMENT OF SAFETY

WHEREAS, it is in the interest of a more economical and efficient state service to reduce administrative duplication and to streamline the operation of state government; and

WHEREAS, it is in the interest of a more economical and efficient state service to combine into one department related service delivery and regulatory programs; and

WHEREAS, the present authority for registration of commercial vehicles engaged in interstate commerce is placed in the Department of Revenue in Tennessee Code Annotated, Part 23 Chapter 3, Title 67 and Chapter 4, Title 55 and the authority for registering all other vehicles placed in the Department of Safety, Chapters 1 through 6, Title 55, and such authority relates to highway safety and vehicle compliance; and

WHEREAS, the Department of Safety has the responsibility to administer and coordinate many programs to protect the motoring public and assure the safe and compliant operation of motor vehicles; and

WHEREAS, both the Department of Safety and the Department of Revenue are departments created and established in Tennessee Code Annotated, Section 4-3-101;

NOW, THEREFORE, I, Don Sundquist, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Constitution and by Tennessee Code Annotated, Section 4-4-102, do hereby order and direct the following:

1. The responsibility for registration of commercial motor vehicles under the International Registration Plan and International Fuel Tax Agreement in the Department of Revenue be transferred to the Department of Safety and that from and after July 1, 1998, all such responsibility shall be administered by and shall be under the control of the Commissioner of Safety.

2. From and after the effective date of this transfer, the Commissioner of Safety shall perform all such duties and shall have the responsibilities with regard to registration of such vehicles heretofore vested in the Department of Revenue in accordance with the provisions of Tennessee Code Annotated, Chapter 4, Title 55 and Part 23 Chapter 3, Title 67.

3. That on or before July 1, 1998, the Department of Revenue and the Department of Safety, with the assistance and approval of the Department of Personnel, shall cause to be transferred to the Department of Safety the staff of the Department of Revenue responsible for registration of commercial motor vehicles and any unfilled, authorized and funded positions assigned to the staff together with any other employees of or positions of the Department of Revenue assigned primarily to provide audit or other support services to the staff responsible for such registration. All employees benefits applicable to any employee transferred shall continue in effect without interruption and remain applicable to any such employee. Service of any such employee transferred shall be considered to be continuous employment.

4. That on or before July 1, 1998, the appropriation to the Department of Revenue for the administration of such responsibilities for the remainder of the 1997-1998 fiscal year shall be transferred to the Department of Safety and that the Department of Finance and Administration shall revise the present budgets as well as all future budgets of the Department of Revenue and the Department of Safety to reflect the effect of this Executive Order.

5. All contracts and all contract rights and responsibilities presently in existence with the Department of Revenue with respect to the administration of the registration of commercial motor vehicles shall be preserved and transferred to the Department of Safety.

6. That on or before July 1, 1998, all personal property, equipment, assets and all resources or other tangible property and other materials made available by the Department of Revenue for use in administering the registration of commercial motor vehicles shall be transferred to the custody and control of the Department of Safety.

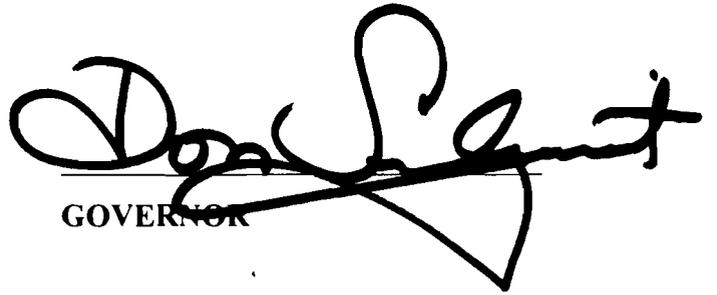
7. All reports, documents, surveys, books, records, papers or other writing in the possession of the Department of Revenue with respect to registration of commercial motor vehicles shall be transferred to and remain in the custody of the Department of Safety. All confidential records, files or information maintained in accordance with state or federal law or rule of court shall be retained in accordance with present law or order of court until modified or repealed or until the Commissioner of Safety establishes appropriate rules to protect these documents and information.

8. All rules, acts, agreements and decisions of the Department of Revenue with respect to the registration of commercial motor vehicles shall remain in effect in the Department of Safety until modified.

9. That on or after July 1, 1998, the Department of Safety through its chief executive officer shall have the authority to receive, administer and supervise any and all grants and funds from whatever source, including but not limited to the federal, state, county and municipal government, with respect to the programs or functions of the Department of Revenue herein transferred to the Department of Safety.

10. The Commissioner of Safety shall have concurrent authority with the Commissioner of Revenue as outlined in Chapter 1, Title 67, Parts 105, 106 and 107, Chapter 1, Title 67 parts 802 and 803 for administrative and enforcement of provision transferred.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this the 25th day of June, 1998.


GOVERNOR

ATTEST:


SECRETARY OF STATE

