IN CHANCERY COURT OF HAMILTON COUNTY, TENN.

REQUEST FOR TENNESSEE 3-JUDGE PANEL

State of Tennessee *ex rel.* David Jonathan Tulis % 10520 Brickhill Lane Soddy-Daisy, Tenn. 37379 davidtuliseditor@gmail.com 423-316-2680 *Relator*	)	Docket no.
V.	)	**ORAL ARGUMENT DEMAND**
David Gerregano Commissioner of revenue In official capacity	)	
Jeff Long Commissioner of safety In his official capacity *Respondents*	)	

Complaint on fraud, oppression, injunction demand

ABSTRACT

The Tennessee department of revenue is administering the Atwood amendment at T.C.A. § 55-12-201 *et seq* as a harm to the public by forcing 100 percent of registered motor vehicle owners to buy insurance or obtain "proof of financial responsibility" outside the scope of the law. It demands they buy operator's or owner's policies, none of which meet the statutory requirement that they be certified motor vehicle liability policies as defined at T.C.A. § 55-12-102 and -122 in the Tennessee financial responsibility law of 1977, and meeting standards laid out at § 55-12-202. Respondents claim authority for "mandatory insurance" from T.C.A. § 55-12-139 and have made Tennessee a mandatory insurance state since 2002 without authority. The only persons required to have proof of financial responsibility are

those whose licenses and/or tags are revoked under a conviction or court judgment, or because they fail to report to commissioner of safety a qualifying accident. T.C.A. § 55-12-104. Relator has a good driving record and no qualifying accident. DOR revokes his tag illegally, in violation of due process rights. In short: Respondents threaten members of the public into buying insurance they cannot afford to obtain policies that no one can certify as legal proof of financial responsibility.

1. This complaint arises from a controversy between the commissioner of the department of revenue and the people of state of Tennessee on relation, the relator acting on behalf of people and the state, offended that Commissioner David Gerregano is operating the electronic insurance verification system ("EVIS") illegally upon him and citizens in like station.

2. It includes department of safety ("DOSHS" or "safety") Cmsr. Jeff Long as defendant because it administers the financial responsibility act of 1977 ("TFRL") in like manner since at least 2002 under claim of authority of T.CA. § 55-12-139.

3. EIVS is intended to verify "*motor vehicle liability insurance policies"* used by persons required to maintain proof of financial responsibility. § 55-12-202, purpose. EVIS is not intended to verify an owner's or operator's policy, unless it is required to be certified as a *"motor vehicle liability policy"* when required from a person. §§ 55-12-120 and 122(c) and (e). An officer acting under § 55-12-139(b)(1)(C) "shall utilize the vehicle insurance verification program *** " when a driver "provides the officer with evidence of a motor vehicle liability policy as evidence of financial responsibility *** ." A driver cannot use and an officer cannot verify an owner or operator policy as proof of financial responsibility if it hasn't been certified into a *motor vehicle liability policy* as defined at § 55-12-102.

4. The operation of EVIS is controlled by the Tennessee financial responsibility law at Tenn. Code Ann. § 55-12-101 *et seq* and the "insurance verification program ('James Lee Atwood Jr. law')" ("Atwood" or "EIVS") at Tenn. Code Ann. § 55-12-201 *et seq*, the latter passed in 2015 and taking effect upon the public Jan. 1, 2017.

5. Does Atwood run concurrently with TFRL as an independent authority, as department of revenue says, or *consecutively* for a probationary purpose subject to department of safety and homeland security ("DOSHS") and subject to Part 1 of the law? This petition challenges the no-filter use of the EIVS insurance database mining system that the department of revenue ("DOR") says runs parallel to TFRL.

6. By law it verifies insurance purchased as a condition to tag or license reinstatement, or prevention of suspension. DOR in practice uses EIVS *ultra vires* to force 6.34 million vehicle registrants into insurance (with 41 parties opting for bonds and one for cash payment) — or have their registrations revoked.

7. Having had no qualifying accident, nor under any suspension for ill behavior regarding rules of the road, relator is not subject to TFRL nor any duty to obtain motor vehicle liability insurance. In fact, it is legally impossible for relator to obtain what the statute calls a "motor vehicle liability insurance policy" under T.C.A. 55-12-122(c), which the insurer certifies to the state. A motorist with an ordinary owner's or operator's policy *does not have insurance coverage that meets the requirements* of the Tennessee financial responsibility law of 1977, so to demand it of relator is a legal impossibility and to demand he buy an ordinary owner's or operator's policy to "comply" with the law is extortion.

8. Relator is not subject to being scorched by the automated revocation EIVS protocol, which has happened upon one of his automobiles registered as a motor vehicle with DOR, and is in process of being imposed on a second automobile.

9. Atwood's T.C.A. § 55-12-214 says "Nothing in this part shall alter the existing financial responsibility requirements in this chapter." DOR ignores this ban in departure from the rule of law.

10. This lawsuit intends defendants to obey state law as written, which law state of Tennessee on relation demands to have validated, with parties enjoined to comply with the whole of TFRL which they disobey with arbitrary and capricious acts, programs, customs or policies.

Jurisdiction

11. This case is properly brought before the three-judge anti-corruption panel because it challenges a state government program meeting the criteria under Tenn. Code Ann. § 20-18-101. The authorizing law for the three-judge panel says "each of the following criteria" must be met for the case to be heard:

> (a) A civil action in which the complaint meets each of the following criteria must be heard and determined by a three-judge panel pursuant to this chapter:
>
> (1) Challenges the constitutionality of:
>
> (A) A state statute, including a statute that apportions or redistricts state legislative or congressional districts;
> (B) An executive order; or
> (C) An administrative rule or regulation;
>
> (2) Includes a claim for declaratory judgment or injunctive relief; and

> (3) Is brought against the state, a state department or agency, or a state official acting in their official capacity.

Tenn. Code Ann. § 20-18-101

12. This suit challenges (1) the constitutionality of "an administrative rule or regulation," that being the EIVS program as operated by revenue, and T.C.A. § 55-12-139 enforcement by safety, effectively "mandatory insurance," that generates illegal revocations of relator and millions of Tennesseans who have a right not to face criminal charges for not buying insurance if they don't want it — or cannot afford it. (2) This petition includes a claim for injunctive relief — that the EIVS program be shut down and made to operate pursuant to the clear direction in Parts 1 and 2 of the law, and that safety and revenue comply with T.C.A. § 55-12-139. (3) Relator brings this complaint against "a state official" — the commissioners of revenue Mr. Gerregano and safety Mr. Long — "acting in their official capacity."

13. Relator has an interest in the outcome, having been injured by the program complained of, with one motor vehicle tag illegally revoked July 21, 2023, and the tag of a second facing revocation..

14. The motor vehicle controversy upon which relator claims standing to sue in this case is a 1999 RAV4 automobile with tag 639BKTV and VIN JT3GP10V4X7044214, in which vehicle relator has ownership interest. Respondent Gerregano by agent has sent "request for information" letter of inquiry Sept. 27, 2024. Relator uses the public roads in this vehicle without either an owner's or operator's insurance policy. If respondent follows its customary four-notice practice, the registration for the car will be revoked Dec. 27, 2024, injuring him in his rights. Petitioner is denied his liberty to use property without being coerced by an unconstitutional DOR regulation by policy.

Parties

15. Relator lives in Soddy-Daisy, Tenn., and is an investigative journalist 12 years on the FM airwaves at 107.5 and 106.1 FM Eagle Radio Network. He blogs about law, courts and police in the nonprofit sector of journalism on DavidTulis.Substack.com and TNtraffic ticket.US. Relator holds a master's degree in English from University of Tennessee, a bachelor's degree in English from University of Virginia, and is married with four grown homeschooled children. He worked 24 years as copy editor at *Chattanooga Times Free Press*, handling the business section of the newspaper. Relator sues on his own behalf in his proper person, seeking injunctive relief from respondent to benefit the general public and himself in the public interest.

16. Commissioner David Gerregano oversees the department of revenue, the employees and agents of which obey his policy and program during the time involved in controverted events in the case. Respondent is served at the department of revenue at 500 Deaderick St., Nashville, Tenn. 37242.

17. Jeff Long is commissioner of safety. The commissioner is served at the department of safety at 312 Rosa L. Parks Ave., Nashville, Tenn. 37243

Factual background

18. Relator and the revenue commissioner have a history of litigation prior to the filing of this case. Relator owns a Honda Odyssey minivan the registration tag of which he revoked July 21, 2023, prior to a hearing and with a request for more time denied by respondent agency. Relator filed notice for a contested case July 26, 2023.

19. At all times relevant to the proceedings respondent commissioner has operated through agents and state employees who obey his policy under color of

law.

20. After extensive litigation concerning recusal of an administrative law judge from the department, deposition of the commissioner, scope of deposition of a DOR official, subject matter jurisdiction, temporary injunction and other matters, the commissioner filed a motion for summary judgment July 15, 2024.

21. Relator filed a motion for summary judgment Sept. 23, 2024. Responses in the case were filed Oct. 29, 2024, and replies were due Nov. 12, 2024.

22. The controversy in the contested case in agency is one purely as a matter of law. No material facts are in dispute.

23. Separately, relator registers a Toyota RAV4 as a motor vehicle that he might enjoy "operation of [the] motor [vehicle]" for private profit and gain and in commerce as a motor vehicle on the public right of way per Tenn. Code Ann. § 55-4-101(2). A Sept. 27, 2024, DOR "request for information" gives notice it intends to revoke registration if relator does not either come up with a $65,000 cash payment or become an insurance industry customer by buying an operator's or owner's policy. **EXHIBIT No. 1**. Revenue notice of inquiry

24. The RAV4 is registered in the name of relator's wife, styled in respondent records as JEANNETTE M TULIS TTE UDT 11 19 2007, in *intervivos* trust, with relator the actual owner by affidavit on bill of sale and *intervivos* trustee in separate trust. Relator and Mrs. Tulis own the property. The couple, by paying registration fees, intend to keep the car registered as a motor vehicle.

25. Relator sends DOR official Shawn Ploss of the vehicle services division a demand letter Oct. 9, 2024, by certified U.S. mail demanding his authority to begin the process of revocation. **EXHIBIT No. 2**. Response to DOR notice of inquiry

Summary of controversy

26. Tennessee's mandatory insurance law operates upon the traveling and shipping public. The question is as to noncommercial motorists whether it is mandatory on 100 percent of registered "private passenger motor vehicles" or only upon a tiny number of vehicle owners, people who violated the Tennessee financial responsibility law obligation after a qualifying crash, T.C.A. § 55-12-104, or ignored a court judgment or an agreement or conditional use of the privilege and who bind themselves to have insurance as a condition of the privilege.

27. Commissioner Gerregano makes insurance compulsory on all. By departmental custom or usage he uses T.C.A. § 55-12-139 and the Atwood law at § 55-12-201 *et seq* to create an independent mandatory motor vehicle insurance scheme that the Tennessee financial responsibility law of 1977 at § 55-12-101 *et seq* flatly contradicts. His scheme is oppressive, a rewrite of state law.

28. The department of safety and homeland security ("DOSHS" or "safety") gets the primary role of administering financial responsibility. It initiates all enforcement of Tennessee financial responsibility law of 1977, Parts 1 & 2. The general assembly gives administration of "Part 2. Insurance Verification Program (James Lee Atwood Jr. Law)," ("Atwood") to department of revenue ("revenue" or "DOR"). Part 2's purpose is narrow, technical: To create and run a utility to oversee an "insurance *verification* program," Sect. 202 (emphasis added). DOR enforces the requirement initiated by DOSHS.

29. Atwood ordains DOR to "develop and implement an efficient insurance verification program" using corporate insurers' databases, but only when a *motor vehicle liability policy* is used for POFR. The verification of coverage is needed to determine whether a vehicle owner under duty to have insurance coverage in Part 1 is actually covered. And to confirm that fact in the blink of an eye using the Internet. Part 1 requires certain registrants to have POFR as a condition precedent to the reinstatement of the driving privilege after revocation for an unsatisfied judgment or breach of the TFRL.

30. Respondent pretends that starting Jan. 1, 2017, its new authority to mine insurance partners' customer data allows it to execute what it claims is a pre-existing authority for a "general obligation to maintain some form of financial responsibility" under sect. 139. DOR instantly expanded its role from monitoring roughly 3,000 people under lawful privilege probation to 6.34 million registrants, from 0.0473 percent of all vehicle owners to 100 percent, each vehicle owner treated as an irresponsible driver under chastisement, suspension and conditional use without due process.

31. Law contradicts respondent policy. In administering the chapter, safety leads and revenue follows. By law, DOR receives notice from department of safety to revoke or suspend registrations of people who have been involved in a qualifying accident at § 55-12-104 and -105 and yet who fail to prove financial responsibility. Safety pulls the trigger. Respondent has a responsive and step-and-fetch-it secondary role. "[I]mmediately upon request by the commissioner of safety, the commissioner of revenue shall issue a notice of suspension of the registration of the motor vehicle" of one who fails to make good after a finding of irresponsibility by safety or a court judgment" § 55-12-104.

32. Atwood's electronic insurance verification system allows the department to continually verify proof of *motor vehicle liability policies* from high-risk irresponsible drivers and operators subject to supervision of safety and revenue for violating T.C.A. § 55-12-105 or other laws such as DUI. Such people are flagged, and *recorded*, ***before*** any encounter with an officer, via safety's Financial Responsibility Division.

33. According to § 55-12-209(b) "The department of safety shall cooperate with the department of revenue in developing, implementing, and maintaining the program." Yet as shown during deposition, DOR has not worked with DOSHS. If an automobile liability insurer chooses not to utilize the Insurance Industry Committee on Motor Vehicle Administration ("IICMVA") model, insurance companies provide monthly updates of customer lists viewable by revenue. Atwood allows deputies and police officers alongside roads to then verify *motor vehicle liability policies* "as required" from those subject, on *record,* to state supervision requirements under TFRL. Such parties are under administrative probation or conditional reinstatement of the driving and operating privilege. § 139(b)(1)(a).

34. Relator has not had a sect. 104 qualifying accident in the 1999 Toyota RAV4. He falls under exemption at sect. 106(13). Yet, arbitrarily and capriciously, DOR says sect. 139 "[imposes] the mandatory requirement to obtain financial responsibility regardless of whether an accident occurred." DOSHS acts upon the law in like manner.

35. Tennessee is a mandatory insurance state for those required to have insurance as condition of keeping or restoring license and tag. Revenue has stated that petitioner has two alternative options if he doesn't purchase insurance. (1) He can either make a $65,000 "cash deposit" with revenue to use the public road to exercise his private and his commerce rights, or, (2) he can secure a corporate surety bond on

his otherwise uninsured personal-use car or motor vehicle. The commissioner of revenue has no authority to make such demand, nor to collect, bank nor disburse such money. Relator with an excellent driving record, finds no corporate surety bond available. Cash payments under TFRL are remitted to safety. § 55-12-105(b)(2) and § 55-12-102(12)(A-D)

36. DOR effectively coerces all registered owners to become customers of the for-profit insurance-industrial complex and companies such as State Farm.

37. Court cases are clear that respondent's theory about Parts 1 and 2 are fraudulent. TFRL is an "after-accident" and "voluntary insurance" law. Owners of motor vehicles can buy insurance — or not. An accident-free motorist "is at liberty to own and operate a motor vehicle without any insurance coverage or with as little insurance coverage as desired." McManus v. State Farm Mut. Auto. Ins. Co., 225 Tenn. at 109, 463 S.W.2d at 703. TFRL in Part 1 nowhere requires relator to show proof of financial security or financial responsibility absent a qualifying wreck, a court judgment or conviction, or a safety order.

38. Atwood in Part 2 does not alter the nature of the law or state policy. Atwood is not a "proof of financial security required at all times of all people" law. In fact, Atwood unequivocally states at Sect. 214, "[n]othing in this part shall alter the existing financial responsibility requirements in this chapter."

39. Respondent's assertions such as "Tennessee like most all states requires proof of insurance for all vehicles plated and used on public roads," [1] are false, either as (1) plain error, as (2) incompetence, or as (3) outright lying about civilly and criminally actionable harms, knowing and intentional acts of official misconduct, oppression under color of law, and denial of honest government services.

[1] Shawn Ploss, department of revenue, e-mail to petitioner June 29, 2023

40. This contested case is a *bona fide* disagreement as to the construction of law, with relator fighting to defend and uphold the statute. Instant case has no material facts in dispute.

Complaint against* ultra vires *scheme

INTRODUCTION

41. Defendants demand POFR of all motor vehicle owners, but the operator's and owner's insurance policies members of the public are extorted to buy do not meet the statutory requirement of POFR, which is a certified policy, or an SR-22 *certificated* motor vehicle policy defined at § 55-12-102 as "an 'owner's policy' or 'operator's policy' of liability insurance, **certified as provided in § 55-12-120 or § 55-12-121** as **proof of financial responsibility**," pursuant to longstanding industry standards of Insurance Industry Committee on Motor Vehicle Administration ("IICMVA"), as stated at § 55-12-202, purpose (emphasis added)

42. The commissioner of revenue is ignoring narrow statutory infrastructure to exercise power broadly against state of Tennessee on relation and oppressively upon the general public. He expands the body of people subject to state power by magnifying elements in § 55-12-139. The header is "compliance with financial responsibility law required *** ." It is not "Financial responsibility required" or even "financial security required." Sect. 139 demands compliance with the existing law and adds teeth to compliance as upon parties made subject to the state's privilege management tough-love program upon scofflaws.

43. TFRL's main infrastructure is accident reporting to DOSHS under a 20-day deadline at sect. 104 and being able to show POFR in any of four ways..

> **105(b)** The **following, and only the following, shall be acceptable** proof of financial security:
>
> > **(1)** Filing of written proof of insurance coverage with the commissioner on forms approved by the commissioner;
> >
> > **(2)** The deposit of cash with the commissioner of no less than the amount specified in § 55-12-102, or in the total amount of all damages suffered, whichever is less, subject to a minimum deposit of one thousand five hundred dollars ($1,500);
> >
> > **(3)** The execution and filing of a bond with the commissioner of no less than the amount specified in § 55-12-102, or in the total amount of all damages suffered, whichever is less, subject to a minimum bond of one thousand five hundred dollars ($1,500); or
> >
> > **(4)** The submission to the commissioner of notarized releases executed by all parties who had previously filed claims with the department as a result of the accident.

§ 55-12-105. Deposit of security; proof of security

44. DOR policy creates a <u>parallel liability and enforcement structure</u> rather than accepting the extremely limited role of Atwood's EIVS as a *system resting entirely on TFRL for its premise*, running not concurrently and independently, as DOR claims, but *consecutively* with DOSHS administration upon traffic law violators *only*.

45. Citing authority under T.C.A. § 55-12-139 and the keyword "shall" in sect. 210, revenue adds subject parties, or those said to be liable for performance under the law. DOR broadens the administration of the law, doing violence to statutory construction rules limiting Atwood's use to surveilling insurance coverage upon high-risk drivers under suspension on condition they keep SR-22 coverage. "Shall" in sect. 210 applies as a DOR duty when insurance is used as proof of financial

responsibility by a subject registrant. Respondent admits the same — without actually saying it. [2]

46. The commissioner of revenues claims powers specifically denied by Atwood and denied generally by the general assembly in reasonable construction and clear, unambiguous provisions over 42 provisions in Part 1, or TFRL, and 15 provisions in Atwood Part 2. He admits using Atwood's verification system **without filter** to track all customers of insurance companies, making for himself a list of noncustomers, or enforcement targets, suspending their registrations promiscuously.

47. Section 210 recognizes exemptions: (T.C.A. § 55-12-210(a)(1)(B) Proof of exemption from the owner or operator's financial security requirements under this chapter). Yet DOR illegally refuses to acknowledge exceptions "under this chapter" at T.C.A. § 55-12-106 that would exclude anyone not in an accident.

48. The law requires DOR to search DOSHS financial responsibility division databases of SR-22 insureds. The division, says safety on its website, "is tasked with administering the Financial Responsibility Law, which involves suspending/revoking/cancelling and restoring driving privileges while maintaining all driver records." [3] That is why revenue "**shall**" consult with safety "to determine

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[2] DOR Responses to Petitioner's RFAs.pdf 4.

QUESTION: Do you admit the verification of insurance under 210, as proof of financial responsibility per 202 & 204, is required only for financial responsibility?

RESPONSE: Admitted that Tenn. Code Ann. § 55-12-210(a) directs the Department to verify whether a registrant's financial responsibility requirements have been met with a liability insurance policy or other approved form of financial responsibility.

[3] Website link is https://www.tncourts.gov/sites/default/files/docs/TN%20Department%20of%20Safety%20Court%20Reporting%20%26%20Reinstatement%20Procedures.pdf

the details and deadlines related to the program," § 55-12-204, and why "safety **shall** cooperate with the department of revenue in developing, implementing, and maintaining the program" § 55-12-209. Revenue did not, and does not consult with safety as required. (Lanfair deposition p. 29) **EXHIBIT No. 3** Lanfair deposition transcript

49. Secondarily, DOR's use of insurer databases is to be limited by the filter of DOSHS suspension and conditional use by vehicle owners. The insurers' databases contain those parties required to have SR-22 certified insurance as "condition precedent to the restoration of such privileges," § 55-12-118, because earlier – in a previous qualifying accident – they had failed to show financial responsibility as required at T.C.A. § 55-12-104 and 105, or they are under a court judgment or administrative order for DUI or other motor vehicle violation. The TFRL, as its name indicates, suppresses the wrong of financial **irresponsibility** by parties involved in accidents with damage above $1,500 or involving physical harm to people.

50. The department of safety on its website tells about SR-22 insurance:

> A SR-22 form is **proof of future financial responsibility** as required under Tennessee Code Annotated 55-12-114. If you are required to file a SR-22, then you should contact your liability insurance representative and advise them of the needed filing with our state. **The form must be filed by an insurance company** licensed through the Tennessee Department of Commerce and Insurance to issue motor vehicle liability insurance coverage in Tennessee. ***
>
> SR22 insurance must be **maintained for the length of the suspension** or revocation period. Once the SR22 has been maintained for the length of the suspension or revocation period it may be **cancelled provided** it is not required on any other suspension. [Emphasis added]

https://www.tn.gov/safety/driver-services/reinstatements/frlawindex/sr22.html

51. The SR-22 type policy is crucial in respondents' authority. They have verification authority to require motor vehicle liability insurance, described in T.C.A.

§ 55-12-122, of people as a condition of restoration of a driver license and tag, and revenue's EIVS utility is, according to Atwood, to monitor this group.

Analysis of controversy

52. In bad faith violation of the rules of statutory construction, DOR uses EIVS ***unfiltered*** to injure the citizenry, all of whose registered motor vehicle owners are alleged to be subject and liable for performance as if they were all involved in qualifying accidents, having failed to make lawful report, or involved in other judgment or conviction, as if all fail to show financial responsibility and as if all are reckless and evil.

53. The material facts dispositive in this case are that relator is not under a court or administrative finding of fault in an auto-related offense under Tenn. Code Ann. § Titles 55 or 65. Nor has he had a qualifying accident under T.C.A. § 55-12-104 creating a duty to show, within a 20-day deadline, evidence of proof of financial security in sect. 105.

54. The obligation to be a person covered under a motor vehicle liability insurance policy pursuant to T.C.A. § 55-12-122 is one who is under suspension from DOSHS who maintains the driving and operating motor vehicle privilege on condition of having on his person and in his automobile at all times evidence of proof of financial responsibility, or proof of financial security.

55. The purpose of the law is "to take insolvent, financially irresponsible drivers off the roads of this state," as the *id.* Burress court says, anyone who "willfully fails, refuses or neglects to make or have filed an accident report" pursuant to T.C.A. § 55-12-104.

56. The law imposes a "present ability" requirement on licensees for post-accident financial responsibility. Those who disobey come under sanction. Burress calls mandatory insurance the "future ability" requirement. It is enforced by EIVS.

57. The Atwood law went into effect Jan. 1, 2016, and DOR got a year to create EIVS verifying these licensees/registrants' insurance.

> The purpose of this part is to develop and implement an efficient insurance **verification program** that utilizes the online verification system and data transfer standards for transmitting a full book of business specifications, model, and guide of the Insurance Industry Committee on Motor Vehicle Administration in order to verify whether the f**inancial responsibility requirements** of **this chapter** have been met with a motor vehicle liability insurance policy, and to provide the commissioner of revenue with the authority to develop, implement, and administer the program.

T.C.A. § 55-12-202. Purpose (emphasis added)

58. The Atwood law does nothing to add to chapter 12 requirements. Its goal is verification of insurance as proof of financial responsibility *when **required***. The purpose is to verify insurance used, not a check to see if there is insurance. insurance, four elements cited by IICMVA's "on line verification" brochure are required, based upon the need for SR-22/SR-26 records. **EXHIBIT No. 4** Financial responsibility programs and procedures guide, IICMVA, 2015 [4]

[4] These four elements are

> (A) The automobile liability insurer's NAIC code;
> (B) Vehicle identification numbers;
> (C) Insurance policy numbers or policy key;
> (D) The date of the verification request; and

59. Men and women applying for a driver license agree to obey TFRL sometime in the future IF they have a qualifying crash. They read "a brief summary" of the law and attest,: "I CERTIFY THAT I UNDERSTAND ABOUT TENNESSEE'S FINANCIAL RESPONSIBILITY LAW AND I AGREE TO ABIDE BY IT." § 55-12-138. Certificates and certification. Compliance on TFRL is contingent on a qualifying accident.

60. A driver or operator becomes subject to the law after a qualifying crash. The requirements are $1,500 or more in damage, injury or death, Tenn. Code Ann. § 55-12-104, or a court judgment or conviction.

61. Each party in a qualifying accident faces a 20-day window to report details to the commissioner of safety. Tenn. Code Ann. § 55-12-104. TFRL provides four proofs of financial responsibility following a qualifying accident, with commissioner references being to safety.

> (1) Filing of written **proof of insurance coverage** with the commissioner on forms approved by the commissioner;
>
> (2) The deposit of cash with the commissioner of no less than the amount specified in § 55-12-102**, or in the total amount of all damages suffered, whichever is less,** subject to a minimum deposit of one thousand five hundred dollars ($1,500);
>
> (3) The **execution and filing of a bond** with the commissioner of no less than the amount specified in § 55-12-102, **or in the total amount of all damages suffered**, whichever is less,

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(E) Other data elements as set forth in the most recent version of the IICMVA Model User Guide for Implementing Online Insurance Verification

§55-12-205(4), program requirements

> subject to a minimum bond of one thousand five hundred dollars ($1,500); or
>
> (4) The submission to the commissioner of **notarized releases** executed by all parties who had previously filed claims with the department as a result of the accident.

Tenn. Code Ann. § 55-12-105 (emphasis added)

62. Definitions in TFRL are in terms of qualifying accident. One can "[execute]" a bond and "[file"] it with the DOSHS commissioner. The bond is executed as surety pertaining to "the amount of damages suffered" and to "guarantee the payment of any final judgment which might thereafter be rendered *** resulting from **the accident** up to and including the total amount of the bond" T.C.A. 55-12-102(2), definitions (emphasis added). The insurance policies surveiled by EIVS are motor vehicle liability insurance policies defined in Part 1. "Motor vehicle liability policy" means an "owner's policy" or "operator's policy" of liability insurance, **certified** as provided in § 55-12-120 or § 55-12-121 as proof of financial responsibility[.]" § 55-12-102(7) definitions (emphasis added).

63. The bonds cited in TFRL take two shapes. (1) A bond serves to guarantee payment of damages by the buyer of the bond, costs connected with an actual (past) accident. (2) The bond operates as proof of financial security with a prospective use, and that is the cash deposit of $65,000 paid to the commissioner of safety, and acts as financial security for someone who doesn't want to use insurance as POFR, to cover a (future) accident. [5]

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[5] "Proof of financial responsibility" or "proof of financial security" means: ****

> (*c*) A deposit of cash with the commissioner in the amount of sixty-five thousand dollars ($65,000); or
>
> (*d*) The execution and filing of a bond with the commissioner [safety] in the amount of sixty-five thousand dollars ($65,000)

§ T.C.A. § 55-12-102(12) definitions

64. Hearings under financial responsibility are in safety. T.C.A. § 55-12-103. An accident party who doesn't comply with TFRL, as he promised to do in applying for the license, is in trouble. The safety commissioner "may issue a notice of suspension of the operator's license and, immediately upon request by the commissioner of safety, the commissioner of revenue shall issue a notice of suspension of the registration of the motor vehicle." T.C.A. § 55-12-104. If DOSHS goes through with suspension, it gives notice that "shall request that the commissioner of revenue suspend the motor vehicle registration of any person involved in an accident as a motor vehicle operator or owner in this state who willfully fails, refuses or neglects to make or have filed an accident report on that person's behalf," sect. 104.

> Provision of Tennessee Financial Responsibility Law pertaining to suspension of drivers licenses when licensee who has been involved in accident fails to deposit security or give proof of financial responsibility was inconsistent with concepts of procedural due process and thus unconstitutional insofar as it made no provision for a presuspension or prerevocation hearing to determine fault. T.C.A. § 59-1204; U.S.C.A.Const. Amend. 14. Beazley v. Armour, 1976, 420 F.Supp. 503. Automobiles 144.1(1.5); Constitutional Law 4357

65. DOR rejects this law, holding hearings not authorized in statute, and not until after its axe has fallen on the citizen's neck.

66. The law has numerous exceptions at § 55-12-106 at least two of which would gut the disputed program. One is (5) "Any operator or owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than the operator or owner." Another is (13);

> An owner or operator of any vehicle where there is no physical contact with another vehicle or object or person, unless a judgment has been obtained;

§ 55-12-106

67. Relator in his travels, if not otherwise immune from his claim upon the privilege, is hereinabove made exempt.

68. People attempting to "get right" with state of Tennessee have to come into compliance with TFRL and other obligations. The person pays a fee and must "pass the driver license examination as a condition precedent to the restoration of such privileges." T.C.A. § 55-12-108. Renewal or issuance of license or registration.

69. Safety receives both sorts of cash deposits and filings about corporately created surety bonds. If a licensee is responsible, safety uses his money to "pay out of any funds deposited in compliance with the requirements of this chapter," meaning to garages, body shops or clinics to pay for damage to the victim. If the bond is future security for a party who opts not to buy insurance, the money is refunded when the term of privilege suspension is ended. § 55-12-112. Deposits.

70. Even on the party for whom a certified motor vehicle policy is mandatory, the duration is on the clock. DOR does not recognize release of obligation. Release is covered in sect. 114.

> (a) Whenever the commissioner suspends or revokes the license of a person by reason of a conviction, the commissioner shall request that the commissioner of revenue suspend or revoke all registrations in the person's name, and the commissioner of revenue shall suspend or revoke those registrations immediately; provided, that the registrations in the person's name **must not be suspended or revoked**, unless otherwise required by law, if the **person provides and maintains proof of financial responsibility** for the **length of the license's revocation** or suspension.

§ 55-12-114. Suspension or revocation of registrations; proof of financial responsibility

71. Sect. 114 says POFR is to be maintained "for the length of the license's revocation or suspension." It is not permanent, not forever. A person who obtains conditional use of the privilege can keep it if he/she keeps paying for insurance "for the length" of the revocation or suspension.

> "Further, when multiple statutes "relate to the same subject matter or have a common purpose," they are to be considered *in pari materia. In re Kaliyah S.*, 455 S.W.3d 533, 552 (Tenn. 2015). This principle requires courts to construe statutes "together" and "to give the intended effect to both" statutes. Id. at 548, 552. Under such circumstances, we seek to uncover "the most 'reasonable construction which **avoids statutory conflict and provides for harmonious operation of the laws**.' " *Id.* at 552 (quoting *Carver v. Citizen Utils. Co.,* 954 S.W.2d 34, 35 (Tenn. 1997)). Aligned with the related-statutes canon of statutory interpretation, it is "based upon a realistic assessment of what the legislature ought to have meant," and is derived from the expectations that "the body of the law should make sense" and that "it is the responsibility of the courts, within the permissible meanings of the text, to make it so." Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 252 (2012).

Falls v. Goins, 673 S.W.3d 173, 180 (Tenn. 2023) (emphasis added)

72. A person keeps a "suspended" license operative by agreeing to terms. "In order to reinstate a driver license after suspension or revocation, *** the person shall provide proof of **financial responsibility prospectively** for a **length of time equal to the length of time for which the suspension or revocation was in effect**." T.C.A. § 55-12-114(d)(1) (emphasis added).

73. The original 1948 law is paternalistic, but its moral framework is redemptive, restorative. Privilege is a means of control, and is turned into a paddle on the troublemaker. The general public is not required to "provide proof of financial responsibility prospectively," as sect. 114(d)(1) puts it, because its members are presumed innocent, presumed by law to have rights to travel, unfettered right of

ingress and egress, and are not in their use of motor vehicle in commerce under the probationary rule of suspension.

74. They are not red flagged in the records of safety's financial responsibility division, keeper of the records.

75. People under suspension are the motorists for whom insurance (or bond alternative) are under the "mandatory insurance" rule in Tennessee. The moral claims of TFRL are seen in reference to its desire for righteous accountings in car accidents, with a party who "willfully fails, refuses or neglects to make or have filed an accident report" with department of safety able to enter repentance and to "obtain restoration of driving privileges by filing a report of the accident and paying a restoration fee" §T.C.A. 55-12-104.

76. People involved in an accident are required to show "present ability" following an accident, for the law is intended to "[enforce] payment of automobile-caused damage claims, and to take insolvent, financially irresponsible drivers off the roads of this state." Burress v. Sanders, 31 S.W.3d 259, 262–64 (Tenn. Ct. App. 2000). In "dealing with this evil," people under suspension and conditional use must show "future ability" by having insurance.

> There were at the time of the enactment of this statute, and are now, a great many accidents involving vehicles on our streets and roads, resulting in losses suffered by many without compensation since the party at fault was often lacking in financial responsibility. In dealing with this evil, under this statute, it is apparent the Legislature **stopped short of requiring** public liability insurance **as a condition precedent to the owning or operating of a motor vehicle.** The sanctions of this statute are not involved unless and until the owner or operator is involved in an accident resulting in bodily injuries or property damage in excess of $100.00; until such occurs a person is at liberty to own and operate a motor vehicle without any

> insurance coverage or with as little insurance coverage as desired.

McManus v. State Farm Mut. Auto. Ins. Co., 225 Tenn. 106, 109, 463 S.W.2d at 703

77. Essentially, the financial responsibility laws protect the public from the negligence of a user of the roads and highways. Schultz v. Tennessee Farmers Mut. Ins. Co., 218 Tenn. 465, 475, 404 S.W.2d 480, 484 (1966). As noted in a review of court cases, "Our Act has the effect of causing people to insure themselves against liability resulting from accidents but does not make it compulsory for us to do so as in those States requiring compulsory insurance" Blue Ridge Ins. Co. v. Haun, 197 Tenn. 527, 542, 276 S.W.2d 711, 717 (1954).

78. The law encourages insurance coverage. While legislators may express wishes that more general public patronization of insurers occur, increasing the percentage of people with operator's or owners' policies is outside the actual black-letter *purpose and scope* of TFRL and Atwood's EIVS utility. "In some jurisdictions a financial responsibility statute may not be a compulsory insurance provision, and thus does not require liability coverage for all automobile drivers, but only those who, because of past driving problems, are required to provide proof of financial responsibility." § 1480. Effect of financial responsibility requirements, 46 C.J.S. Insurance § 1480, May 2024 update, citing Purkey v. American Home Assur. Co., 173 S.W.3d 703 (Tenn. 2005).

79. "Financial Responsibility Acts are, in general, valid exercises of police power for two purposes: (1) to remove from highways previously negligent drivers unable to demonstrate ability to compensate for future damages, and (2) to punish negligent drivers who escape liability by their inability to pay. Commonwealth, Dept. of Transp., Bureau of Traffic Safety v Roeting, 7 Pa Cmwlth 317, 300 A2d 125 (ovrld in part Com., Dept. of Transp. Bureau of Traffic Safety v. Rodgers, 20 Pa. Commw.

393, 341 A.2d 917 (1975)) (holding that purpose of state financial responsibility law was not to punish negligent drivers, but rather was to *provide leverage for collection* of damages from those who had been held liable." 35 A.L.R.2d 1011 (Originally published in 1954) (emphasis added)

Admission of 'independent basis'

80.

81. On a webpage, respondent revenue gives an "insurance verification program - overview" as follows.

> The James Lee Atwood, Jr. Law (also referred to as the electronic insurance verification program) imposes insurance requirements on motor vehicles operated on Tennessee roads, not just on the individual registrant of a given vehicle. **Every actively registered VIN in Tennessee that is driven** on Tennessee roadways must carry the minimum liability insurance coverage required by law. This insurance coverage must be reflected in the insurance company's monthly full book of business (FBOB) or the registrant will be subject to fines and ultimately the suspension of their registration.
>
> **Broad form insurance policies** that provide coverage for a particular individual **do not satisfy** Tennessee's financial responsibility **requirements**, unless the policy is tied to a specific VIN(s).

https://revenue.support.tn.gov/hc/en-us/articles/360060326971-DIFIC-1-Insurance-Verification-Program-Overview

82. Revenue's program is apart from statute based on reading of the law. It is apart from statute by admission. Revenue declares sect. 210 an "independent basis" for relator's suspension. The commissioner in a filing cites three provisions for his authority.

> *See* Tenn. Code Ann. § 55-12-139(a) (making compliance with financial responsibility requirements mandatory for "every vehicle subject to the registration and certificate of title provisions");
>
> Tenn. Code Ann. § 55-12-139(c)(1) (providing that failure to provide

> evidence of financial responsibility is a misdemeanor offense)[footnote omitted];
>
> Tenn. Code Ann. § 55-12-210(a)-(c)(directing the Department to check vehicle registrations against insurance company records to verify that active liability insurance coverage is in place for vehicles operating on Tennessee roads, issue a series of notices to the registrant if coverage is unconfirmed, and ultimately suspend the registration if the registrant fails to cure noncompliance).

Response to motion for temporary injunction, p. 3 (paragraphing added)

83. He also cites *id.* Tenn. Op. Atty. Gen. No. 03-084 (Tenn.A.G.), 2003, and legislative history. Atwood "is a separate enforcement mechanism for the financial responsibility requirements" and "directs the Department to verify financial responsibility" for all registered motor vehicles.

84. Respondent deems Tenn. Op. Atty. Gen. No. 03-084 (Tenn.A.G.), an authority for its policy. However, the opinion does not argue for, nor authorize, such power. The opinion states that it limits its application to situations in which insurance is used as proof of financial responsibility following a "first bite" qualifying accident. [6]

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[6] "This Opinion concerns the standards for showing evidence of financial responsibility **when an insurance policy provides the driver with coverage**." Tenn. Op. Atty. Gen. No. 03-084 (Tenn.A.G.), 2003, p. 2 (emphasis added). In citing the opinion, respondent omits this crucial sentence.

Atwood surveils whether a motor vehicle liability policy is being used to meet a vehicle registrant's financial responsibility requirements imposed under circumstances covered by Part 1. Sects. 202 and 204 say Atwood is for ***verification*** only.

> (a) The commissioner of revenue shall develop, implement, and administer an insurance verification program to electronically **verify** whether the financial responsibility **requirements of this chapter** [chapter 12] have been met with a motor vehicle liability insurance policy.

§ 55-12-204. Motor vehicle insurance; electronic verification program; commissioner duties (emphasis added)

85. DOR converts Atwood into **an insurance check** based upon vehicles and business records, not upon people or person. Says respondent on his website, the law

> imposes insurance requirements on motor vehicles operated on Tennessee roads, not just on the individual registrant of a given vehicle. Every actively registered VIN in Tennessee that is driven on Tennessee roadways must carry the minimum liability insurance coverage required by law. This insurance coverage must be reflected in the insurance company's monthly full book of business (FBOB) or the registrant will be subject to *** suspension of their registration. [7]

86. Contradictorally, respondent denies Atwood is "entirely independent" (Q No. 1). DOR admits financial responsibility, security or exemption are defined in Part 1, and are not defined in Part 2 (Atwood) (Q Nos. 2, 3, 7). It admits "verification of insurance under 210, as proof of financial responsibility per 202 & 204, is required only for financial responsibility" (Q No. 4). It admits "financial responsibility can be satisfied after a qualifying accident or judgment," which responsibility in Sect. 105 is described as "deposit of security; proof of security," the assets, bond or affidavit put at disposal of settling qualifying accident requirement for responsibility.

87. Respondent says sect. 210 throws open the EIVS eyeball, like an Eye of Sauron, so 100 percent of registrants fall under its gaze, all made liable, being in the full book of business. "If the General Assembly had intended to limit the Department's administration of the Atwood Law to vehicles involved in an accident and thus implicated under Tenn. Code Ann. § 55-12-105(a), it could have easily done so. However, the lack of any qualifying or narrowing language leaves the EIVS inquiry open to any motor vehicle registered in Tennessee" (motion for summary judgment in van case, pp. 9, 10).

[7] Department document "DIFIC - 1 - Insurance verification program - overview" https://revenue.support.tn.gov/hc/en-us/articles/360060326971-DIFIC-1-Insurance-Verification-Program-Overview

88. In Tulis v. DOR the hearing officer says the commissioner "cannot agree" with petitioner's analysis that EIVS runs consecutively following judgment by safety and that Part 2 applies only to those under penalty from safety. Rather, the AHO says, Part 1 runs concurrently and simultaneously, with a separate legal standard for the statute's operation.

89. Revenue claims the powerful computing and surveillance network EIVS upgrades DOR's lesser role in TRFL. EIVS, it says, moves respondent beyond its statutory follow-after order-taking from safety. Sect. 210 "stands apart from" sects. 104-106 and, the AHO says, sect. 210 is "a basis for suspension independent of the post accident reporting regime in part one of chapter 12." If the owner of a vehicle does not comply, sect. 210 "mandates – using the directive word 'shall' – that the Department initiate a notification process that will result in the suspension or revocation of registration for any non-compliant vehicle owner." (Order denying petition for injunction, p. 9).

90. "All that is required to precipitate" this process is an EIVS signal of no insurance. "Nothing" in sect. 210 "restricts inquiries of the EIVS to situations in which the vehicle was in an accident" (order p. 9).

91. *EIVS surveils the long tail at the end of the process, targeting a handful of insureds obligated under administrative probation to carry proof of financial security.* Because DOR supervises roughly 3,000 SR-22 suspendees on conditional privilege, sect. 210 is fully operative upon these people, and Sect. 214, forbidding altering requirements of the financial responsibility law, are harmonized.

92. The AHO alleges petitioner is liable for performance under the "shall" in sect. 210, directed at the commissioner. This respondent claim is at best a bleating and not

the trumpet he makes it. Liability in law attaches under rules of construction when a party subject to the law is *identified* as subject.

93. Examples of liability statutes dot the financial responsibility law.

i. ➢ Sect. 104. "The operator of a motor vehicle *** **shall report** the matter [of a qualifying accident] in writing to the commissioner."
ii. ➢ If an operator cannot file the report, the "owner of the motor vehicle involved in the accident **shall *** report** the matter in writing to the commissioner." Tenn. Code Ann. § 55-12-104 (emphasis added)
iii. ➢ Elsewhere, the revenue commissioner, on notice from safety, "**shall issue** a notice of suspension of the registration." Sect. 104(c)
iv. ➢ "No later than January 1, 2019, and annually thereafter, the department of revenue and the department of safety **shall issue** a joint report to the general assembly." § 55-12-209. Authorized use of program; commercial automobile insurers; annual reports
v. ➢ Petitioner receives notices pursuant to Sect. 210 with two fees cited. The first for $25 says "the **owner** of the motor vehicle **shall be subject to**" the "coverage failure fee."
vi. ➢ Finally, "the **owner** of the motor vehicle **shall be subject to** a one hundred-dollar continued coverage failure fee and suspension or revocation of the owner's motor vehicle registration" for not showing proof of financial security. Sect. 210(a)(2) and 210(b)(2). Further down, DOR "shall suspend or revoke the motor vehicle owner's registration."

94. These are clear liability provisions either upon DOR or a vehicle owner. In sect. 210, the "shall" is the *action verb for respondent, **not for relator.*** "[T]he department of revenue shall, or shall direct its designated agent to, provide notice to the owner of the motor vehicle" of no insurance. § 55-12-210.

95. Sects. 102, 114, 116, 126 refer to the commissioner of safety's authority to "release the requirement of that proof" of financial responsibility sect. 126(d). Such references are made nugatory by revenue's policy requiring, at all times, "proof of

financial responsibility" apart from any accident for which parties must accept responsibility. Release dates in Part 1 mean that people are free to use the roads *without insurance generally*. Participants in a qualifying accident also have power to release. "The submission to the commissioner of notarized releases executed by all parties" frees either party from any duty. Sect. 105(b)(4).

96. DOR relies on sect. 139 as the basis for the EIVS eye being open on all owners, operators and motor vehicle policies through the VIN, § 55-12-122. DOSHS and law enforcement agencies statewide rely on sect. 139 for criminal prosecutions since 2002 with charging instruments. DOR relies on broadening the intent of "every vehicle subject to the registration and certificate of title provisions" to refer not just after-accident parties and suspended, conditional privilege-use parties. It relies on broadening — distorting — the meaning of "evidence of financial responsibility" in (b)(1) (A):

> At the time a driver of a motor vehicle is charged with any violation under chapters 8 and 10, parts 1-5, and chapter 50 of this title; chapter 9 of this title; any other local ordinance regulating traffic; or at the time of an accident for which notice is required under § 55-10-106, an officer shall **request evidence of financial responsibility** as required by this section.

97. The AHO makes sweeping statement that "[a]ny earlier enacted elements of the Financial Responsibility Laws that conflict with this dictate [in Sect. 210 for sending out notices] would *** be repealed by implication" (order denying temporary injunction p. 17). Does he not realize how many such repeals he is presuming? Implied repeal cannot hide respondent's overthrow of law. [8]

[8] Relator apprises respondent that he is aware of fraud in DOSHS. He asserts he has a right to its honest government services, too, and hereby gives administrative notice of fraud to respondent with the conjoined party requiring respondent to begin investigation of corrupt acts thereat under the concept of misprision of felony. Evidence indicates the safety department's abuse of law has been operating 22 years under pretended authority of sect. 139 backed by the attorney general opinion.

98. The expression of one thing implies the exclusion of others (*experessio unius et exclusio alterius*). The negative-implication canon is implicated as DOR policy obliterates Part 1. The existence of the sect. 105(b)(4) on "notarized releases executed by all parties" excludes the possibility of continuing duty to "show financial responsibility" after such filing fulfills all obligation of any uninsured party. Law at sect. 116 stipulating cessation of a requirement of a three-year timely limit excludes a possibility that the requirement is never ending.

99. As the Purkey v. Am. Home court notes:

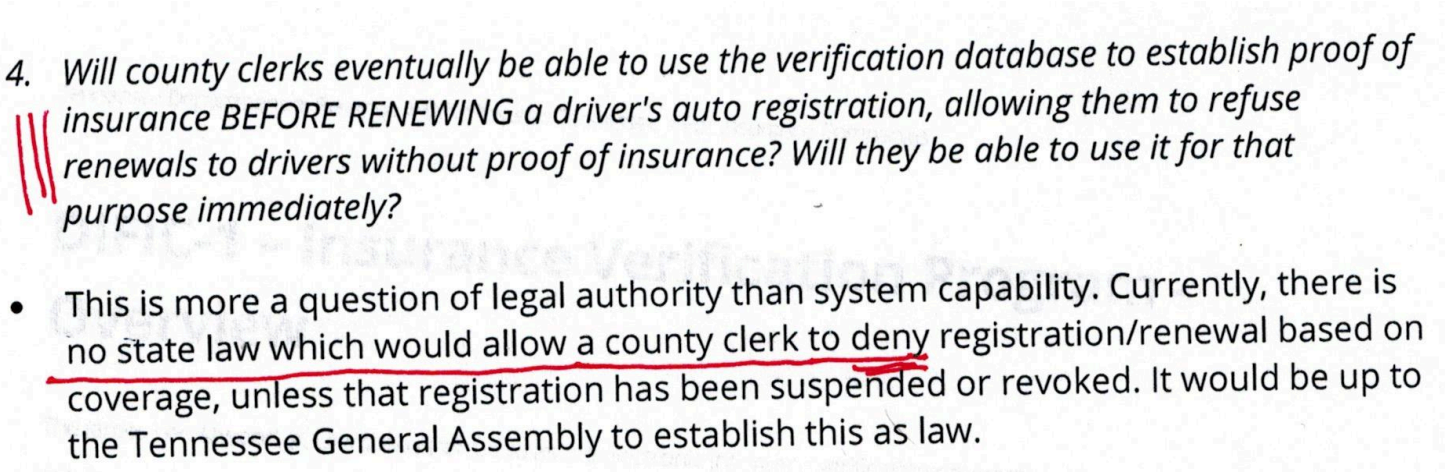
> Although the law **applies to "every vehicle subject to the registration** and certificate of title provisions," Tenn.Code Ann. § 55–12–139(a) (eff. Jul. 1, 2005), as we have previously explained,
>
> > the Legislature ***stopped short of requiring*** public liability insurance as a condition precedent to the owning or operating of a motor vehicle. The **sanctions of this statute are not involved unless and until the owner or operator is involved in an accident** resulting in bodily injuries or property damage in excess of $[400.00][1]; until such occurs a person is at liberty to own and operate a motor vehicle without any insurance coverage or with as little insurance coverage as desired.

Id. Purkey v. Am. Home Assur. Co., at 706 (emphasis added)

100. This case is about a policy that creates a pretended legal liability upon relator and 6.34 million other members of the public without respondent's citing a liability statute. Directives to an officer to ask for proof of financial responsibility (sect. 139) or the commissioner of revenue to send out notices (sect. 210) are clearly NOT liability provisions upon relator.

101. The text of law is likened to prison that no court can escape. The word "shall" in 210 is not a basis for respondent's defense of its program. Respondent's interpretation of the law

invalidates it *(ut res magis valeat quam pereat* – it is better for a thing to have an effect than to be made void). Relator's interpretation of "shall" in 210 validates the law.



4. *Will county clerks eventually be able to use the verification database to establish proof of insurance BEFORE RENEWING a driver's auto registration, allowing them to refuse renewals to drivers without proof of insurance? Will they be able to use it for that purpose immediately?*

- This is more a question of legal authority than system capability. Currently, there is no state law which would allow a county clerk to deny registration/renewal based on coverage, unless that registration has been suspended or revoked. It would be up to the Tennessee General Assembly to establish this as law.

This screengrab is from a Q&A document supplied by respondent titled "EIVS General Talking Points" distributed late 2016. No law makes it a prerequisite for a car owner to show proof of insurance or financial security before registering car for use as a motor vehicle. The general assembly in 1999 rejected a mandatory insurance for all bill. DOR has legislated such bill into existence by "independent" policy.

102. "The purpose of the law is to protect you and the public from financially irresponsible drivers who become involved in an accident, as well as some drivers who have repeated violations and disregard of the law," DOSHS states on the summary that "shall" be included with application for an operator or chauffeur license. [9] Relator defends this moral content of the law. The intent of the legislature to subdue "repeated [violators]" and "financially irresponsible" drivers may be discerned by looking to "the language of the statute, its subject matter, the object and reach of the statute, the wrong or evil which it seeks to remedy or prevent, and the purpose sought to be accomplished in its enactment." *Mascari v. Raines,* 220 Tenn. 234, 239, 415 S.W.2d 874, 876 (1967) State v. Lewis, 958 S.W.2d 736, 739 (Tenn.

[9] See p. 120, below, "Summary of Tennessee's financial responsibility law Tennessee Code Annotated, Title 55." DOSHS wording on back of paper DOS driver license application or other driving related form. See form, ¶ 2.

1997).

103. Revenue's authority is pure fiction. The commissioner's claim of "independent basis" apart from Part 1 is not expiatory; it condemns him.

Moral wrong to equate good, bad drivers

104. No one in our highly automobile-centric American culture can be involved in a wreck and think he or she can get away with not being held *responsible*. The courts are open for disputes following an accident. The problem intended to be addressed by TFRL will not be solved because always there will be on the roads people who are poor and who cannot afford responsibility of other people's damage in a qualifying crash, much less their own, apart from any willfulness or negligence.

105. The poor have an absolute right to use the public roads for exercise of rights and earning a living, and Tennessee law accepts their movements thereon.

106. A negligent and disobedient driver "shall immediately give and shall maintain for three (3) years, proof of financial responsibility" §55-12-114(a). "When the person's license or registrations ***or both license and registrations are restored*** after suspension or revocation, the person *shall give and shall maintain for three (3) years proof of financial responsibility* as required by § 55-12-126, pay a one hundred-dollar restoration fee and pass the driver license examination as a condition **precedent** to the **restoration** of the license" §55-12-114(c) (emphasis added).

107. The state regulates commercial use of cars and trucks through privileges of licensure and registration — wielding tax and police power to affect a righteous interest in holding scofflaws and the negligent accountable for injuries. "The commissioner of safety shall suspend the license or nonresident operating privileges, and shall request that the commissioner of revenue suspend the motor vehicle

registration of any person involved in an accident as a motor vehicle operator or owner in this state who **willfully fails, refuses or neglects** to make or have filed an accident report on that person's behalf." T.C.A. § 55-12-104 (emphasis added).

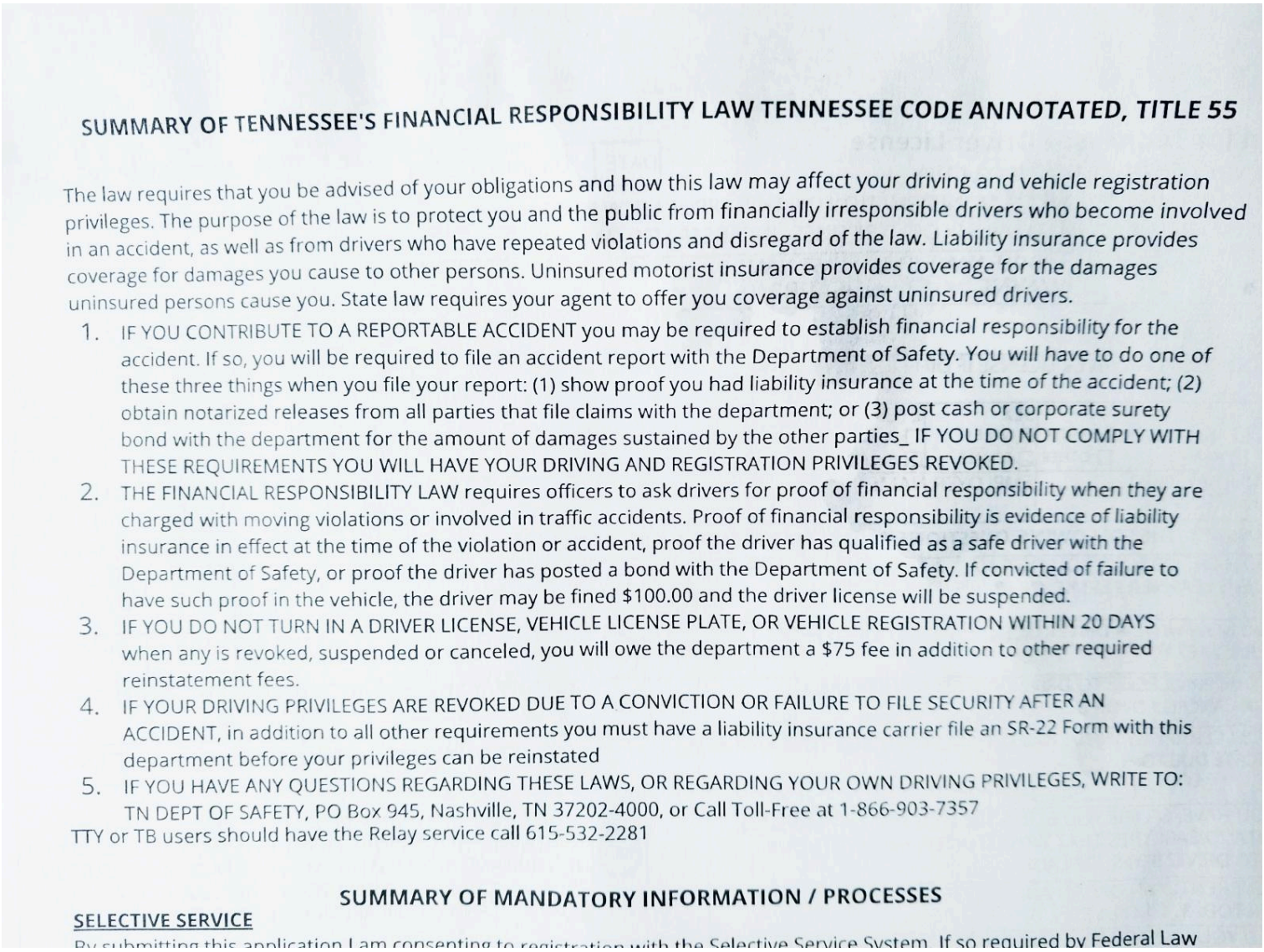
108. The law is based on a moral and virtue interest, a sense of right and wrong, good and evil, of "precedent[s]" and correctives bringing "restoration," "to take insolvent, financially irresponsible drivers off the roads of this state" Burress v. Sanders, 31 S.W.3d 259, 263 (Tenn. Ct. App. 2000).

109. The state is a schoolmaster or a retributive parent upon the troublemaker. Its regulatory activity reduces demand for litigation. The state anticipates conflict among roadway travelers and forestalls it by its TFRL command, intending no loose ends regarding "unsatisfied judgment[s]" T.CA. § 55-12-114(d). The ethical center in TFRL recognizes people such as relator as an "innocent [member] of the public and a safe driver with whom its chastisement regime has nothing to do. *Id.* Purkey v. Am. Home. at 706 [10]

[10] The holy Bible establishes respondent's **moral duty under God** — oppress the wicked and praise the good. In Tennessee, the authority and standard of judgment in executive branch departments fulfilling the will of the people in their general assembly is the Tennessee code annotated, which in no way is "a terror to good works."

> Let every soul be subject to the governing authorities. For there is no authority except from God, and the authorities that exist are appointed by God. **2** Therefore whoever resists the authority resists the ordinance of God, and those who resist will bring judgment on themselves. **3** For rulers are **not a terror to good works, but to evil.** Do you want to be unafraid of the authority? **Do what is good, and you will have praise from the same**. **4** For he is God's minister to you for good. But if you do evil, be afraid; for he does not bear the sword in vain; for he is God's minister, an **avenger to *execute* wrath on him who practices evil**. **5** Therefore *you* must be subject, not only because of wrath but also for conscience' sake. **6** For because of this you also pay taxes, for they are God's ministers attending continually to this very thing. **7** Render therefore to all **their due**: taxes to whom taxes *are due,* customs to whom customs, fear to whom fear, honor to whom honor.

Romans, chapter 13 (emphasis added)



SUMMARY OF TENNESSEE'S FINANCIAL RESPONSIBILITY LAW TENNESSEE CODE ANNOTATED, TITLE 55

The law requires that you be advised of your obligations and how this law may affect your driving and vehicle registration privileges. The purpose of the law is to protect you and the public from financially irresponsible drivers who become involved in an accident, as well as from drivers who have repeated violations and disregard of the law. Liability insurance provides coverage for damages you cause to other persons. Uninsured motorist insurance provides coverage for the damages uninsured persons cause you. State law requires your agent to offer you coverage against uninsured drivers.

1. IF YOU CONTRIBUTE TO A REPORTABLE ACCIDENT you may be required to establish financial responsibility for the accident. If so, you will be required to file an accident report with the Department of Safety. You will have to do one of these three things when you file your report: (1) show proof you had liability insurance at the time of the accident; (2) obtain notarized releases from all parties that file claims with the department; or (3) post cash or corporate surety bond with the department for the amount of damages sustained by the other parties_ IF YOU DO NOT COMPLY WITH THESE REQUIREMENTS YOU WILL HAVE YOUR DRIVING AND REGISTRATION PRIVILEGES REVOKED.
2. THE FINANCIAL RESPONSIBILITY LAW requires officers to ask drivers for proof of financial responsibility when they are charged with moving violations or involved in traffic accidents. Proof of financial responsibility is evidence of liability insurance in effect at the time of the violation or accident, proof the driver has qualified as a safe driver with the Department of Safety, or proof the driver has posted a bond with the Department of Safety. If convicted of failure to have such proof in the vehicle, the driver may be fined $100.00 and the driver license will be suspended.
3. IF YOU DO NOT TURN IN A DRIVER LICENSE, VEHICLE LICENSE PLATE, OR VEHICLE REGISTRATION WITHIN 20 DAYS when any is revoked, suspended or canceled, you will owe the department a $75 fee in addition to other required reinstatement fees.
4. IF YOUR DRIVING PRIVILEGES ARE REVOKED DUE TO A CONVICTION OR FAILURE TO FILE SECURITY AFTER AN ACCIDENT, in addition to all other requirements you must have a liability insurance carrier file an SR-22 Form with this department before your privileges can be reinstated
5. IF YOU HAVE ANY QUESTIONS REGARDING THESE LAWS, OR REGARDING YOUR OWN DRIVING PRIVILEGES, WRITE TO: TN DEPT OF SAFETY, PO Box 945, Nashville, TN 37202-4000, or Call Toll-Free at 1-866-903-7357

TTY or TB users should have the Relay service call 615-532-2281

SUMMARY OF MANDATORY INFORMATION / PROCESSES

SELECTIVE SERVICE

By submitting this application I am consenting to registration with the Selective Service System, if so required by Federal Law

Says the department of safety: "Proof of financial responsibility is * proof the driver has qualified as a safe driver with the Department of Safety." This statement, ¶ 2 on back of the driver license application, indicates right to drive <u>insurance free</u> if not under suspension.**

110. Policy obviates the distinction between motorists of good faith and clean records and those who are negligent or irresponsible. In ignoring the line between safe drivers and unsafe drivers, respondent revenue harms relator and the weak and the poor. The poor are those without insurance who, in an accident, avail themselves of right to private settlement via "notarized release" in sect. 105. If revoked, they are injured by police departments statewide for "driving on revoked." Their right to use

their private chattel automobiles is criminalized. Their tags revoked, they are denied the privilege to use the roads for commerce, as well, a federally protected right. [11]

111. Revenue claims relator has options in his duty to show POFR or financial security. Insurance. $65,000 payment to revenue. Buy a $65,000 surety bond from a corporate entity. If respondent is correct that a registrant must make a $65,000 cash deposit with revenue, it cannot account for further conflict this policy creates with Part 1, specifically the duty a person in a qualifying crash has to show POFR to safety. No cash paid or bond shown to commissioner of revenue lets an owner or operator in a qualifying crash avoid meeting the requirement of sect. 105.

112. The revenue witness testifies one man paid two $65,000 cash payments to comply with DOR policy. He cannot escape this obligation in Part 1 and Sect. 105, requiring to make cash deposit with commissioner of safety after a qualifying accident if he doesn't have insurance. ***His deposit in revenue has no statutory path for it to be used in a qualifying accident to make payments*** to an injured party when the fault is his.

113. DOR policy puts the citizen in an impossible position and creates a conflict of law.

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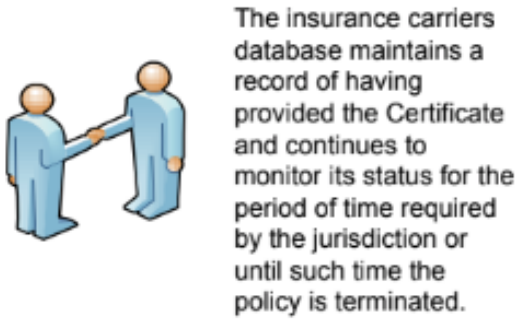
[11] The right to commerce is a protected federal right. The states' regulation of transportation is not allowed to interfere with this long-established right.

> The appellant had a *right* to go from New-Jersey to New-York, in a vessel, owned by himself, of the proper legal description, and enrolled and licensed according to law. This *right* belonged to him as a citizen of the United States. It was derived under the laws of the United States, and no act of the Legislature of New-York can deprive him of it, any more than such act could deprive him of the right of holding lands in that State, or of suing in its Courts.

Gibbons v. Ogden, 22 U.S. 1, 27, 6 L. Ed. 23 (1824)

Trade group IICMVA describes SR-22

114. Respondent revenue witness Lanfair says "there is no human interaction whatsoever" in generating targets for revocation, and the letters that go out to them in lots. "It is a random pool of VINS that are put into a letter process. And there is no human interaction whatsoever" (Lanfair transcript pp. 14, 15).



(Image at left from IICMVA's white paper, insurers are shown to be monitoring SR-22 certificates. Source IICMVA.)

115. In other words, DOR doesn't target just the lawful objects of surveillance (SR-22 insureds), but 100 percent of registered vehicles, using details connected to what the industry sells as 'motor vehicle policies." Does DOR keep a record of people under safety supervision required to have SR-22 insurance because they failed to obey a court order, court judgment or they have violated the TFRL with an accident for which they had not made proper report?

116. "No, we do not." (Lanfair transcript p. 14, line 22).

117. In DOR's view, the legislative intent of elected representatives and senators was to erect a nanny-state surveillance system — EIVS — to exercise dominion over the accident-free and financially responsible citizenry. Free and independent people in Tennessee are to be watched and supervised like little children, obliged to prove themselves worthy ***and wealthy*** enough to frequent roads dedicated and disposed for their use and enjoyment, and for maintenance of which they are taxed.

118. The general assembly in 1999 rejected a bill that would have accomplished what DOR and DOSHS are doing apart from law — enforcing Atwood and T.C.A. §55-12-139 as if they require under duress commerce with for-profit insurance companies in the Tennessee automobile insurance plan at § 55-12-136, or pay $65,000 to revenue, not authorized to accept, bank and utilize such funds.

119. It shot down HB 244 and SB 292, sponsored by Rep. Arnold Stulce of Soddy-Daisy, intending to add a fourth chapter in chapter 12 of § Title 55, the "mandatory motor vehicle insurance act of 1999," making having POFR a prerequisite for registration of a car as a motor vehicle. DOR is not authorized to legislate its program into existence. [12]

120. The IICMVA's manual for describing how financial responsibility laws operate agrees with relator's analysis about the scope of TRFL. Such laws "require owners of motor vehicles to produce proof of financial accountability **as a condition to acquiring a license** and registration so that judgments rendered against them arising out of the operation of the vehicles may be satisfied. It is generally accepted, as a condition for operating on a state's roadways, a driver has agreed to be financially responsible for any harm or damage caused through the operation of his

[12] Among the Stulce bill provisions:

> (b) No registration or renewal of registration of a motor vehicle shall be issued by the commissioner unless the application for registration or renewal is accompanied by evidence that the vehicle and its owner have met the requirements of the Tennessee Financial Responsibility Law of 1977, Tennessee Code Annotated, Title 55, Chapter 12, for the period of which the registration or renewal will be valid. Every registration shall be accompanied by the following notice: "THIS REGISTRATION SHALL AUTOMATICALLY TERMINATE UPON THE FAILURE TO MAINTAIN EVIDENCE SHOWING THAT THIS VEHICLE AND ITS OWNER MEET THE REQUIREMENTS OF THE TENNESSEE FINANCIAL RESPONSIBILITY LAW."

or her vehicle."

121. Notice that FR is understood as a duty upon a person to as "a condition of acquiring a license and registration" to satisfy a judgment.

122. Its procedures guide, dated 2015 and current on IICMVA's website, likens FR to probation. It is *imposition of a condition on the privilege*. A driver "may comply with this duty by purchasing 'adequate' motor vehicle insurance."

> A driver who fails to comply with this duty by not having insurance (or an adequate amount of insurance) or who has demonstrated a traffic safety and financial accountability concern to other roadway users through some other action (i.e., accumulation of convictions and/or accident involvement), may be **required to satisfy** a state's financial responsibility law in order to maintain a driver license.
>
> Following are four circumstances which may require a driver to show future proof of financial responsibility by filing an SR22 or FR44 certificate with the state motor vehicle department in order to maintain a valid driver license:
>
> 1. **Convictions** Some states will require a driver convicted of a specific driving offense, such as driving under the influence of alcohol or drugs, reckless driving, or another major driving violation, to comply with that state's financial responsibility requirements. The driver may be required to file a proof of financial responsibility in the form of insurance, securities, cash, or bond for a time period defined by state statute. A driver's failure to submit a valid SR22 Financial Responsibility filing may result in the suspension of the person's driver license and/or registration plates.
>
> 2**. Crash or Accident Involvement** A driver who is involved in a crash and who is unable to demonstrate financial accountability (through either insurance or other financial assets), may be required to comply with that state's financial responsibility requirements. The driver may be required to file a proof of financial responsibility in the form of insurance, securities, cash, or bond for a time period defined by

state statute. A driver's failure to submit a valid SR22 Financial Responsibility filing may result in the suspension of the person's driver license and/or registration plates.

3. **Operation of Uninsured Motor Vehicl**e In some states when a driver is convicted of driving while uninsured, the driver must comply with the state's financial responsibility requirements. The driver may be required to file a proof of financial responsibility in the form of insurance, securities, cash, or bond, depending on a state's law for a time period defined by state statute. A driver's failure to submit a valid SR22 Financial Responsibility filing may result in the suspension of the person's driver license and/or registration plates.

4. **Unsatisfied Judgment** When a driver is involved in a motor vehicle crash for which he or she is determined to be at fault and for which the driver is either underinsured or uninsured, a court having jurisdiction over the matter may render a judgment to the other party (plaintiff) against the driver (defendant) for the cost of damages. The judgment against a driver will state the amount of damages (including in some cases interest), and specify the time period in which the amount must be paid. Should the driver not pay (i.e., satisfy) the judgment within the time specified, the plaintiff can ask the court to request the licensing authority to suspend the defendant's driver license and/or registration plates.

Financial Responsibility Program and Procedures Guide - SR22/SR26 https://iicmva.com/downloads/publictions/ dated 2015, but download update Jan. 3, 2021 (emphasis added) See **EXHIBIT No. 4**

123. No. 3. Operation of Uninsured Motor Vehicle does not apply to Tennessee because it is not a mandatory insurance state. It is replaced by No. 4. Failure to establish financial responsibility after an accident.

124. "Certification of liability insurance coverage for the future is a basic element in all financial responsibility laws. In order to reinstate a driving privilege after a driver license suspension, an insurance company is called upon to **certify liability coverage** for the future, usually 3 years, for the affected individual. *** **Future**

proof of insurance is a critical feature in the enforcement of the sanctions contained in financial responsibility laws. When an insurer files certification of insurance with a state, it is, in effect, guaranteeing liability coverage for the named individual for a specific period of time. State statutes commonly contain a provision providing the act of certification creates a **'motor vehicle liability policy'** *** [see T.C.A. §55-12-122]. Whenever an insurer **files a financial responsibility certification**, it is essentially 'on the risk' for the state's minimum financial responsibility limits until it **files a cancellation notice** with the state." (Financial Responsibility Program and Procedures Guide - SR22/SR26, IICMVA, p. 3)

125. In an executive summary regarding SR-22 certificates, IICMVA says:

> Mandatory liability insurance laws currently exist in 49 of the 50 states. Many jurisdictions require an individual to obtain and maintain **Certificates of Financial Responsibility.** An individual may need a Certificate of Financial Responsibility due to **unsatisfied judgments, driving without insurance, certain moving violation convictions** or the inability to provide **evidence of financial responsibility after involvement in a crash**. Certificates of Financial Responsibility are typically referred to as an **SR-22,** FR-44 or similar designation depending on the jurisdiction and reason for the filing.
>
> Today, few jurisdictions accept Certificates of Financial Responsibility electronically from insurance carriers, and no standardized methodology exists for the submission of Certificates to all the jurisdictions. Jurisdictions **accept Certificates by numerous methods** which include: paper forms via US Mail, faxed forms, email, proprietary website entry and costly electronic methods utilizing third party vendors.
>
> Current submission methods can result in inferior data quality, duplicate entries, and unsatisfactory customer experience. Data quality is affected by the numerous forms of delivery; duplicate entries are required as insurers must also input data into the insurance carrier database; and customer experience is negatively affected by delays in delivery to jurisdictions. Also, the submission of Certificates via a website does not allow for audit trails by the insurance carrier.

"The Case for Utilizing Web Services Technology to File Certificates of Financial Responsibility," IICMVA, August 2016 (emphasis added)

126. Tennessee's Atwood law defines "full book of business" in *para materia*. "'Full book of business' means a business record download of an automobile liability insurer made in accordance with IICMVA Insurance Data Transfer Guide Specifications that contains the data elements described in § 55-12-207(c)(1)," T.C.A. § 55-12-203(4) definitions. The IICMVA admits its guide "does not apply to all lines of business" (programs and procedures guide, p. 1). Indeed, "full book of business" cannot reasonably mean *all motor vehicle policies* from a company such as State Farm, relator's former insurance provider for the RAV4, or all insurance policies. [13]

127. Not in "the full book of business" is State Farm's house insurance or insurance for rentals, motorcycles, snowmobiles, trailers, mass excavators, wheel loaders, bulldozers, small business, health or life. The "full book of business" in view in Tennessee's FR law is "motor vehicle liability insurance" described in the definitions at sect. 102 and in sect. 122, referred to in Atwood sects. 204 and 209.

[13] Respondents' refusal to make legal distinctions, in protection of the people and their rights, have spread widely, like a cancer. The Tennessee judicial conference's pattern jury instructions, its "38.19 violation of financial responsibility law," omits that one essential element of the offense is that the person charged must be under suspension and conditional use of the privilege and carry evidence in his other vehicle of an SR-22 certified policy. **EXHIBIT No. 5** 7 Tenn. Prac. Pattern Jury Instr. T.P.I.-Crim. 38.19.

Identification Card

INSTRUCTIONS: Keep this Identification Card in the vehicle and be prepared to show it to a Law Enforcement Officer upon request or in the event you are involved in an accident.

When You Need Us, We're Ready - 24/7

From fender benders to natural disasters, Grange is there for you with exceptional, local claims service. Call our **24-Hour Loss Reporting Center at (800) 445-3030,** log on to your Grange account or contact your Grange agent to report a claim.

Auto Glass

If you have had glass damage and would like to schedule a repair:

- Call our Glass Claims Reporting Hotline at (800) 951-9734; or
- Visit Safelite's Schedule Service page at safelite.com.

ID0001

Grange Insurance

Trustgard Insurance Company
671 South High Street
Columbus, OH 43206-1066

Tennessee Identification Card

Policy Number	Effective Date	Expiration Date	NAIC
5256857	02/29/2024	08/29/2024	40118

Year	Make	Model	VIN
2014	Hond	Crosstour	5J6TF1H3XEL001897

Named Insured
Jeannette Tulis
David Tulis

Agency
Elite Insurance Solutions
Phone: (615) 371-5400

Examine policy coverages and exclusions carefully.
This form does not constitute any part of your insurance policy and you have only the coverages for which you were charged a premium as listed in your policy declarations.

Grange Insurance

Trustgard Insurance Company
671 South High Street
Columbus, OH 43206-1066

Tennessee Identification Card

Policy Number	Effective Date	Expiration Date	NAIC
5256857	02/29/2024	08/29/2024	40118

Year	Make	Model	VIN
2010	Hond	Accord	1HGCP2F8XAA177895

Named Insured
Jeannette Tulis
David Tulis

Agency
Elite Insurance Solutions
Phone: (615) 371-5400

Examine policy coverages and exclusions carefully.
This form does not constitute any part of your insurance policy and you have only the coverages for which you were charged a premium as listed in your policy declarations.

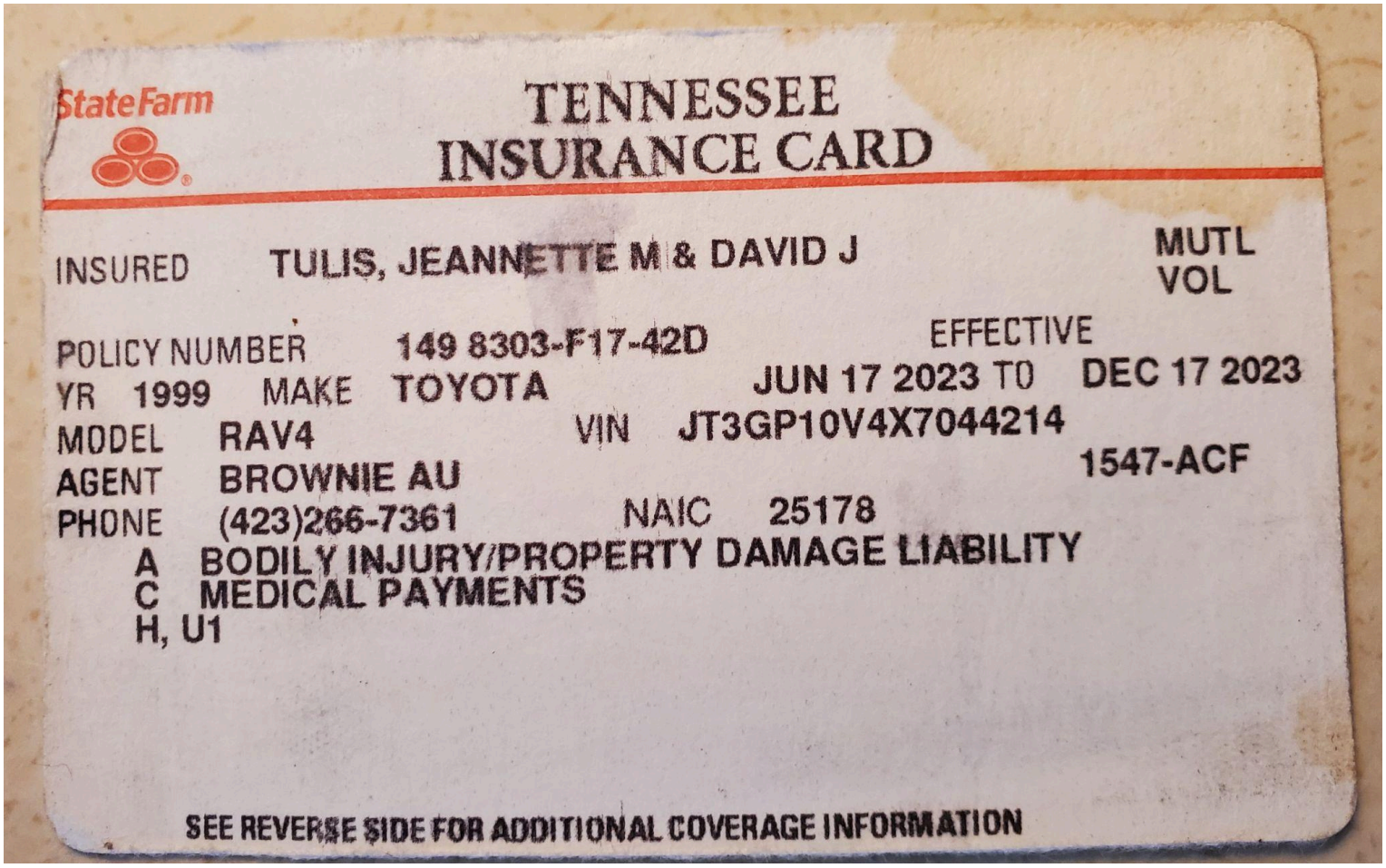
Need more ID Cards?

No Problem.
Log onto grangeinsurance.com, create an account under my Grange Account to view and print important policy documents including ID cards.

Uber or Lyft driver?

Ridesharing Gap Coverage fills in the gaps between your auto insurance and your rideshare company's coverage.

Respondents accept this Grange document as POFR from people compelled to buy insurance, which policy, not certified, cannot legally serve as POFR.



This billfold card for the lapsed insurance policy for the Tulis RAV4 is not qualified under law to be proof of financial responsibility. T.C.A. §§ 55-12-120, 122. Only policies "certified" by State Farm to DOSHS can be proof of FR or financial security. Yet DOR pretends ordinary operator's or owner's policies satisfy the law. People not subject to TFRL are extorted to buy insurance under such cards. Every such ordinary policy fails to comply with the SR-22 standard.

128. The TFRL Part 1 has 42 provisions. Part 2, the Atwood law, has 15. In the agency's scheme, the parts don't fit. With a hammer the commissioner smashes them together, or folds parts back to make them fit. Gaps, holes, problems remain. In the law described by state of Tennessee on relation, the puzzle pieces fit together. Relator comes under the law's provisions in a qualifying auto accident the moment the hubcap pirouetting on the pavement settles among the glass shards and pieces of

plastic and the echo of the impact ceases among the nearby buildings. Not until these reverberations cease does a driver or operator fall under TFRL provisions.

129. Rules of statutory construction keep the three branches of government in their lane. They compel agencies from running programs "[i]n violation of constitutional or statutory provisions" or "[i]n excess of the statutory authority of the agency." DOR is supplying a perceived defect in the law by bringing making 100 percent of registrants liable rather than 0.0473 percent who are suspendees, per calculation from respondent data.

> "Where the State has, in the exercise of its police power, undertaken by appropriate legislation to regulate traffic upon streets and highways, providing penalties and remedies to promote the safety of the traveling public, it is not within the prerogative of the judiciary to provide additional remedies and safeguards.
>
> 'The general rule is that nothing may be read into a statute which is not within the manifest intention of the legislature as gathered from the act itself, and that a statute should not be construed any more broadly or given any greater effect than its terms require. Where the language of the statute is clear in limiting its application to a particular class of cases and leaves no room for doubt as to the intention of the legislature, there is no authority to transcend or add to the statute which may not be enlarged, *664 stretched, or expanded, or extended to cognate or related cases not falling within its provisions.' 50 Am.Jur., Section 229.
>
> '* * * where the statute creates a new right and prescribes the remedy for its enforcement, the remedy prescribed is exclusive.' Sutherland on Statutory Construction, Vol. 3, Section 5812. See also 82 C.J.S., Statutes, § 374, p. 869.

Turner v. Harris, 198 Tenn. 654, 663–64, 281 S.W.2d 661, 665 (1955)

130. EIVS has been stretched to change consumer habits vis a vis the insurance industry. TFRL is expanded to "cognate or related cases" to increase business for insurance companies. Revenue suggests policy is a sort of tough-love marketing for insurance companies, telling county clerks the EIVS exists to "encourage compliance" with a law and to change the state's poorly industry penetration ranking as "sixth highest rate" of uninsured general populace.

DOSHS sole Atwood authority in FR revocations

131. The department of safety and homeland security has 100 percent of authority under TFRL to command tag revocation. It is respondent in this suit because it has failed to protect relator from misuse of the law by revenue. Either safety ordered revocation of his van, and is ordering notice of revocation on relator's RAV4. Or it is failing to use its records and to defend its prerogatives under law to protect relator.

132. Images from TNcourts.gov about how TFRL-involved people must work their way out of the court system following judgment are here. https://www.tncourts.gov/sites/default/files/docs/TN%20Department%20of%20Safety%20Court%20Reporting%20%26%20Reinstatement%20Procedures.pdf

133. People who are target of EIVS legal surveillance and subject to tag revocation under TFRL are in the database run by ***DOSHS' financial responsibility division***. That agency controls the operation of TFRL. DOSHS controls EIVS, with authority for performance given to revenue throughout the two parts.

134. As indicated below from DOSHS website, the department's financial responsibility division administers the TFRL, which involves suspending, revoking, canceling and restoring driving privileges while maintaining all driver records.

Department of safety and homeland security oversees the financial responsibility law and gives notice to revenue when a person's registration is to be revoked. DOSHS' financial responsibility keeps driver records. Revenue's revocation program pays no attention" to these records. DOSHS is to have a role in EIVS creation and operation. Lanfair says it didn't, contradicting §§ 55-12-205 and 209.

Financial Responsibility Division

The **Financial Responsibility Division (FR)** with the Department of Safety & Homeland Security is tasked with administering the Financial Responsibility Law, which involves suspending/revoking/cancelling and restoring driving privileges while maintaining all driver records.

Financial Responsibility Division

FR is divided into two distinct units:

- **Correspondence Unit**
- **Information Processing Unit**

These units are also divided based on job functions.

Financial Responsibility

- Administration
- Driver Control
- Correspondence
- Call Center

Information Processing

- Administration
- Dispositions & Violations
- Data Entry
- Mailroom
- Records

Information Processing

The Information Processing Unit receives & processes abstracts, dispositions, and convictions reported by court's which may result in suspension, revocation, or cancellation action of the driving privileges. When there is pending action or action that may result in suspension or revocation the department notifies the customer at their address on file, and includes how to comply pursuant to state law.

Correspondence

The Correspondence Unit receives reinstatement documentation from courts and driver's by electronic means, fax, eservices upload, mail and in person to comply with suspension, revocation, or cancellation action taken by the department pursuant to state law. This unit also reviews to approve or deny restricted license cases created upon a driver issuing a temporary restricted license at a Driver Service Center. Approval is contingent on violation eligibility, and once all required documentation has been submitted.

Argument

Q. When is the last time you have read the Atwood statute?
A. Recently, this week.
Q: And what about the TFRL, the main body of law, part 1?
A. Part 1? I have not read part 1.

— EIVS manager Jennifer Lanfair
transcript, p. 6

135. This complaint and request for injunctive relief is about an industry-supporting rogue government program under color of law oppressing the state on relation and the people. The language of the Atwood law is unmistakable. EIVS applies to under 3,000 high-risk SR-22 drivers with certified motor vehicle liability insurance policies per § 55-13-122(c) ff on conditional licenses and tags, and not those of 6.34 million registrants who are not under suspension or who have not had a qualifying accident.

136. The state prospers from fraud, just as if it were a business with myriad income streams, many lawful. The state gets 2½ percent tax skim from motor vehicle insurance premiums. T.C.A. § 56-4-205. If motor vehicle premiums in 2022 are $2.67 billion ($2,677,063,051), as DOR reports, that's $66.92 million in tax revenues for state government at 2½ percent. If half of these premiums are fruit of extortion and not voluntary, **fraud in 2022 generates $33.473 million for the state.**

137. What about in the past half decade? The past five years insurance companies charged $12.511 billion in premiums, DOR says. The state collected $312.78 million in tax on those premiums. If half of the premiums are extorted, the "free money" collected from insurers is $156.39 million in payments to the state under color of taxation. **EXHIBIT 6,** Respondent response to press inquiry about TFRL

138. Respondent gains in criminal prosecutions. Using sect. 139, respondents generate tens of thousands of cases against members of the traveling public, generating fines and court fees in jurisdictions statewide..

139. Cmsr. Gerregano and safety commissioner Long, in a Dec. 18, 2023, letter to Lt. Gov. Randy McNally and house speaker Cameron Sexton say in the eight-year period from 2016 through 2023, 326,656 people were criminally convicted for "driving without insurance." That's 40,832 people per year, most of them poor and unable to purchase either operator's or uninsured motorist policies.[14]

140. DOR's deceptions are visible in marketing of the Gerregano program (see "EIVS general talking points" above) and his presenting EIVS as a tool to generate premiums. To county clerks, he says, "[DOR] is launching a new insurance verification system in January 2017 to *encourage compliance* with the state's Financial Responsibility Law." He tells clerks Tennessee "had the sixth highest uninsured motorist rate in the nation with an estimated 20.1 percent of drivers being uninsured." Widening the obligation of POFR upon the general population and "encouraging compliance" is not legal administration of law, but extortion. **EXHIBIT No. 7**, Press articles on the Jan. 1, 2017, EIVS rollout

[14] Elsewhere, relator has misstated these statistics.

TN Department of Revenue

James Lee Atwood Jr. Law Implementation

Electronic Insurance Verification System (EIVS)

Who does this law affect?

- The James Lee Atwood Jr. Law, named for a driver who was killed by an uninsured motorist in the state, passed during the 2015 legislative session to help reduce the overall number of uninsured drivers on Tennessee roadways.
- If you own and operate a motor vehicle in Tennessee, you must be financially responsible in the event of a car accident. A primary way to meet your financial responsibility obligation under the law is to carry the minimum amount of auto liability insurance.
- In 2017, uninsured drivers in Tennessee will pay fines and risk losing their vehicle registration if they are unable to demonstrate proof of financial responsibility.
- The required minimum limits of your liability car insurance are: $25,000 for each injury or death per accident. $50,000 for total injuries or deaths per accident. $15,000 for property damage per accident.

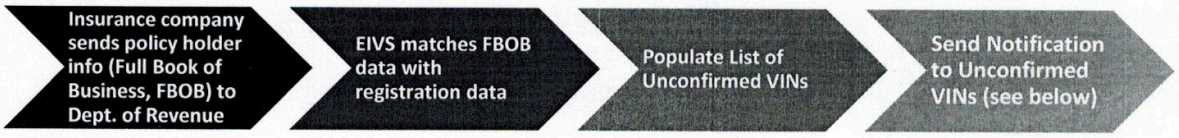
What is EIVS?

- The Tennessee Department of Revenue is launching a new insurance verification system in January 2017 to encourage compliance with the state's Financial Responsibility Law.
- Under the program, all insurance carriers registered to write personal automobile liability policies in Tennessee must register with the Department and provide required policy information.
- The state's new insurance verification system will check the policies provided by the insurance companies against all currently registered Vehicle Identification Numbers (VINs) in Tennessee. This will happen on a continual basis.
- If the system is unable to confirm insurance coverage for a vehicle, a notice will be sent to that owner directing the registrant to www.DriveInsuredTN.com where he or she can provide proof of minimum liability insurance or exemption.
- If a customer does not respond to the initial notice, subsequent notices will follow. Failure to comply with the notices could result in fines and eventual vehicle registration suspension.

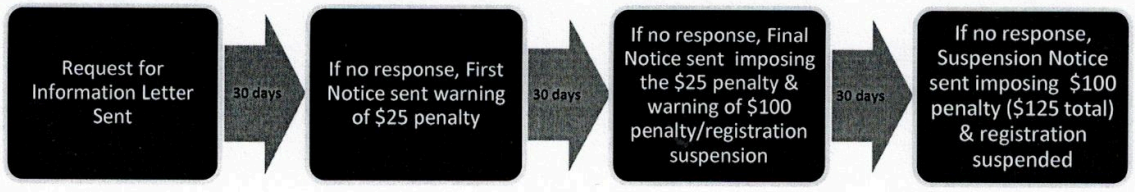
Why was the program started?

- According to a 2014 study by the Insurance Research Council, in 2012, Tennessee had the sixth highest uninsured motorist rate in the nation, with an estimated 20.1 percent of drivers being uninsured.
- Although Tennessee has had a financial responsibility law since 1977, there has not been an efficient and effective way to ensure compliance.

EIVS Workflow:



Notification Letter Process:



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TN Department of Revenue

EIVS General Talking Points

- The Department was tasked with implementing this program because of James Lee Atwood Jr. Law, named for a driver who was killed by an uninsured motorist. The Legislature passed this law in 2015.
- The goal of this program is to help reduce the overall number of uninsured drivers on Tennessee roadways.
- Ahead of the program's launch, the Department is encouraging motorists to ensure they have proper coverage in effect for their vehicles. It's important to make sure auto insurance information is up to date as well.
- We've seen outside estimates that say Tennessee's uninsured motorist rate is around 20%.
- The Department plans to roll out this program in a way that's gradual and responsible.
- We will continue to work with insurance companies and Tennessee residents to ensure data accuracy, particularly in the beginning. We must ensure that the process is an accurate and effective one, and over time we will be able to increase the volume of notifications that we send to potentially uninsured motorists.

Questions

1. *Is it on scheduled to be active Jan. 1?*

   - Yes, this program will be active on January 1, 2017.
   - Following the law's passage in 2015, the Department of Revenue has worked carefully with insurance carriers and other stakeholders in order to ensure a well-designed system.

2. *Will it be administered by all of the county clerks & how?*

   - The Department administers the program; however, county clerks will assist in the collection of reinstatement fees for suspended registrations.
   - Those residents who receive notice that their insurance cannot be confirmed will be able to demonstrate proof of coverage through a new online portal.
   - The Department will also be maintaining a call center to assist individuals and insurance companies with day to day issues and questions that arise.

3. *How will it "ping" auto registrations for proof of insurance?*

The above DOR documents show policy serving insurance companies in "industry capture" of a state commissioner. <u>They show legislation by administration.</u> Top document, for county clerks, says EIVS is to "encourage compliance" with TFRL, which has existed since 1977, among people not subject to it, absent a qualifying accident per § 55-12-104. Bottom document, DOR's goal is to "help reduce the overall number of uninsured drivers on Tennessee roadways" and "[encourage] motorists to ensure they have proper coverage in effect for their vehicles" to reduce the "uninsured motorist rate * around 20%." (Source DOR)**

141. What purpose does certified SR-22 insurance, the sole purpose of EIVS, serve if POFR is mandatory at all times? This complaint says uninsured motorists are free to travel without insurance and the state's job is to protect the public by administering TFRL upon the willful, negligent or irresponsible drivers and operators enjoying the privilege conditionally.

142. Insurance policies are not upon objects, but upon persons. An ordinary operator policy insures a person in whatever auto or motor vehicle he uses. That means a person with an operator's policy should meet respondent's current standard because he, behind the wheel, has an operator's policy. An operator's policy does not need to be linked to a motor vehicle to be enforceable. <u>Certified policies are not upon VINS, but upon a person</u>. The certificate "shall give the effective date of the motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and **shall designate by explicit description or by appropriate reference all motor vehicles** covered thereby, **unless the policy is issued to a person who is not the owner of the motor vehicle**" Tenn. Code Ann. § 55-12-120.

143. The name of the EIVS program is informative. Insurance **verification** has a different meaning and operation than insurance check. If insurance were a universal requirement prior to accident, EIVS would be EICS – electronic insurance check system.

144. By law EIVS is a mere discerner of whether members of a limited group — those registrants subject to requirement to buy SR-22 high-risk insurance from "insurers of record" — have such a policy and are verified as being financially responsible as a continuing obligation for three years to five years, however long their license and tag suspensions last. See sects. 106, 114, 116, 117, 126. Law updated Jan. 1, 2024, requires of a suspended person that he "provide[] and maintain[] proof of financial responsibility for the length of the license's revocation or suspension" Sect. 114, the three- and five-year duration references deleted.

145. Atwood gives no authority to the department beyond the limited scope of activity described in Part 1 of the law.

> **<u>Nothing</u> in this part *shall alter the existing financial responsibility requirements* in this chapter.**

T.C.A. § 55-12-214 (emphasis added)

146. When TFRL defines "motor vehicle liability insurance policy" in T.C.A. § 55-12-122(d), which policy is certified under guarantee of T.C.A. § 55-12-120, and protected from termination under T.C.A. § 55-12-120, it excludes ordinary owner's and operator's policies which, if registrants possess, they are exempted from revocation.

147. Such ordinary owner's and operator's policies in insurance companies books of business, when matched against VIN lists, discerns thusly the noncustomer of the insurance industry, that person such as relator, whose RAV4 policy expired. DOR's legal threat against state of Tennessee on relation in planning to revoke the RAV4 <u>assumes that ordinary non-certified policies are certified policies that it is authorized to surveil.</u> Because it surveils non-certified policies, it creates a list of noncustomers. These noncustomers become the target of its EIVS automated revocation letter

program. No authority exists for respondent to use data it has lawfully obtained to create an insurance noncustomer list.

148. DOR has no authority to create the noncustomer list. The noncustomer list is off limits.

149. Respondent is threatening relator and all Tennesseans as if they are supposed to have certified policies, and have failed to keep up payments. Non-certified policies are not to be monitored under 55-12-201 *et seq*. Only certified policies, and any suspendee who allows a certified policy to lapse, in violation of the conditions of licensure, is liable to get the four-notice revocation sequence from EIVS. T.C.A. § 55-12-210. He's "*eligible.*"

150. As shown above, DOSHS' financial responsibility division is tasked with administering TFRL, which involves suspending, revoking, canceling and restoring driving privileges while maintaining all driver records. DOSHS has authority of FR and suspensions.
https://www.tncourts.gov/sites/default/files/docs/TN%20Department%20of%20Safety%20Court%20Reporting%20%26%20Reinstatement%20Procedures.pdf

151. *Financial responsibility* is a concept that requires an act, fact or circumstance ***for which*** one is responsible. ***Financial security*** is the personal wealth, means or financial substance a person has able to meet that responsibility. While both are defined as synonyms by § 55-12-102, **security** can be pre- or post accident. Responsibility **must** be post because **responsibility** can't be decided until after an event. No state authority exists under the constitution for the state to limit the use of the roads to the rich or middle class, people best able to have "financial security." State law is for "financial responsibility" post accident. The security is obtained in what the Burress court calls "present ability" by the four ways in § 55-12-105.

Deposit of security; proof of security. Insurance is one of the means for showing proof of responsibility listed in Sect. 139.

152. **Responsible:** A person or body who can be held accountable for carrying out a duty is considered responsible. **Duty:** Requirement to perform some conduct required by law, custom, morality, or personal commitment. (https://www.law.cornell.edu/wex/duty)

153. SR-22 is future proof of responsibility of those already under duty. EIVS checks insurance as suspendees' proof of financial security, i.e., certified insurance.

154. Respondent policy under Atwood voids, maroons, and nullifies numerous parts of TFRL, not just 105 shown above because its commissioner refuses to view the law in *pari materia*. "Courts are to 'presume that the General Assembly is aware of its own prior enactments and *knows the state of the law when it enacts a subsequent statute*.'" *Lovlace*, 418 S.W.3d at 20 (citing *Lee Med., Inc. v. Beecher*, 312 S.W.3d 515, 527 (Tenn. 2010)). *Id.* Falls at 180 (emphasis added).

155. "Except as otherwise specifically provided, the commissioner **[of safety] shall administer and enforce this chapter**, may make rules and regulations necessary for its administration, and **shall provide for hearings** upon request of persons aggrieved by orders or acts of the commissioner under this chapter." Tenn. Code Ann. § 55-12-103 (emphasis added). DOR suggests its initiatory revocation authority under Atwood necessarily dissolves safety's control of "this chapter."

156. Revenue has argued that inconvenient sections of Part 1 are repealed by implication by Part 2. § 55-12-105 cannot be repealed or amended by implication.

This section is all about what the safety commissioner does. Should accident reports to go revenue? Does revenue decide upon suspending a license or hold a hearing? Who makes request to revenue to revoke a tag? That goes against the definition of commissioner at sect. 102, and ***specifically*** of Sect. 103: "Except as otherwise specifically provided, the commissioner **[of safety] shall administer and enforce this chapter**, may make rules and regulations necessary for its administration, and **shall provide for hearings** upon request of persons aggrieved by orders or acts of the commissioner under this chapter." Tenn. Code Ann. § 55-12-103 (emphasis added). "The rarity with which [the Court has] discovered implied repeals is due to the relatively stringent standard for such findings, namely, that there be an irreconcilable conflict between the two federal statutes at issue." J.E.M. Ag Supply, Inc. v. Pioneer Hi-Bred Int'l, Inc., 534 U.S. 124, 142 (2001).

157. All the pieces of the chapter 12 puzzle fit together perfectly under the law as state of Tennessee on relation presents it. Relator accounts for its parts. Respondent uses scissors, hammer and a water-soaked white cloth to press pieces together or bend them to fit — but there are still gaps, leftover pieces and irregularity. The picture is as shocking as an abstract painting.

158. Two programs, under policy, with conflicting standards of obligation on the public are said to operate lawfully upon the public. An exception in Part 1 is not an exception in Part 2. A liberty in Part 1 is an actionable administrative breach of privilege in Part 2. A limit of punishment in Part 1 is extended indefinitely by DOR in Part 2. Revenue commissioner revokes and reinstates tags in Part 2 on his own initiative, without notice by DOSHS, the independent reinstatement called "unlawful" in § 55-12-130, reregistration; approval of commissioner.

Summary of abrogated provisions

State of Tennessee on relation cites 29 contradictions and abrogations of the Tennessee financial responsibility law of 1977 imposed by revenue, which law relator is defending..

159. **(1)** Accident parties *without insurance* satisfy the law with affidavits of agreement sent to the department of safety — and they fulfill all law requirements. § 55-12-104(b)(4). Yet, *contradictorily and in violation of law,* DOR revokes their tags

160. **(2)** The law with three-year and five-year *expiries* (as explicitly stated up through 2023) for mandatory insurance ordains liberty the first day after periods of suspensions end — meaning insurance-free travel and driving.[15] Following revocation, safety "release[s] a person's requirement to provide proof" T.C.A. § 55-12-114(3).

161. **(3)** DOR's demand for $65,000 cash deposit bond in no way frees the party who submits it from later, in a wreck, having to obey § 55-12-105. Deposit of security; proof of security. What's in view is a double duty, a double payment. A party who paid $65,000 to revenue still has to pay a cash deposit to safety after a crash. No provision exists in Atwood for DOR to do the safety commissioner's job in receiving cash deposit or bonds and paying them out to repair shops in case of an uninsured qualifying accident party. **EXHIBIT No. 8** Affidavit of inability to

[15] Edits taking effect Jan. 1, 2024, delete three-year and five-year conditional privilege terminology, stating, for example, for a five-year reference, "[T]he person shall provide proof of financial responsibility prospectively for a length of time **equal to the length of time for which the suspension or revocation was in effect**." 55-12-114. Suspension or revocation of registrations; proof of financial responsibility (emphasis added)

buy surety bond.

162. **(4)** Relator is not a person who had an "insurer of record" under sects. 202 and 204 that determine which insureds are "eligible for notice" in sect. 210. He is not a party "eligible for notice" Tenn. Code Ann. § 55-12-210.

163. **(5)** His ceasing to be an insurance company customer means he dropped a policy, but he'd never had a "certified" policy to begin with pursuant to sect. 102. That law narrowly defines those policies subject to respondent authority, namely suspendees and probationers under TFRL chastisement and conditional exercise of the privilege. Atwood is high-tech surveillance of these conditional privilege holders, nothing more. "The fact that liability policy was on file and approved by Commissioner of Insurance and Banking did not make policy a 'certified policy' under financial responsibility statute." *Id.* McManus at 705.

164. **(6)** Bonds in Part 1 are defined as applying toward securing costs of particular accidents. On what authority does respondent order relator to buy a $65,000 bond or send DOR a $65,000 check-cum-bond when the law says "(b) In no case shall security be required that is **greater in amount than that specified** in § 55-12-102, and in no event shall this security be in an amount less than five hundred dollars ($500)"? Bond is defined in the context of after-accident purchase to "guarantee the payment of any final judgment *** resulting from the accident" T.C.A. § 55-12-102. Definitions.

165. **(7)** Tennesseans travel uninsured, operate motor vehicles under license without insurance, without harm to the law. The law envisions the norm is the non-insured motorist, hence the protective hedge the law places around parties in a qualifying accident. § 55-12-104.

166. **(8)** Parties under state correction "file" with safety "proof of financial responsibility" as a "prerequisite to reinstatement" and pay $50 to restore their privilege. § 55-12-129. Fees. People accident-free are under no obligation to file or report anything or to obtain insurance as POFR.

167. **(9)** A man or woman in the Uber or DoorDash line of business must have insurance to work commercially. He is free to let it lapse when employment ceases. He was free *before* that employment to not have insurance, and free *afterward* to use his motor vehicle on the people's roads without insurance. T.C.A. § 55-12-141.

168. **(10)** Respondent nullifies exceptions cited in sect. 210(a)(1)(B), "Proof of exemption from the owner or operator's financial security requirements **under this chapter;"** (emphasis added), which makes reference to Part 1, exemptions. "The requirements of security and revocation contained in this part shall not apply to: *** An owner or operator of any vehicle where there is no physical contact with another vehicle or object or person, unless a judgment has been obtained" § 55-12-106. Exceptions. **Exemptions in Part 1 control in Part 2**. Petitioner has had "no physical contact" with any other party.

> **JENNIFER LANFAIR:** We have a couple of exceptions that we do accept. We have nonuse, commercial, sold, law enforcement and self-insured.
> Q. (By Mr. Tulis): Are there more exceptions than that?
> A: Those are the only exceptions that the Department recognizes within the Atwood law.
> Q. What about the exceptions in part 1 of the statute?
> ***
> A. The exceptions that the Department recognizes are those within the Atwood law.

Lanfair transcript, pp. 11, 12

169. Yet DOR fails to recognize § 55-12-210(a)(1)(B) "Proof of exemption from the owner or operator's financial security requirements under this chapter;" which include exceptions of Part 1 since it's "under this chapter."

170. **(11)** Atwood gives DOR no authority to collect or bank $65,000 cash deposits.

171. **(12)** All cash deposits are made to safety, and not punitively at the maximum limit of $65,000, but within the limits of total costs of a qualifying accident. § 55-12-112, deposits, shows safety handling all funds, with payouts made by DOSHS. This despite the deponent Jennifer Lanfair's testimony about how respondent makes payments to doctors offices and body shops in post-accident balm. DOR demand for cash deposits doesn't save an accident party from having to remit cash to safety in POFR, § 55-12-105, deposit of security; proof of security. DOR policy requires DOUBLE PAYMENT outside law. DOR has taken two $65,000 payments, using a form without legal authority. See **EXHIBIT No. 9** Financial responsibility bond application

172. **(13)** Bonds are defined in terms of accident damage estimates in sects. 102 and 110, and it is a conceptual impossibility, and not in chapter 12, for revenue to command payment to DOR for an accident in the future for which damage amount is unknown. Respondent cites no law that says one sends commissioner of revenue $65,000 to use the public roads, or buy a surety bond on an uninsured private vehicle. An uninsured driver satisfies all duty under the law with a "notarized release," if qualifying accident parties agree, sent to safety. § 55-12-104.

173. **(14)** Basic rules of the statutory whole-text canon of construction [16] tell respondents that T.C.A. § 55-12-139, "This part shall apply to every vehicle subject to the registration and certificate of title provisions," refers not to "every vehicle" registered, or 100 percent of 6.34 million vehicles registered, but instead to every **person** *subject to TFRL's authority scope* whose use of a registered vehicle is under duty to have POFR as set forth in Part 1.

174. And "this part" refers to Part 1 in entirety, with a limited number of **people** in view. The definitions of POFR/security, bond, cash deposit, or self-insurer are not linked to a motor vehicle or VIN. Nor is an operator's policy, which allows the (**insured**) operation of any motor vehicle the operator doesn't own. Does the vehicle require additional insurance if the operator is already insured in it? DOR admits financial responsibility is defined by Part 1. The definition is post-accident.Proof is upon the **person**, not the motor vehicle ("motor vehicle liability policy for the benefit of the person required to furnish proof" § 55-12-120).

175. **(15)** The law that requires licensee applicants to promise to obey the law *in the future* at T.C.A. § 55-12-138 shows that TFRL claims are triggered in the future, in a qualifying accident, with vehicle insurance in Tennessee voluntary upon the general public, as all the court cases indicate. DOR policy renders this law nugatory.

[16] Specifically, the harmonious-reading canon. The provisions of a text should be interpreted in a way that renders them compatible, not contradictory. Under the same whole-text canon is presumption of consistent usage. A word or phrase is presumed to bear the same meaning throughout a text; a material variation in terms suggests a variation in meaning.

176. **(16)** DOR prevents operation of constitutional guarantees. This fact – no hearing, no authority for a hearing – alone could be the starting point for the court to see how the entire scam unwinds. All financial responsibility hearings to protect citizen due process are in DOSHS at sect. 103 under UAPA. "Except as otherwise specifically provided, the commissioner **[of safety] shall administer and enforce this chapter**, may make rules and regulations necessary for its administration, and **shall provide for hearings** upon request of persons aggrieved by orders or acts of the commissioner under this chapter." Tenn. Code Ann. § 55-12-103 (emphasis added). Relator meets exemption, not having had a crash. His non-expired and fully-paid tag for his RAV4 is set to be revoked *without a hearing*. DOR can't obey the constitution's due process guarantees that one get a hearing BEFORE revocation because Atwood affords no such hearing.

177. In respondent's fulfilling tax collection duties, § 67-1-105, an aggrieved person is "afforded an opportunity for a formal hearing" as regards "either an application for and entitlement to the issuance of, or the **proposed revocation** of, any certificate, license, permit, **privilege or right**." Such revocation axe has not yet fallen, and become subject to the citizen's timely-filed assertion of due process rights beforehand.

178. DOR malpractice of independent, initiatory revocation powers cannot escape the people's right to a hearing before judgment. But they're not given a hearing prior because contested cases are heard — *respecting constitutional due process rights* — under Part 1's administration of financial responsibility.

179. In Title 67, taxpayers get a hearing *before* being ruled against. Insurance companies in Atwood get a hearing *before* being revoked out of the program. § 55-12-136. Tough luck the citizen doesn't.

180. **(17)** The contested case originating in agency July 26, 2023, cannot legally be heard by a respondent hearing officer, as all contested cases under TFRL are in safety. DOR, without subject matter jurisdiction, grants the petitioner a hearing in a statutory void. UAPA explicitly **excludes** its application to Department of Revenue. "This chapter shall not apply to Revenue rulings and letter rulings issued by the commissioner of revenue." § 4-5-106(f), applications. "Issues concerning subject matter jurisdiction are so important that appellate courts must address them even if they were not raised in the trial court. *** A judgment or order entered by a court without subject matter jurisdiction is void." Born Again Church & Christian Outreach Ministries, Inc. v. Myler Church Bldg. Sys. of the Midsouth, Inc., 266 S.W.3d 421 (Tenn. Ct. App. 2007).

Relator in agency raised the issue of void proceeding and no subject matter jurisdiction of DOR to hear the case. He was invited to dismiss his own case. But that would have left him without remedy. DOSHS couldn't give a contested case hearing, as it had in no way harmed the citizen. *Lex semper dabit remedium.* The law always gives a remedy. 3 Bouv. Inst. n. 2411. The law does not envision lack of hearing, lack of remedy, nor forcing a citizen into an impossible position. Relator's consent to remain in agency to pursue relief for his 2000 Honda Odyssey minivan is no balm or cure to the breach. "Subject matter jurisdiction relates to a court's authority to adjudicate a particular type of case or controversy brought before it. A court derives subject matter jurisdiction, either explicitly or by necessary implication, from the Constitution of Tennessee or from a statute enacted by the Tennessee General Assembly or Congress. *The parties cannot confer subject matter jurisdiction on a trial or appellate court by appearance, plea,* ***consent, silence, or waiver***" In re Est. of Trigg, 368 S.W.3d 483, 489 (Tenn. 2012) (Internal citations omitted) (emphasis added). The issue of venue in that contested case should be a good starting point for the court to see that rogue policy begets rogue procedure, like cancer metastasized, the patient rabid, its throes

violent and words crazy.

181. **(18)** Revenue's program is criminally oppressive and corrupt, creating thousands of criminal cases statewide, with 1,474 prosecutions in Hamilton County alone in a one-year period ending Aug. 1, 2023. The prosecutions occur under color of T.C.A. § 55-12-139. **EXHIBITS No. 10 and No. 11,** criminal court clerk Vince Dean TFRL caseload data and Chattanooga police department on how it enforces Atwood. Safety's interpretation as enforced over two decades has imposed incalculable losses and harm upon the citizenry.

182. **(19)** DOR malpractice of independent initiatory revocation powers contradicts the Tennessee financial responsibility law. DOSHS oversees TFRL and use of the EIVS utility, which Mrs. Lanfair admits runs without any connection to department of safety, which operation safety has refused to correct. The process run by tech vendor i3 Verticals is automated. When asked if anyone at DOR "[laid] an eyeball on any part of my revocation," the answer is "No." (Lanfair transcript p. 13, 14). T.C.A. § 55-12-209 commands the safety "shall cooperate" with respondent in "maintaining the program." Against law, DOR does not cooperate.

183. **(20)** DOR policy rejects the IICMVA standards the law cites. Relator's tag and VIN should not have appeared in any DOR search. "'Unknown carrier request' means an electronic request for insurance coverage verification on a specific vehicle sent in accordance with IICMVA standards by the department of revenue or its designated agent to a carrier or carriers when the identity of the vehicle's carrier or the insurance policy number *** is unknown" Sect. 203, definitions. By definition, EIVS "is created in compliance with *** the IICMVA." IICMVA's Insurance Data Transfer Guide is to "support the verification of **mandatory** auto insurance." Insurance is not mandatory in Tennessee except

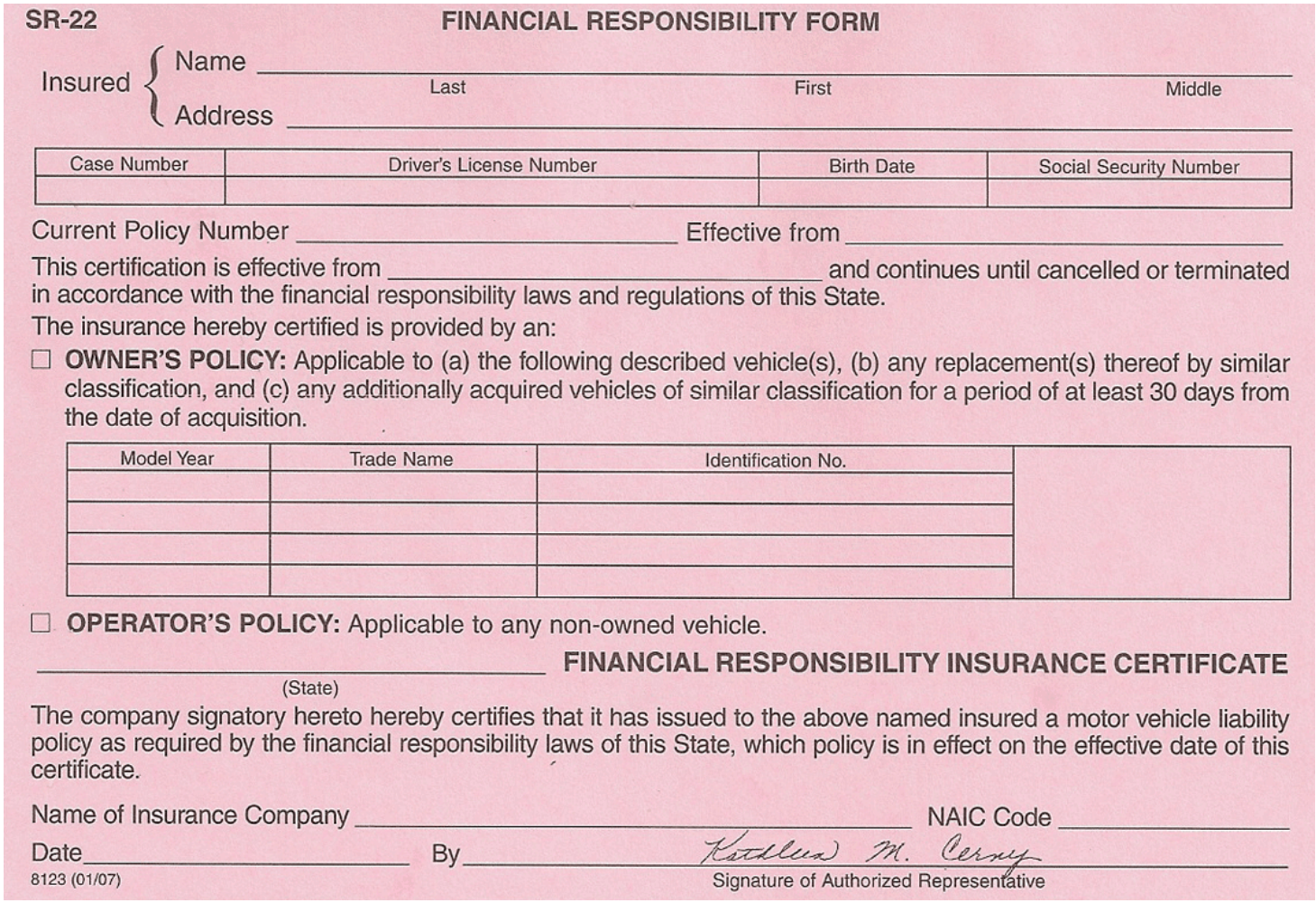
those under administrative or judicial judgment.

184. In rejecting IICMVA, Cmsr. Gerregano envisions the department as an *arresting officer or executing authority* operating in equal parity with safety. In actuality, the TFRL provisions in Part 2 prescribe duties — using IICMVA standards — more akin to that of a ***probation officer*** empowered with supervisory authority after adjudication of the administrative or judicial courts.

185. Parties subject to respondent are required by safety notice to DOR to continually have financial security (insurance/bond/cash deposit) because of an earlier instance of failure to demonstrate financial responsibility following a final court decree to maintain POFR.

186. **(21)** In departure from law, respondent runs a new driver license scheme by imposing a qualification not appearing in §55-50-101 *et seq*, the uniform classified and commercial driver license act of 1988. A registrant may not travel, operate or drive a motor vehicle ***but for*** POFR, despite no qualifying crash.

187. **(22)** Just as the DOR commissioner is forbidden from revoking a tag without notice from DOR, he also is **explicitly** banned from *independently re-registering* relator. Restoring a tag is *"unlawful" "unless the written approval of the commissioner of safety is obtained prior to the reregistration"* T.C.A § 55-12-130. Coming or going, DOR is in a pickle, with one breach requiring multiples more, and diversionary explanations to make the program look lawful.



SR-22 FINANCIAL RESPONSIBILITY FORM

Insured { Name _____ (Last / First / Middle)
Address _____

Case Number	Driver's License Number	Birth Date	Social Security Number

Current Policy Number _____ Effective from _____

This certification is effective from _____ and continues until cancelled or terminated in accordance with the financial responsibility laws and regulations of this State.

The insurance hereby certified is provided by an:

☐ **OWNER'S POLICY:** Applicable to (a) the following described vehicle(s), (b) any replacement(s) thereof by similar classification, and (c) any additionally acquired vehicles of similar classification for a period of at least 30 days from the date of acquisition.

Model Year	Trade Name	Identification No.	

☐ **OPERATOR'S POLICY:** Applicable to any non-owned vehicle.

_____ **FINANCIAL RESPONSIBILITY INSURANCE CERTIFICATE**
(State)

The company signatory hereto hereby certifies that it has issued to the above named insured a motor vehicle liability policy as required by the financial responsibility laws of this State, which policy is in effect on the effective date of this certificate.

Name of Insurance Company _____ NAIC Code _____

Date _____ By _____ Kathleen M. Cerny
Signature of Authorized Representative

8123 (01/07)

EIVS surveils people required to have SR-22 insurance certificates, either in digital or on paper as shown above. T.C.A. § 4-5-103(2), "Administrative agencies shall have no inherent or common law powers, and shall only exercise the powers conferred on them by statute or by the federal or state constitutions," limits DOR to verifying insurance as "proof of financial responsibility" — and not a new power to require insurance of the general public. (Source insurance industry)

188. **(23)** Respondent ignores the SR-22 industry standard for high-risk insurance, and the law's requirement that DOR surveil this type policy for cause, with relator not in view. Explains DOSHS on its website, "A SR-22 form is **proof of future financial responsibility** as required under Tennessee Code Annotated 55-12-114. If you are required to file a SR-22, then you should contact your liability insurance representative and advise them of the needed filing with our state." Respondent avoids any discussion about SR-22s because it has an

"independent" program and an "entirely separate enforcement mechanism *** via procedures established by the Atwood Law." Its system is entirely automated, matching VINS and all motor vehicle policies, and sending revocation stingers to a set group of people twice a week, according to Mrs. Lanfair.

189. A IICMVA white paper describes EIVS parameters. "A jurisdiction notifies an individual of the need to provide a Certificate of Financial Responsibility for ***specified reasons***, and the individual makes the request of his/her insurance carrier. *** The insurance carrier's database maintains a record of having **submitted the Certificate** and continues to monitor its status **for the period of time required** by the jurisdiction or until such time the policy is terminated" (IICMVA white paper p. 3) (emphasis added). In view is the release date of obligatory insurance for a party freed from suspension. **EXHIBIT No. 12** white paper, "The Case for Utilizing Web Services Technology to File Certificates of Financial Responsibility."

190. In fraud, respondent makes every registrant meet obligations reserved to SR-22 drivers. **EXHIBIT No. 13**, Affidavit on facts regarding Tennessee financial responsibility law, citing Aug. 1, 2023, letter by DOR official. **EXHIBIT No. 14** Letter by chief of staff Courtney Swim

191. **(24)** At every turn the law is against respondent. Direct articles and indirect articles show the commissioner a scofflaw against legislative intent. Bond in chapter 12 refers to after-accident security in particular accidents "to guarantee the payment of any final judgment which might thereafter be rendered against the bonded party resulting from ***the accident***" up to its total amount. § 102. Included in that definition is: "the bond may specify a limited payment to those persons who have at the time of its execution filed claims with the commissioner." That means the bond is made (executed) after an accident claim has been filed.

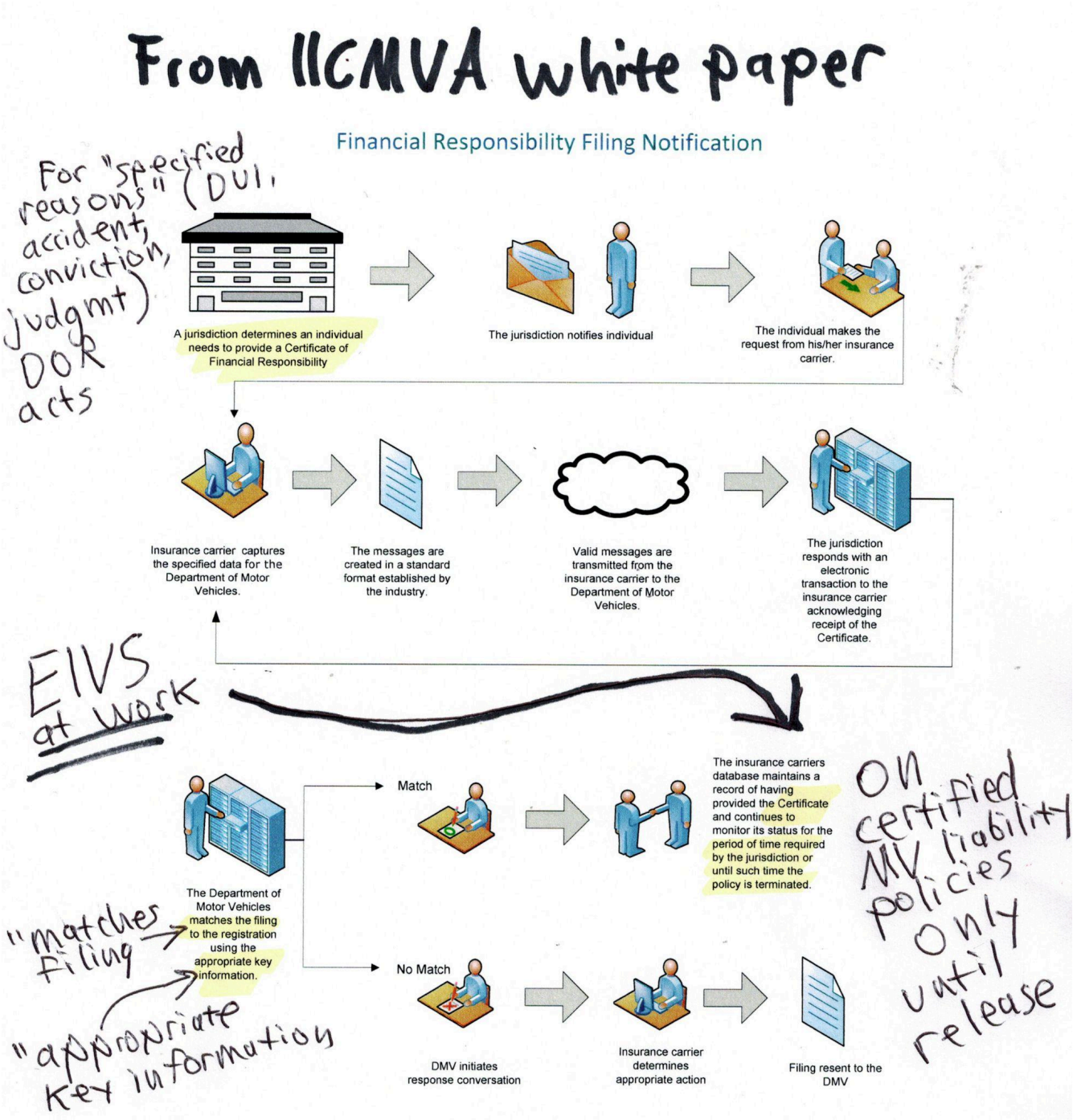


EXHIBIT No. 12. p. 4, above, shows motor vehicle liability insurance policies verified under Atwood sect. 202. Parties to be spotted must be "matched" with "appropriate key information" to "[certify]" monitored person until freed from suspension.

192. **(25)** Cancellation provisions for bonds and insurance certificates show that Tennessee is a mandatory insurance state for those *subject to the TFRL*

requirements for *violating the law or having an unpaid judgmen*t, and subject thus to Atwood supervision. The mandatory conditions have sunset provisions, for those who exhibit good behavior, for whom safety has "not received record of an additional conviction." Safety shall consent to returning money held and "waive the requirement of filing proof of financial responsibility" at the end of a suspension period if the person has no "pending action for damages," no "judgment upon the liability is unsatisfied" or who hasn't gotten into a new qualifying accident.

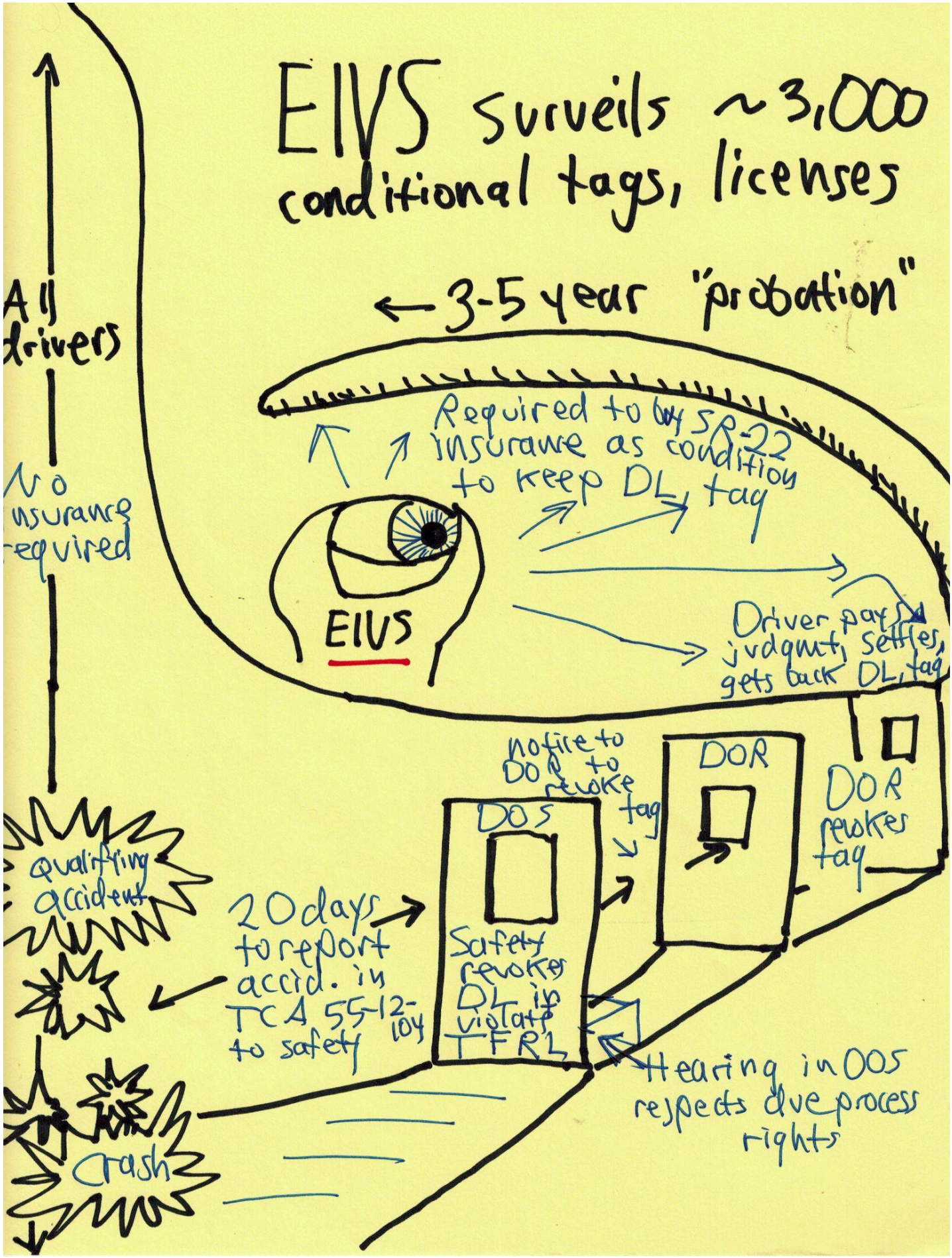
193. **(26)** Sect. 119 lists the three options mentioned by Courtney Swim, chief of staff at DOR, in her letter to petitioner. She lists options for financial security from Sect. 119, which contains with its provisions the savings clause "**when** required under this chapter." Such phrase indicates occasions when POFR is "not required under this chapter."

194. **(27)** Respondent does not demand back the registration plate in the administrative contest because under § 55-12-27, surrender ***, the plate of an SR-22 malefactor who fails to keep up his part of a bargain with safety must be returned **WITH the driver license**, each to its proper authority, and only safety has authority to order a local officer to go retrieve license and plate from the offender. Respondent stumbles over this dual claim, lacking authority to demand the plate's return.

195. **(28)** DOR's most obvious blooper: EIVS surveillance by law is intended to surveil only certified motor vehicle liability insurance policies.

> "Motor vehicle liability policy" means an "owner's policy" or "operator's policy" of liability insurance, **certified** as provided in § 55-12-120 or § 55-12-121 as proof of financial responsibility, and issued, except as otherwise provided in § 55-12-121 by an insurance carrier duly licensed or admitted to transact business in this state, to or for the benefit of the person named therein as insured;

T.C.A. § 55-12-102(7). Definitions


EIVS surveils ~3,000 conditional tags, licenses
All drivers
No insurance required
← 3-5 year "probation"
Required to buy SR-22 insurance as condition to keep DL, tag
EIVS
Driver pays judgmt, settles, gets back DL, tag
notice to DOR to revoke tag
DOS
DOR
DOR revokes tag
qualifying accident
20 days to report accid. in TCA 55-12-104 to safety
Safety revokes DL if violate TFRL
Hearing in DOS respects due process rights
crash

The EIVS system, which relator likens to "Eye of Sauron," is not wide open upon all 6.34 million registered auto users in Tennessee. In law it squints on those people who have proven financially irresponsible by failing to deal justly in a qualifying accident, conviction or judgment. EIVS surveils vehicles of SR-22 high-risk insureds, people for whom a policy is certified and mandatory as condition of using a vehicle in privilege

196. **(29)** If insurance were mandatory at all times, Tennessee would not need SR-22 or certified motor vehicle liability insurance policies as identified as "certified" in statute. Policy by respondent voids the law.

Contradiction highlights

197. ➤ The law grants exceptions, but DOR denies them

198. ➤ The law halts suspension terms, DOR says they are forever

199. ➤ Law says SR-22s are for suspendees, DOR says SR-22s are for all

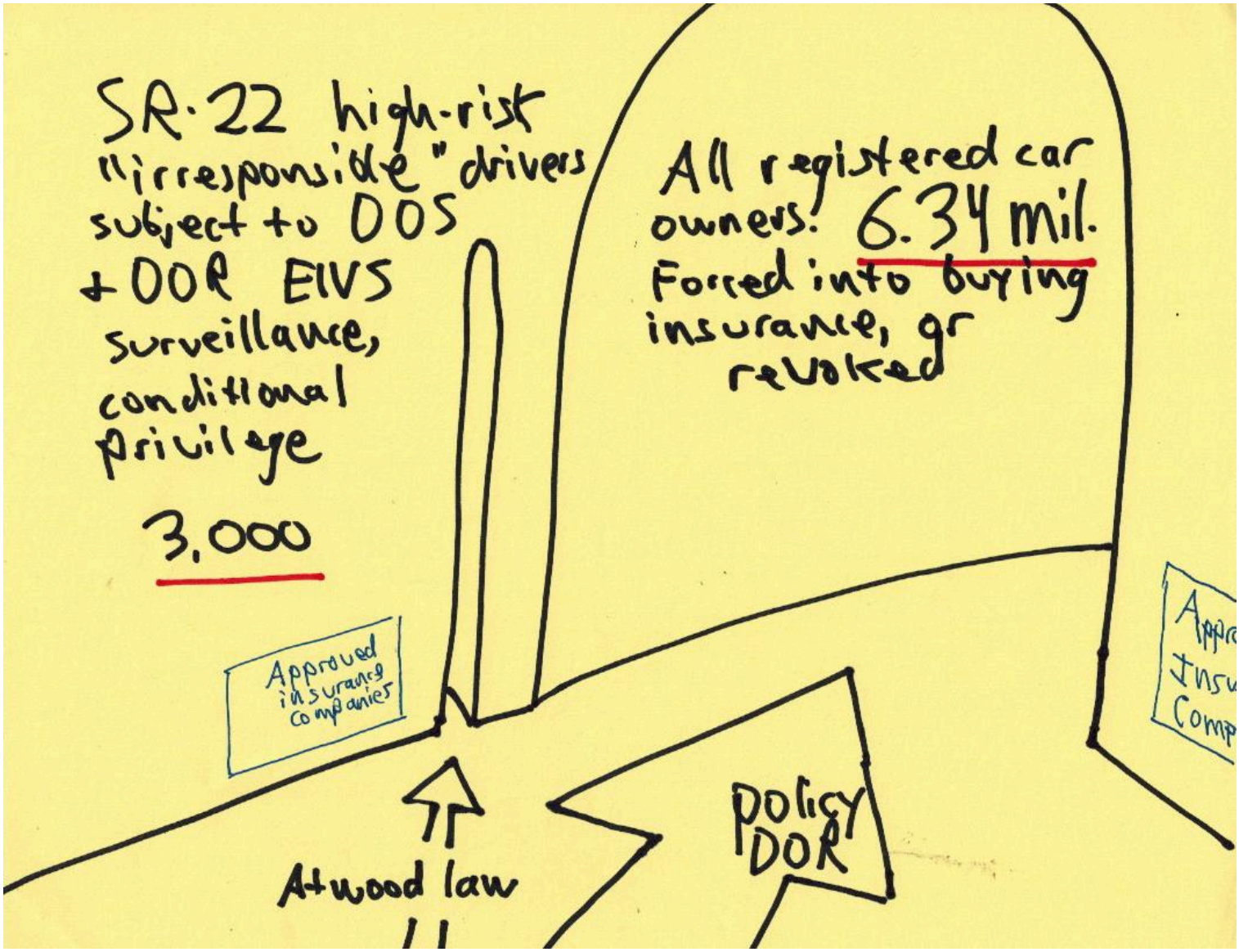
200. ➤ Uninsured person signs release affidavit to comply with law, DOR revokes him

201. ➤ The law says "certified" policy = POFR, DOR says uncertified wallet card = POFR

202. ➤ Law says SR-22s "eligible for notice," DOR says insurance noncustomers "eligible"

203. ➤ Law says 100 percent of SR-22s who drop coverage are revoked, DOR says 100% registrants who are coverage are revoked

204. ➤ Law says unlawful for DOR to restore tag without DOSHS OK, DOR says it's not



Atwood works upon high-risk registrants compelled to have insurance as precondition for keeping the privilege. By policy, DOSHS and DOR force 100 percent of registrants to buy uncertified policies from "approved insurance companies." Respondents direct criminal prosecution against thousands of poor, more than 1 million insurance noncustomers.

Conclusion

205. EIVS is for "proof of **motor vehicle liability insurance** in accordance with IICMVA specifications and standards" §55-12-205(1), and must "use *** ***multiple***

data elements to make insurance verification inquiries more accurately" with four data points, including "[o]ther data elements as set forth in the most recent version of the IICMVA Model User Guide" § 55-12-205(4)(e) (emphasis added). The search through mountains of data to find scofflaws is *controlled* by law. The program shall "**[l]imit** the usage of the information obtained" to revenue, safety, commerce, "law enforcement, and the judiciary to ***effectuate the purposes of this chapter"*** [17] § 55-12-205(6) (emphasis added), the data used "**by rule**" § 55-12-205(7) (emphasis added). DOR sends "requests to automobile liability insurers for **verification of evidence** of financial responsibility," the evidence primarily the certificate of SR-22 status when required in Part 1. § 55-12-205(8) (emphasis added). Respondent's response to a verification request must be "**consistent with** *** the IICMVA Model User Guide for Implementing Online Insurance Verification" § 55-12-205(9) (emphasis added). DOR must "[w]ork in **conjunction with existing** state programs" § 55-12-205(10) (emphasis added).

206. What if Tennessee passed a law asking people to provide evidence of parental responsibility to cover child support that might be owing at a future date in case of abuse, neglect or family breakdown?

207. That would be an outrage. This sort of thinking, however, runs respondents' scheme. DOR's EIVS policy is a sledgehammer of tech know-how intended to verify insurance among those obligated by law to have it. For all the complicated computing power involved, statute gives EIVS a **fly swatter load** of work.

208. Each Monday, each Wednesday DOR sends out 6,000 dunning notices or revocation letters to the "uninsured" (Lanfair transcript p. 31) — very likely

[17] The purpose of Part 1 is proof of financial responsibility following an accident. The purpose of Part 2 is verification of motor vehicle liability insurance used as proof. § 55-12-102

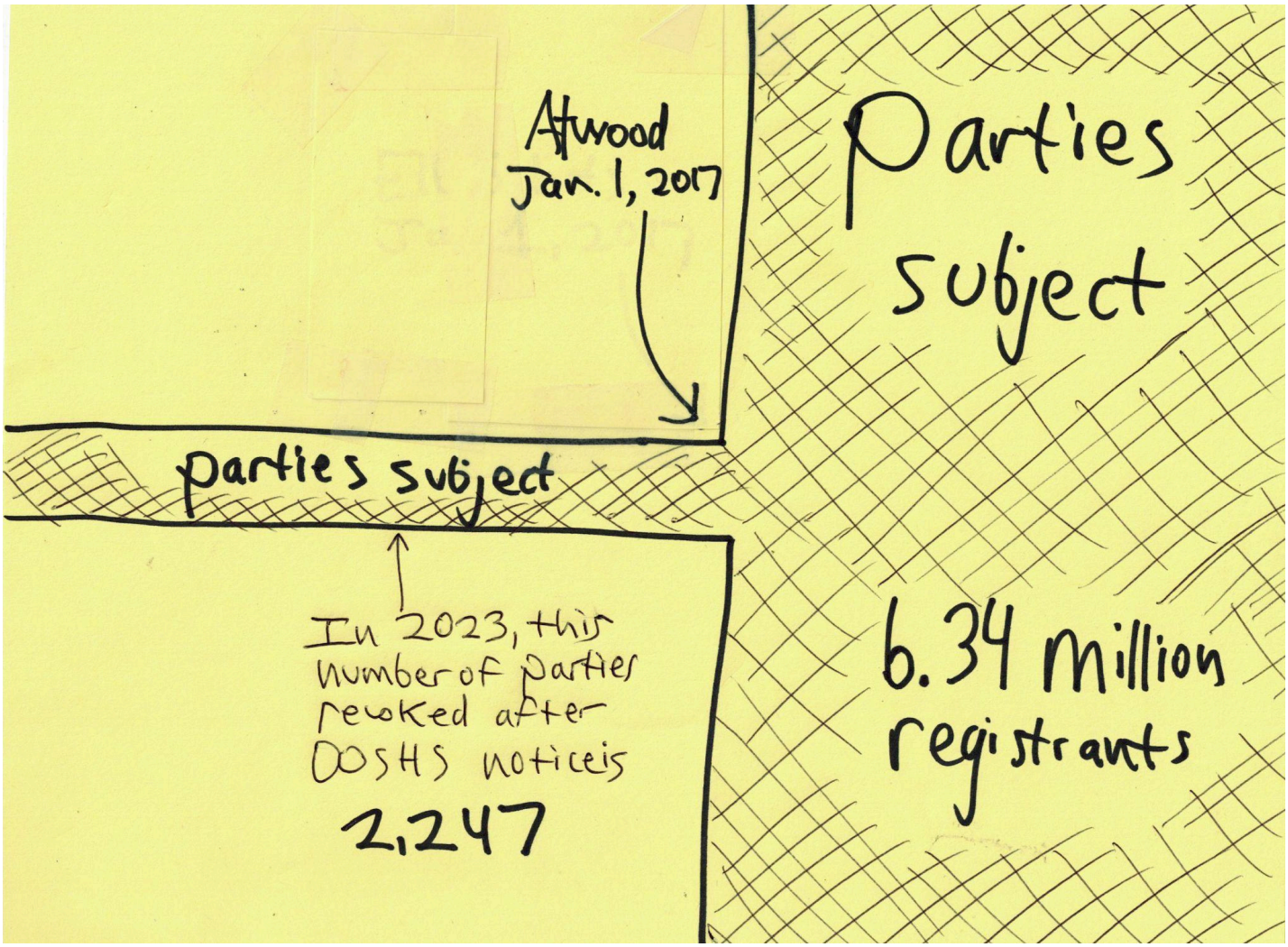
economically beleaguered Tennesseans who in a depressed economy have to drop insurance to pay child doctor bills, car repair, rent and nourishment. Fewer than 3,000 people are subject to surveillance when the law is read in *pari materia.* Revenue continues sending dunning notices to relator as this case is filed. **EXHIBIT No. 15** "First Notice" by department of revenue regarding RAV4

209. Revenue commissioner misreads the law to go around and behind the clear declarations of the general assembly. In a qualifying accident, the financial responsibility authority upon a registrant is triggered. The finger pulling the trigger for a registration revocation is the commissioner of safety. The commissioner of revenue uses the coloration of Atwood to give agents powers not given in Atwood's 15 parts. Mr. Gerregano specifically is in breach of T.C.A. § 55-12-214's ban on altering requirements of TFRL.

210. By the commissioner's accounting, Tennessee became an effective mandatory insurance state at 12:01 a.m. Jan. 1, 2017, when the database digital connectivity was established among insurance corporations, with the department and other players including the department of safety and homeland security and police agencies statewide.

211. Buoyed by what appears a sort of techno-narcissism, the commissioner executes his own laws beyond anything the notorious Chevron deference ever envisioned of an agency (albeit a state department), coercing all motor vehicle registrants to enter into contracts with insurance companies while industry noncustomers are under duress. "Our primary objective is to carry out legislative intent without broadening or restricting the statute beyond its intended scope." *Houghton v. Aramark Educ. Res., Inc.,* 90 S.W.3d 676, 678 (Tenn.2002). Lind v. Beaman Dodge, Inc., 356 S.W.3d 889, 895 (Tenn. 2011).

212. Either buy insurance or fork over $65,000, a coerced choice by which respondent obtains property, services, advantage or immunity and restricts unlawfully another's freedom of action. The EIVS digital system under Atwood nowhere creates the carceral surveillance state the commissioner has built, criminally prosecuting via agents and privies under color of law, and oppressively, tens of thousands of innocent Tennesseans not subject to TFRL, *mostly the poor.*



DOR claims, effectively, nothing it does "[alters] *the existing financial responsibility requirements* in this chapter," even though the number of subject parties before Atwood took effect on Jan. 1, 2017, is under 3,000, and is 6.34 million after DOR begins EIVS.

213. The department of revenue breaches the constitutional doubt canon that requires interpretation of law in a way that avoids placing its constitutionality in doubt. *The law as defended by state of Tennessee on relation is constitutional. DOR's public defense against relator's contested case notice is a hallucinatory projection*, starting with notice and hearing venue, breach of due process for lack of a hearing before revocation of privilege.

214. Until a qualifying crash occurs, and until relator fails the 20-day test under § 55-12-104 *et seq*, there is nothing revenue is authorized to do against him, nor is a safety trooper or other party administering Titles 55 or 65 authorized to criminally charge him with "driving without insurance" under T.C.A. § 55-12-139.

215. The EIVS eyeball verifies SR-22 and high-risk motor vehicle liability policies obtained "for the benefit of the person required to furnish proof of financial responsibility" pursuant to §§ 55-12-120 and 121. The DPR sect. 210 four-notice process at unrolls not on relator and other insurance-free registrants, but parties subject.

216. "If statutory language is ambiguous, we must **look to the entire statutory scheme** to determine legislative intent," Sallee v. Barrett, 171 S.W.3d 822, 828 (Tenn. 2005). The federal 6th circuit court of appeals in Cincinnati says TFRL is "in derogation of common law and will be strictly construed. 'It is not within the prerogative of the judiciary to provide additional remedies and safeguards.'" Royal Indem. Co. v. Clingan, 364 F.2d 154, 158 (6th Cir. 1966).

217. "As a general proposition Code provisions *in pari materia*, as here, must be construed together, and the construction of one, if doubtful, may be aided by the consideration of the words of and the legislative intent indicated by the others."

Gallagher v. Butler, 214 Tenn. 129, 137, 378 S.W.2d 161, 164 (1964).

218. The commissioner of revenue has moved arbitrarily and capriciously, apart from law, without giving a hearing beforehand and without authority to give a hearing after the fact, to injure relator, subjecting him to criminal prosecution, false imprisonment, false arrest and abuse by his employees, agents, allies, corporate partners, business partners, combinations, colleagues or co-conspirators on or after Dec. 27, 2024, when respondent revokes registration.

219. He is suing to retain his right under privilege to use the RAV3 as a motor vehicle in commerce. He of necessity uses the 2000 Honda Odyssey minivan, revoked July 21, 2023, as an automobile, but under threat of arrest and criminal from respondents' agents and allies in law enforcement.

220. SR-22 certificated parties are liable for performance to purchase insurance and have on their persons evidence of the proof of financial responsibility. T.C.A. 55-12-139(b)(1)(A) and (B). Relator on behalf of the state of Tennessee is not a party liable for performance.

Scheme exposed, relief demanded

Permanent injunction sought

221. In light of the foregoing, given the law and the facts, state of Tennessee on relation demands the demands immediate halt to the two actions done against him and an overthrow of the fraud and oppression directed upon the public by order with a finding —

222. Of fact that the absence of a qualifying accident involving relator in his motor vehicle is dispositive of the contested case in favor of his claims. TC.A. § 55-12-104.

State of Tennessee relator's 1999 Toyota RAV4, foreground, of which the motor vehicle registration is subject of this case with revocation set Dec. 27, 2024, is parked at relator's house. On the same piece of tarmac is relator's 2000 Honda Odyssey minivan, its registration part of administrative proceedings in department of revenue, oppressing guaranteed rights protected by T.C.A. § 39-16-403, official oppression.

223. Of law that DOR's use of EIVS apply not to noncustomers of the insurance industry, but only to *motor vehicle liability policy* holders. The only policy required by T.C.A. § 139 that the deputy or police officer verifies is one certified pursuant to the IICMVA standard for mandatory insurance, namely the SR-22 liability policy, the certificate containing "the necessary information [filed] with the commissioner on a certificate or form approved by the commissioner [of

safety]," § 55-12-137, which form is used by revenue, sect. 210(a)(1)(A) and sect. 211(a)(3))A), "The owner or operator's proof of financial security in a form approved by the department of revenue," which form is required of those people under privilege suspension that must be kept handy to show the officer as continuing proof of financial responsibility, and which form must be submitted, along with renewal fees, if applicable, "[w]henever a license or registration is suspended or revoked and the filing of proof of financial responsibility is made a prerequisite to reinstatement of the license or registration," § 55-12-129, if time is due for renewal of the license or registration.

224. Of law-and-fact that in violation of T.C.A. §§ 55-12-139, 55-12-201 and 55-12-210 DOR is administering the statute beyond its scope, that administration violates the command to establish an "efficient insurance verification program," T.C.A. § 55-12-202, one that "[verifies] whether the financial responsibility requirements *of this chapter* have been met with a motor vehicle liability insurance policy," T.C.A. § 55-12-204 (emphasis added), wherein current practice generates false positives among registrants not subject to either TFRL nor Atwood's amendment utility, such policy refusing to import the words "certificated" or "certified" or "SR-22" in motor vehicle registrants' detail record "policy type" search field, therein creating false "unconfirmeds," adding to revenue department payroll, mail and other overhead costs, while injuring relator in his rights, and defrauding others in like standing, and that respondents must cease all activity that prevents the program from working efficiently and regularly to prevent what is happening to relator from occurring upon others.

Further, state of Tennessee on relation demands the court make findings of law that:

225. Respondent revenue department must forthwith, if not sooner, use EIVS under filter pursuant to T.C.A. § 55-12-202 to alert DOR of people whose policies

are motor vehicle liability insurance policies, per § 55-12-122, that under TFRL are required to be certified, per § 55-12-102, "(7) 'Motor vehicle liability policy' means an 'owner's policy' or 'operator's policy' of liability insurance, **certified** as provided in § 55-12-120 or § 55-12-121 as **proof of financial responsibility,** and issued, except as otherwise provided in § 55-12-121 by an insurance carrier duly licensed or admitted to transact business in this state" (emphasis added), of such parties required under record from DOSHS' financial responsibility division to carry such coverage for conditional use of the privilege.

226. Respondent DOR is obligated, in verifying insurance as POFR, to use "the data elements that the department of revenue *** and automobile liability insurers have agreed upon and are necessary to receive accurate responses from automobile liability insurers" § 55-12-206.

227. DOR's administration of § 55-12-210 must comply with Part 1 of TFRL, delimiting the scope of Part 2, with the four notices served on the owner of a "motor vehicle *** not insured" whose duty and agreement to carry insurance or other POFR is known to the DOR under certificate and who has violated terms of his suspension by ceasing payment to his "liability insurer of record" and as such is "eligible for notice," as follows: "(g) If the vehicle is no longer insured by the automobile liability insurer of record and no other insurance company using the IICMVA model indicates coverage after an unknown carrier request under § 55-12-205(3), the owner of the motor vehicle becomes eligible for notice as described in subsections (a) and (b)" § 55-12-210(f).

228. DOR notices under § 55-12-210 are insufficient and misleading and that they be clarified to show that they apply only to suspendees who for reason that need to be stated in particular in personalized notice are required to have certified motor vehicle liability policies current with their carrier but who do not have such

policy, and are thus in jeopardy of losing the driving and operating privilege, said notice needing to confirm that the party has failed to show financial responsibility following a judgment, conviction, court order, or administrative determination as to the duty to have POFR, to which duty the notice recipient agreed. Respondent is directed in notice to explain how TFRL works from Part 1, explain that Atwood is the enforcement utility, that suspendee is in jeopardy of loss of privilege, and state the duration of the suspension, giving date of release. § 55-12-114, § 55-12-116 and § 55-12-126.

229. Notice will make clear that POFR obligation is for no longer than five years, or the duration of the suspension. § 55-12-114. Notice will state that once the suspension ends, the person is released of any and all requirement to maintain that proof of financial security or financial responsibility, the release statement being made IN ALL CAPITAL LETTERS or in **bolded letters** that the registrant is free to have insurance coverage, or not, Tennessee being an after-accident voluntary insurance state, the law coercing no one to do business with any company or concern.

230. DOR consult and cooperate with DOSHS per Atwood law § 55-12-204 and regularly use its financial responsibility division resources. § 55-12-204.

231. DOR use the records, kept by DOSHS financial responsibility division, to make only those persons with a *motor vehicle liability policy* on record subject to sect. 210 inquiry and revocation notice.

232. DOR inform DOSHS that in remediation it must release from the requirement of POFR any person who was required to have POFR because that person didn't have POFR under the false reading of sect. 139.

233. Since DOR is to monitor each person with *motor vehicle liability policy* under T.C.A. § 55-12-122(c), and since respondent sends out 6,000 notices each Monday and 6,000 each Wednesday, mostly in error, respondent staff and agency contractor i3 Verticals shall begin the process of restoration for past wrongful notice and revocation, based upon random selection of registrants present and former erroneously revoked, in the interest of maintaining quality of public service during the reformation.

234. Department of revenue inform DOSHS of its compliance with law and request DOSHS reinstate any driver license suspended or revoked for above said reason, or non-payment of court cost thereof, and that safety comply in every way with reformation..

235. Respondent DOR reinstate any registration so suspended or revoked, free of fines or fees, and reimbursement of monies paid for said registration.

236. Respondent DOSHS reinstate any license revoked from an erroneous reading of the law, or revoked as a downstream consequence from acts occurring as result of the disputed policy.

237. Respondents' and contract personnel be trained by having familiarity with financial responsibility infrastructure of TFRL Part 1, that all personnel understand the POFR duty is on parties who have failed to show good behavior in the use of the privilege, whether following qualifying accident or other § Title 55 breach of rules of the road.

238. Notices, videos, memos, class lectures, social media posts, public service announcements and other remediation and correction updates be created and promulgated to Tennessee highway patrol and law enforcement agencies across

the state so that they administer Atwood using EIVS according to law upon those parties required to have insurance or other POFR, those under suspension and conditional use, and no other.

239. Such communications by safety and revenue with statewide law enforcement agencies must indicate that the motor vehicle of the POFR-liable person is subject to towing only if there is a local ordinance or provision allowing that to be done. § 139(c)(4).

240. Respondent departments create, or request to be created by another, an office of master to oversee reformation of the financial responsibility section, which party will give notice to the county clerk and courts in Hamilton County, where relator lives, that their past enforcement of TFRL is in error, and without authority, and that the office of master deal with a court record notification process serving citizens in all counties and oversee concessions state of Tennessee makes to people falsely criminally charged and convicted, either by jury, bench trial or by a plea bargain under law misapplied in breach of their rights in abuse of the peace and tranquility of the state and the people.

241. Departments be commanded to use this master, and his/her office and staff, to heal the breach between state of Tennessee on relation in Hamilton County and the balance of people in the state's other 94 counties where police, sheriff's departments, the Tennessee highway patrol, other LEAs and respondents by agency abuse, harm and injure the people of Tennessee, so that respondent DOSHS' 22-yearlong abuse of sect. 139 since 2002 and respondent DOR's seven-year abuse of Atwood since Jan. 1, 2017, in cooperation with others, might be undone and the honor, dignity and civil records of falsely convicted people be restored, as equity and justice require.

242. The master be authorized by this order to consult with the commissioners, the speakers of the state house and senate, the governor's office, the state comptroller, the attorney general's office and others as to a protocol for Tennesseans to follow in making application for redress, in the form of an equitable one-time payment or other just compensation for distress, harm, false report, inconvenience, humiliation respondent has caused, using authority lawlessly imposed, in use of police power exercise by law enforcement agencies in every county.

243. Respondent issue a public statement regarding § 55-12-139, used as basis in every criminal prosecution, "that the 2003 Attorney general opinion on TFRL concerns only instances when insurance is used as proof of financial responsibility and T.C.A. § 55-12-139 does not require proof of financial responsibility of anyone not under duty by the department of safety and homeland security to provide proof of financial responsibility because of an earlier accident or judgment." Such publicity will provide a contact for any person convicted under and aggrieved by former policy under sect. 139.

244. Respondents revise the statement required of applicants of driver licenses pursuant to T.C.A. § 55-12-138, certificates and certification, that says the TFRL summary "shall contain the following *or similar* certification to be signed by the applicant" (emphasis added). The update shall state: "I certify that I understand that if I am involved in a qualifying accident under the Tennessee financial responsibility law of 1977, I agree I will abide by it."

Further, state of Tennessee on relation demands that —

245. Respondents be required to arrange for publicity, advertising and mass social media communications about respondents' effort to heal the breach their

program has caused among the people of Tennessee, so that the people of Tennessee might be put on awares about the wrong done them, and restitution offered by respondent and state of Tennessee in good faith and in sorrow.

246. The general assembly be consulted as to funding for this program of notice, reparation, restitution and healing, as to advertising, media outreach and compensation or reimbursement for damaged men and women among the "free people" of Tennessee, as they are called in Tenn. const. art 1, sect. 24.

247. Respondents petition the general assembly, as necessary, for accelerated means to allow for free, easy-to-obtain expungement of any record connected with a registration tag or plate revocation or suspension under the rescinded policy, and that court charges and fines that are fruit of follow-after criminal charges stemming from a tag revoked by respondent be sought, tallied, separated and expunged by application, benefiting the people in Tennessee *en masse* and *in toto*.

248. In light of the court's finding of law and fact in this case, that relator's motor vehicle registration for his RAV4 be preserved or restored upon payment of the annual fee, starting the day of the court's order should proceedings outlast its one-year term.

249. The commissioner of revenue be ordered, in the halt of his program, to restore the registration of relator's Honda Odyssey minivan, as the registration expired July 2023, with the commencement date of the one-year period of privilege being the date of the order; and that a roughly $3 unpaid balance be prorated out of the amount of privilege tax due for that automobile's use as a registered motor vehicle, with no further cost or charge to relator.

250. That respondent revenue department cover the $369,923 cost for the 822.05 hours relator spent defending his rights in administrative proceedings through Sept. 30, 2024, and other costs that will be shown to have accrued in the department contested case Tulis v. DOR, docket no. 23-004, since that date, if indeed other arrangement for his reasonable legal fee and costs are not made.

251. Respondents on receipt of affidavit of relator's billable hours and expenses in this case pay his reasonable attorney fee.

Respectfully submitted,

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David Jonathan Tulis

Exhibits

EXHIBIT No. 1. Revenue notice of inquiry

EXHIBIT No. 2. Response to DOR notice of inquiry

EXHIBIT No. 3 Lanfair deposition transcript

EXHIBIT No. 4 Financial responsibility programs and procedures guide, compiled by Insurance Industry Cmte. on Motor Vehicle Administration

EXHIBIT No. 5 7 Tenn. Prac. Pattern Jury Instr. T.P.I.-Crim. 38.19

EXHIBIT No. 6 Respondent response to press inquiry about TFRL

EXHIBIT No. 7 Press articles on the Jan. 1, 2017, EIVS rollout

EXHIBIT No. 8 Affidavit of inability to buy surety bond

EXHIBIT No. 9 Respondent's cash payment "bond" application form

EXHIBIT No. 10 Criminal court clerk Vince Dean statement on prosecutions

EXHIBIT No. 11 Chattanooga police department e-mail on enforcement

EXHIBIT No. 12 IICMVA white paper, "The Case for Utilizing Web Services Technology to File Certificate of Financial Responsibility"

EXHIBIT No. 13 Affidavit on facts regarding Tennessee financial responsibility law, citing Aug. 1, 2023, letter by DOR official.

EXHIBIT No. 14 Letter by chief of staff Courtney Swim

EXHIBIT No. 15 "First Notice" by department of revenue regarding RAV4

Appendix

Sect. 139 annotated

2019 Tennessee Code
Title 55 - Motor and Other Vehicles
Chapter 12 - Financial Responsibility
Part 1 - Tennessee Financial Responsibility Law of 1977
§ 55-12-139. Compliance with financial responsibility law required [18]

-- Evidence of compliance -- Issuance of citations by police service Technicians.

Universal Citation: TN Code § 55-12-139 (2019)

[18] 1 Compliance with: Part 1- Tennessee Financial Responsibility Law of 1977. Only requires compliance, not financial responsibility.

(a) This part [19] shall apply to every vehicle subject to the registration and certificate of title provisions.

(b)

(1)

(A) At the time a driver of a motor vehicle is charged with any violation under chapters 8 and 10, parts 1-5, and chapter 50 [20] of this title; chapter 9 of this title; [21] any other local ordinance regulating traffic; [22] or at the time of an accident for which notice is required under § 55-10-106, an officer shall request evidence of financial responsibility [23] as required by this section. [24]

(B) In case of an accident for which notice is required under § 55-10-106, the officer shall request evidence of financial responsibility from all drivers involved in the accident without regard to apparent or actual fault.

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[19] Part 1 T.C.A. § 55-12-101 *et seq*. Section 139 is about compliance with the financial responsibility mentioned in previous sections.

[20] The use of "and" requires that the violation must include chapter 50 which pertains to Classified "and" Commercial. The motor vehicle must be commercial. Conjunctive/Disjunctive Canon. And joins a conjunctive list, or a disjunctive list — but with negatives, plurals, and various specific wordings. There are nuances.

[21] *Black's Law*: Equipment: Tangible property that is not land or buildings, but facilitates business operations.

[22] Traffic is commerce. T.C.A. defines as follows: Commerce means: Trade, traffic, and transportation within the jurisdiction of the United States; between a place in a state and a place outside of the state, including a place outside the United States.
Tenn. Code Ann. § 55-50-102

[23] Financial responsibility is defined by T.C.A. § 55-12-101 *et seq* as after accident or judgment. Related-Statutes Canon. Statutes *in pari materia* are to be interpreted together, as though they were one law.

[24] If evidence of financial responsibility is required at all time, then "as required by this section" is surplus. Surplusage Canon. If possible, every word and every provision is to be given effect (*verba cum effectusunt accipienda*). None should be ignored. None should needlessly be given an interpretation that causes it to duplicate another provision or to have no consequence.

(C) If the driver of a motor vehicle fails to show an officer evidence of financial responsibility, or provides the officer with evidence of a motor vehicle liability policy as evidence of financial responsibility, the officer shall utilize the vehicle insurance verification program as defined in § 55-12-203 [25] and may rely on the information provided by the vehicle insurance verification program, for the purpose of verifying evidence of liability insurance coverage.

(2) For the purposes of this section, "financial responsibility" means: [26]

(A) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in this state, whether in paper or electronic format, stating that a policy of insurance meeting the requirements of this part has been issued;

(B) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that:

(i) A cash deposit or bond in the amount required by this part[27] has been paid or filed with the commissioner of revenue; [28] or

(ii) The driver has qualified as a self-insurer under § 55-12-111; or

(C) The motor vehicle being operated at the time of the violation was owned by a common carrier subject to the

[25] TN Code § 55-12-202 (2021) Purpose of Part " *** to verify whether the financial responsibility requirements of this chapter have been met with a motor vehicle liability insurance policy*** ". It's for the verification of insurance when required following an accident or judgment only.

[26] Financial responsibility isn't limited to (A),(B) and (C). It also includes "proof the driver has qualified as a safe driver with the Department of Safety" as listed in "Driver license POFR summary" screengrab on p. 120.

[27] 55-12-105(b)(2) and (3) are under this part

[28] The deposit of cash or bond in the total amount of damages suffered satisfies this requirement. If a bond satisfies the law after an accident, it need not be obtained beforehand, or its equivalent (insurance).

jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, this state, or any political subdivision thereof, and that the motor vehicle was being operated with the owner's consent.

(c)

(1) It is an offense to fail to provide evidence of financial responsibility pursuant to [29] this section.

(2) Except as provided in subdivision (c)(3), a violation of subdivision (c)(1) is a Class C misdemeanor punishable only by a fine of not more than three hundred dollars ($300).

(3)

(A) A violation of subdivision (c)(1) is a Class A misdemeanor, if a person is not in compliance with the financial responsibility requirements of this part at the time of an accident resulting in bodily injury or death and such person was at fault for the accident.

(B) For purposes of subdivision (c)(3)(A), a person is at fault for an accident if the person acted with criminal negligence, as defined in § 39-11-106, in the operation of such person's motor vehicle.

(C) A violation of subdivision (c)(1) is a Class A misdemeanor, if a person acts to demonstrate financial responsibility as required by this section by providing proof of motor vehicle liability insurance that the person knows is not valid.

(4) If the driver of a motor vehicle fails to provide evidence of financial responsibility pursuant to this section, an officer may tow the motor vehicle as long as the officer's law enforcement agency has adopted a policy delineating the procedure for taking such action.

(d) The fines imposed by this section shall be in addition to any other fines imposed by this title for any other violation under this title.

(e)

(1) On or before the court date, the person so charged may submit evidence of financial responsibility at the time of the violation. If it

[29] Following this section which is *in pari materia* with with the entirety of Part 1

is the person's first violation of this section and the court is satisfied that the financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility shall be dismissed. Upon the person's second or subsequent violation of this section, if the court is satisfied that the financial responsibility was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed. Any charge that is dismissed pursuant to this subsection (e) shall be dismissed without costs to the defendant and no litigation tax shall be due or collected, notwithstanding any law to the contrary.

(2) A person who did not have financial responsibility that was in effect at the time of being charged with a violation of subsection (c) shall not have that person's violation of subsection (c) dismissed.

(f)

(1) Notwithstanding any law to the contrary, in any county having a population in excess of seven hundred fifty thousand (750,000), according to the 2000 federal census or any subsequent federal census, police service technicians are authorized to issue traffic citations in lieu of arrest pursuant to § 55-10-207.

(2) For the purposes of subdivision (f)(1) only, "police service technician" means a person appointed by the director of police services, who responds to requests for service at accident locations and obtains information, investigates accidents and provides other services to assist the police unit, fire unit, ambulance, emergency rescue and towing service.

(g) For purposes of this section, acceptable electronic formats include display of electronic images on a cellular phone or any other type of portable electronic device.

(h) If a person displays the evidence in an electronic format pursuant to this section, the person is not consenting for law enforcement to access any other contents of the electronic device.

Tenn. Code Ann. § 55-12-139