United States district court — middle district for Tennessee, civil division

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Plaintiff

V.

David Gerragano
Commissioner of revenue
In his personal capacity
& in his official capacity

State of Tennessee
Tennessee department of revenue

Defendants

Case no.3:24-cv-01226
Judge Crenshaw
Magistrate Judge Holmes

Jury trial demand

Oral argument demand

Motion for preliminary injunction

Every Monday defendant commissioner ("Gerregano") and defendant department of revenue ("DOR" or "revenue") send 6,000 inquiry, warning or revocation notices to motor vehicle registrants not subject to their authority under T.C.A. § 55-12-210. Every Wednesday the commissioner, using employees and contractor i3 Vertical, sends dunning notices to 6,000 more people among the 1 million in Tennessee who do not have operator's or owner's policies "certified as provided in § 55-12-120 or § 55-12-121 as proof of financial responsibility," T.C.A. § 55- 12-102. This motion demands preliminary injunction of defendants' effectively *suing these registrants* and corralling them as victims by mailing them revocation and pre-revocation notices (the first letter styled "request for information") against clear and established rights of members of the

motoring public in Tennessee not subject to tag revocation for being noncustomers of carriers in the Tennessee automobile insurance plan, T.C.A. § 55-12-136.

Motor vehicle registrants not required to have certificated motor vehicle insurance policies should not be getting any mail from defendants until they are due for one-year renewal. Persons subject to the proof of financial responsibility ("POFR") duty have certified motor vehicle liability policies, called SR-22 certified or registered motor vehicle liability policies defined at § 55-12-102 and described at sect. § 55-12-120.

Such persons, including plaintiff, are not required to buy certified policies, and in fact *cannot buy them*, because certification under the SR-22 documentation is an act charged to the carrier that issues copy of certification notice to department of safety ("DOSHS" or "safety") of service to a person under suspension or conditional privilege use. Uninsured registrants are not required under any law to buy a "motor vehicle liability policy" as defined in § 55-12-102 as a condition of using roads open for public travel.

Specifically, plaintiff demands:

1. Immediate halt of notice for revocation of any person, plaintiff included, who has no insurance an who is not in the department of safety and homeland security ("DOSHS") record as having agreed to purchase a certified SR-22 motor vehicle liability policy to retain the operating privilege after suspension;
2. Halt forthwith, if not sooner, any act of revocation of registration of any person not subject to TFRL, including plaintiff and 1999 RAV4 automobile with tag 639BKTV and vehicle identification number ("VIN") JT3GP10V4X7044214;
3. Immediate halt to any surveillance or monitoring of any person who is **not on the list of certified SR-22 motor vehicle liability policy holders** (1) on record with an insurer of record, and (2) on record in DOSHS' financial responsibility division, said insurance policy subject to certification whether in issuance of the

policy, T.C.A. § 55-12-102(7), or the termination of such policy, T.C.A. § 55-12-123; and

4. Order that defendants give one-year sticker for plaintiff's 2000 Honda Odyssey minivan pending conclusion of these proceedings on condition of payment of the annual fee, the one year tolling from the date of the court's order of injunction.

Background of controversy

The electronic insurance verification system ("EIVS") certified and run by defendants is for "proof of **motor vehicle liability insurance** in accordance with IICMVA specifications and standards" § 55-12-205(1). Insurance Industry Committee on Motor Vehicle Administration ("IICMVA") sets the industry standards. EIVS 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). EIVS' surveillance of suspended licensees and registrants 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*" [1] § 55-12-205(6) (emphasis added), the data used "by rule" § 55-12-205(7) and not by defendant caprice. With EIVS, defendants send "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, § 55-12-119, § 55-12-205(8) (emphasis added). Defendants' 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). See Appendix No. 1 for a sample SR-22 form.

[1] 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 of financial responsibility. § 55-12-202

EIVS monitoring is lawfully upon a group of people who exercise and enjoy the driving privilege on condition of insurance that must be "certified," § 55-12-102, a certificate from "an insurer of record" § 55-12-210(g), which corporate entity is duty bound under terms of entry into the Tennessee automobile insurance plan, § 55-12-136. Tennessee automobile insurance plan; committee members; powers and duties, to send DOSHS a copy of the certificate, § 55-12-123, and which corporate citizen is bound to send DOSHS a notice regarding any SR-22 policy customer who has not paid the liability policy premium, with a 10-day notice of termination required to be given to safety before the policy is canceled and the registrant "becomes eligible for notice."

> 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(g)

Insurers of record cannot terminate an SR-22 policy without notifying safety.

> When an insurance carrier has certified a motor vehicle liability policy under § 55-12-120, insurance so certified shall not be cancelled or terminated until at least ten (10) days after notice of cancellation or termination of the insurance so certified shall be filed with the commissioner *** .

Tenn. Code Ann. § 55-12-123 Cancellation or termination of policies; notice

The only people subject to EIVS-generated notices of inquiry, warning and revocation under protocol described in sect. 210 are those with certified policies, more exactly ones whose policies under obligation are *lapsed.*

> Proof of financial responsibility may be furnished by filing with the commissioner the written certificate of any insurance carrier duly authorized to do business in this state, **certifying that** there is in effect a **motor vehicle liability policy** for the benefit of the person **required to**

> **furnish proof of financial responsibility**. This 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 Certificates and certification (emphasis added)

Insurance policies apply to people, not to cars, as § 55-12-120 shows in the last two phrases above.

Defendants' practices fly in the face of the law. Their program targets insurance noncustomers as follows: (1) DOR matches all VINS on record and the whole book of business provided by insurance companies. (2) It generates a noncustomer list from search of this data. (3) It directs EIVS to target **any noncustomer and any registered motor vehicle** on that noncustomer list, knowing well that insurance policies cover **people**. (4) A match means the registrant is "unconfirmed," or a *confirmed noncustomer.* (5) The "unconfirmed" get the first of four notices toward revocation.

Under color of law, defendants pretend insurance industry noncustomers are subject of the POFR obligation. These registrants are not under unsatisfied judgment based on a motor vehicle accident, § 55-12-114, don't have a motor vehicle-related criminal conviction, § 55-12-114, are not under suspension for "willfully fail[ing], refus[ing] or neglect[ing] to make or have filed an accident report" §55-12-104, or are not under suspension for violation of other vehicle-related matter. These parties, including plaintiff, are not subject to claim under TFRL.

This case is a law case, with no material fact in dispute.

Legal standard

Federal law allows preliminary injunction when moving party clearly establishes (1) substantial likelihood of success on merits; (2) substantial threat that failure to grant injunction will result in irreparable injury; (3) threatened injury outweighs any damage that injunction may cause opposing party; and (4) injunction will not disserve public interest. KV Pharmaceutical Co. v. Medecor Pharma, L.L.C., E.D.La.2003, 354 F.Supp. 2d 682.

In evaluating requirement for issuance of preliminary injunction of a reasonable likelihood of success on the merits, "[c]ourts need not defer to an administrative construction of a statute when there are 'compelling indications that it is wrong.' " Illinois Hosp. Ass'n v. Illinois Dep't of Pub. Aid, 576 F. Supp. 360, 367 (N.D. Ill. 1983)

Irreparable harm threat

Defendants' four-notice sequence to revoke plaintiff is set to conclude with a revocation notice Dec. 27, 2024. On Dec. 5, 2024, plaintiff received by U.S. first-class mail a "final notice" stating, "Tennessee's Financial Responsibility Law requires motor vehicle owners to maintain proof of liability insurance coverage or a verifiable exemption." The one-page letter refers to "acceptable insurance coverage," intending to be understood that an ordinary owner's policy — ***noncertified*** — is sufficient for its claim of POFR. **EXHIBIT No. 6**. Final notice by DOR.

Under TFRL, "certified" motor vehicle liability polices are acceptable proof of financial responsibility, that duty falling upon persons subject to suspension.

Plaintiff on Dec. 5, 2024, having received a DOR tag renewal postcard, acted responsively. He renewed registration for the family Toyota RAV4 on the website or the department's only agent in Hamilton County, the county clerk. **EXHIBIT No. 7**. Tag

renewal receipt Toyota RAV4. He made a $32 Visa payment for a one-year renewal. The revocation is set to hit Dec. 27, 2024, taking from him the commercial privilege he obtains by right in making payment. Revocation is an automated process, according to a department witness.

It is an irreparable harm against plaintiff to be denied the right to have a valid registration plate so he can enjoy his rights to use the automobile in interstate commerce by right. The metal plate allows him to sit inside the RAV4 for *use as a motor vehicle*, propelled by a gasoline engine in communication by road. Use as a motor vehicle means, in commerce, for hire, for private profit and gain, the right to exercise interstate commerce affecting the public interest, using the public road not by right but by privilege and the state's permission.

To be revoked apart from lawful authority is an injury, depriving him of one of two non-disjunctive rights in use of the conveyance. One is private use, for enjoyment of ingress-egress exercise. **EXHIBIT No. 8.** Administrative notice affidavit on right of ingress, egress from abode, soil in Tennessee, served on defendants. As a matter of law, regulation of transportation does not implicate or abrogate the right to travel or ingress-egress. The other is for profit affecting the public interest under a Tennessee privilege. "Another element of this occupation is, that its object and pursuit is directed to a profit to be made off the general public, the merchant having a relation, by reason of his occupation, to the whole community in which he may do business, by reason of which he reaps, or is assumed to reap, the larger profit by drawing upon or getting the benefit of the resources of those surrounding him." Phillips v. Lewis, 3 Shannon's cases 230, 1877. **EXHIBIT No. 9.** Phillips printout. [2]

Defendants' program poses an imminent, immediate and continuing threat to the plaintiff's rights in the use of the RAV4 ***in commerce as a motor vehicle***. Defendants'

[2] This key case not available on Westlaw; copy is a convenience to the court.

agents will arrest him, also, using the RAV4 as an automobile on ***private*** press or other business, or for comfort and necessity, with its tag showing up on their computer screens as "revoked" or "suspended." Such arrest, and certain seizure of his car if there is a local TFRL seizure agreement per T.C.A. § 55-12-139 would be an irreparable injury to plaintiff and abrogation of enjoyment of his 1st amendment-protected communications, press and free speech rights, among others. This arrest threat is by longstanding custom and usage, so familiar that plaintiff asks the court to take judicial notice of the pervasiveness and ubiquity of this presumption that all use of the road is commercial, and any private use of the public road in an automobile, apart from privilege, is criminal.

Defendants are on record in the Honda Odyssey contested case ("Honda Odyssey") as stating plaintiff's moving body and goods via his automobile on the road is a crime because in so doing he is "operating a motor vehicle." So clear is the danger of arrest, seizure and jail that the department gives plaintiff a "protection letter" for use of his 2000 Honda Odyssey minivan. **EXHIBIT No. 10**. Defendants' protection letter. Defendants know how their privies in police and sheriff's departments behave. Officers and deputies act presumptively on every automobile as if it were a motor vehicle in commerce and a revoked tag, for them, gives probable cause for criminal arrest under commonly accepted standards.

The Odyssey minivan tag is revoked July 21, 2023. Plaintiff uses the minivan as an automobile, continually under threat of arrest from defendants' privies in police and sheriff's departments. The letter is intended to quell the instinct of officers to file a criminal charge as per custom and reduce defendants' liability for false arrest.

Police, deputies and state troopers believe defendants' dogma that each and every user of the public road is **in privilege,** carrying cargo or passengers or hire — evidenced by "bills of lading, waybills, invoices or other evidence of ownership or of transportation for compensation" T.C.A. § 65-15-106(e)(3)(C). They are trained to assert that a crime is

being committed if an automobile is traveling on the road without tag or with the tag revoked, even though the man or woman behind the wheel is exercising God-given, constitutionally guaranteed, inherent and unalienable communication, assembly, religious or other rights protected by the U.S. 9th amendment, among others. Hence, the necessity for the protection letter for use of the road while not "on" the privilege, a defendant admission of generalized oppression by police of ingress-egress property rights.

Rights of plaintiff

Defendant Gerregano threatens to revoke plaintiff's RAV4 registration Dec. 27, 2024, eliminating his right to keep the automobile's high status as motor vehicle, and criminalize his placing the four tires of the automobile on any public street or roadway, with police, deputies and troopers well taught by defendants and their privies to view all travel in automobile as commercial and privileged, apart from evidence, fact or inquiry, and to arrest any member of the "traveling *** public" (T.C.A. § 65-15-101(3)) who is not simultaneously also a validly registered and tagged as among the "shipping public" (*id.*).

Rights of traveling public

Registered vehicle owners and members of the general public are under continuing irreparable harm without preliminary injunctive relief. Tens of thousands face having tags revoked in departure from law, made subject to criminal prosecution, arrest, citation by law enforcement departments in every municipality and county, even possibly in some municipalities that have not made provision by ordinance per. T.C.A. § 55-12-139. Parties being revoked in Monday's or Wednesday's outgoing mail are in breach of no law, and are revoked.

These members of the public are not required to have certified motor vehicle liability insurance policies as allegedly required. They cannot, in fact, obtain such policy, those

described by IICMVA and the industry generally as SR-22, since they are not under suspension with conditional use of the privilege, ones who must buy such policies certified to DOSHS as meeting the requirement at T.C.A. § 55-12-120. These ordinary people, referred to as among the "travelling and shipping public" at T.C.A. § 65-15-101 in Tennessee are not required to have operator's or owner's insurance policies as condition prerequisite for enjoyment of constitutionally guaranteed rights in using roads "thrown open for public travel or use free of charge" T.C.A. § 67-5-204

Many opt to make a free market choice, apart from coercion and duress, to buy these financial products. But they don't have to. "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. Requiring proof of financial responsibility comes into play **only after a motorist has been involved** in an accident resulting in death, personal injury, or property damage in excess of four hundred dollars. *See* Tenn.Code Ann. § 55–12–104(a). These motorists must report the accident to the Commissioner of Safety" Burress v. Sanders, 31 S.W.3d 259, 263 (Tenn. Ct. App. 2000) (emphasis added).

Noncustomers of the insurance industry are in immediate jeopardy from law enforcement officers serving DOSHS and DOR policy if they sit in their automobiles and use the public right of way by right bearing a tag put into "revoked" status in defendants' records.

One measure of harm of the program upon the public is based on an eight-year average of 40,800 criminal convictions annually under TFRL. Most are convicted under mere color of T.C.A. § 55-12-139. If a single member of the public is facing an unlawful criminal prosecution under sect. 139, under policy controlled by defendants, such prospect is valuable consideration for the court to favor motion for preliminary injunction against defendant's use of the U.S. mails for fraud or misconduct.

Defendants target people whom the complaint reasonably describes as the poor. Many people support the idea of all users of the roads being insured with liability policies. They afford the expense of buying owner's or operator's policies under threat from defendants, but not without agreement that such policies are prudent, good and necessary for a highly mobile society in a state in which in 178,154 auto accidents in 2023 took 1,322 lives, according to the department of transportation. But the poor have no choice. They lack means to yield to extortion demand by buying insurance. They cannot afford it. The poor opt for food, rent, doctor's bills, auto repair and family necessities. They are under no duty to yield their right to enjoyment of the public right of way for pleasure, comfort and necessity (the "family purpose" doctrine). Strine v. Walton, 323 S.W.3d 480, 489 (Tenn. Ct. App. 2010).

Uninsured registrants number more than 1 million. [3] These people are imminently in danger of arrest, citation, seizure and towing harm for which no one in immediate consideration will compensate them or give restitution. For a poor person, an auto accident is a personal financial disaster. An arrest or towing of a vehicle not easily reparable or compensable. Police routinely haul automobiles out from under their owners and operators. T.CA. § 55-12-139(c)(4). If a person lacks means, the wrecker company's daily impound fees rise so quickly the owner cannot redeem the vehicle, or is forced to pay more for redemption than the car may be worth. Criminal court hearings, travel to courthouse, loss of time waiting in courtroom, courts' resetting hearing dates because the officer fails to show, creation of a criminal record constitute a string of injuries against any poor person caused by defendants' policy.

[3] Defendants state they have issued 6,340,546 standard passenger vehicle plates and that 5,117,030 "auto insurance policies" under TFRL are 5,117,030. That means 1.22 million cars (1,223,516) use the roads without insurance.

State of Tennessee on relation demands these harms scheduled against them under dunning notice by DOR be preliminarily halted pending a final order in this case demanding compliance with law.

Harm to defendants

The injury threatened plaintiff outweighs damage to defendants a preliminary injunction would impose. Halting mailout of inquiry, warning and revocation notices to people not subject to statute — absent a qualifying accident, unsatisfied court judgment, criminal conviction of "any offense authorizing or requiring suspension, revocation, prohibition, or cancellation of a license or registration" T.C.A.§ 55-12-104 — would cause no appreciable harm to the department, to any person working in the department, nor to state of Tennessee. Defendant department and its employees are obligated to obey the financial responsibility law of 1977 in Part 1 of chapter 12, and the Atwood amendment in Part 2, which latter states, "Nothing in this part shall alter the existing financial responsibility requirements in this chapter" T.C.A. § 55-12-214, which act defendants have done — they "alter existing *** requirements."

If DOR complains it doesn't know how to separate the wheat from the chaff, it should do what the law requires in the first place. That is consultation with safety. T.C.A. § 55-12-114, -116, -117, -120, -204 and 209.

Withholding 12,000 letters weekly will save the department $8,750 a week in postage, assuming first-class per-piece cost of 73 cents. No lawful function of the commissioner in his official capacity is in any way impeded by an order demanding provisional halt to activity done arbitrarily and capriciously in his person.

Given that revenue revocations are done without a hearing, and with no authority for defendants to hold any hearings under T.C.A. § 55-12-201 *et seq*, immediate cessation of revocations would not just *not hurt* defendants, but contribute to an uplifting and

reformation of the commissioner's and the department's character and habits pursuant to law, a cessation of abrogation of the due process rights of members of the public.

Would sending plaintiff a one-year sticker to update his tag hurt defendants? No, it would not constitute in any way harm to defendants. Nor would that act cause injury, threat or consternation, dismay or reasonable fear among members of the public. Sheriff's and police departments, with duty to keep the peace or be "conservators of the peace," T.C.A. § 8-8-213, have duty to suppress activity in which there is the element of riot, affray, disorder, chaos, with witnesses or nearby members of the public feeling uneasy or personally threatened.[4]

A tag, whether expired, revoked or temporary, causes no such effect, and *no public concern whatsoever*. Nothing by way of public reaction invokes a sheriff's duty to "duty to suppress all affrays, riots, routs, unlawful assemblies, insurrections, or other breaches of the peace," T.C.A. § 8-8-213, or meet the "public offense" standard in the warrantless arrest by officer law at § 40-7-103 that equates "public offense" to a "breach of the peace."

For defendants to give plaintiff a one-year sticker imposes no evil effect upon the public. Driving without insurance is the legal norm, and the act of driving by one keeping a good lookout is not a dangerous activity. "Although it is not universally so held, it is well settled in this State (and by the numerical weight of authority in other jurisdictions), that an automobile is not, in law, an inherently dangerous instrumentality, and a driver is bound to exercise only ordinary care in its operation, or that degree of care or caution which an ordinarily careful and prudent person would exercise under the same

[4] The duty of every county sheriff as "conservator of the peace" includes command that he "suppress all affrays, riots, routs, unlawful assemblies, insurrections, or other breaches of the peace, detect and prevent crime, arrest any person lawfully, execute process of law, and patrol the roads of the county." § 8-8-213. Powers as conservator of the peace. A temporary tag causes no condition requiring exercise of such power.

circumstances." Elmore v. Thompson, 14 Tenn. App. 78 (1931). Grant of such tag is no more a risk to the public than defendants' restoring privileges to motor vehicle operators involved in motor vehicle crimes, qualifying accidents or court judgments who fall under the authority of TFRL.

That Mr. Gerregano has no equity in the controversy is to say too little; indeed, he has *negative equity*. Defendants, in short, suffer no injury, loss or harm in being ordered — if only preliminarily until final order issues — to comply with state law.

Probability of success

The unconstitutionality of defendants' program is visible on the point alone of no hearing before the revocation axe falls, nor after. All TFRL hearings are in safety. T.C.A. 55-12-103. Plaintiff sent DOR staffer Shawn Ploss a certified letter Oct. 9, 2024, demanding a hearing. Defendants make no answer. **EXHIBIT No. 11**. Tulis demand letter.

The probability of success of this petition is strong. Petitioner is defending the law as written, with support of state and federal court cases that deny Tennessee runs a mandatory insurance scheme.

Defendants **wreck and destroy** a legal and lawful financial responsibility regime. Plaintiff exposes 26 Gerregano abrogations of law in his brief in support, incorporated into this motion by reference. It shows how, using the rules of statutory construction, plaintiff secures the law, protects the law, and sues confident of vindication.

Public interest

Temporary injunction should issue because this case is a matter of public concern and benefit. Petitioner sues for personal relief and to junk the policy in the public interest and for the protection of the law, and has informed defendants of this goal from Day 1.

Defendants in Honda Odyssey misrepresent an attorney general opinion Tenn. Op. Atty. Gen. No. 03-084 (Tenn.A.G.), 2003, to use T.C.A.§ 55-12-139 as a stick to club the general public into becoming insurance industry customers. Sect. 139 does not convert Tennessee into a mandatory insurance for all registrants in the state. Sect. 139 does not convert Tennessee into a mandatory insurance state where all registered motor vehicles must connect with an insurance policy. An attorney general opinion cited by defendants cannot amend a law.

> In construing section 1212 as it did, the Attorney General's Opinion sought to alter the very substance of the section's scheme, completely eliminating an exemption that the legislature had articulated in clear and precise terms. Thus our analysis of the deficiencies of the Department's Regulation No. 2, discussed above, is applicable with equal force to the Attorney General's 1962 Opinion. The Opinion represents an attempt to **amend a legislative enactment by administrative fiat**, and as such can be given no operative effect.

Beazley v. Armour, 420 F. Supp. 503, 509 (M.D. Tenn. 1976) (emphasis added)

In Beazley, as in this case, the public interest is served by plaintiff's challenge to *ultra vires* activity against the law and the right of every member of the public to honest government services.

The public interest is served by the law being obeyed. The hard legal facts in view touch on certification of motor vehicle liability insurance policies, and whether EIVS has authority to view only these. If the larger law has a less clear outline, and its details less sharp in the court's preliminary evaluation, and if there is some vagueness, the doctrine of lenity lends itself to suggest favor for the taxpayer or citizen rather than the state. (See footnote No. 3, supporting brief, on TFRL's being derogation of common law and must be "strictly construed.")

The Tennessee financial responsibility law is wordy and complicated. In over 16 months Honda Odyssey litigation, however, defendants have not identified a single provision, paragraph, sentence, phrase, sentence or word that is ambiguous. Defendants stipulate the law is unambiguous as written. The public interest is served if there is a chance of any citizen or resident being injured by operation of EIVS apart from its clear meaning and requirements.

Conclusion

Defendants coerce members of the public to buy insurance they can't afford and obtain policies that aren't certified. That's the sum of this case. In light of the foregoing, plaintiff demands a preliminary junction issue until such time as a final order as a matter of law be drafted halting an official oppression by Tennessee state appointees and defendant department.

Respectfully submitted,

David Jonathan Tulis

David Jonathan Tulis

EXHIBITS

6. Final notice by DOR

7. Tag renewal receipt Toyota RAV4

8. Administrative notice; affidavit on right of ingress, egress from abode, soil in Tennessee, served on defendants

9. Phillips v. Lewis, 3 Shannon's cases 230, 1877

10. Department protection letter

11. Plaintiff demand letter regarding RAV4 pending revocation, Oct. 9, 2024

12. IICMVA's white paper "The Case for Utilizing Web Services Technology to File Certificates of Financial Responsibility"

13. Criminal court court clerk response on TFRL cases, convictions

14. Police response on TFRL

Appendix 1

Motor vehicle liability policies, defined at T.C.A. §55-12-102 and meeting the standard of sects. 120 and 122 are certified by issuance of the SR-22 certificate, set to insurance industry standards.

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)

Appendix 2

Brochure from IICMVA, the group that developed Tennessee's online insurance verification system model. T.C.A. 55-12-202 (highlights supplied).

About the IICMVA

The Insurance Industry Committee on Motor Vehicle Administration (IICMVA) is an all-industry advisory group formed in January 1968 when the *American Association of Motor Vehicle Administrators (AAMVA)* adopted a resolution that an industry committee be formed to work with motor vehicle administrators on matters affecting mutual interests by providing technical expertise and understanding of the subject at hand.

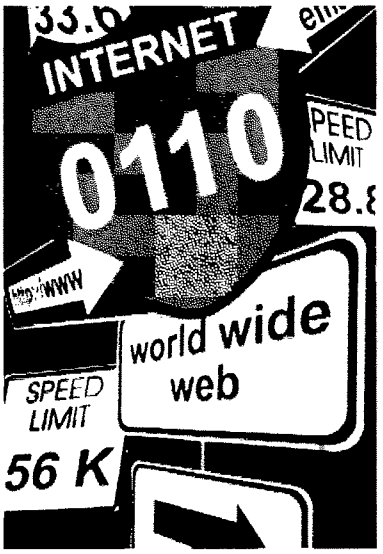
Today the IICMVA acts as the liaison between the insurance industry and Motor Vehicle Departments in the US and Canada and primarily assists with the implementation and maintenance of compulsory insurance and financial responsibility laws. In addition, the IICMVA also serves as an advisory group and subject matter expert on other significant motor vehicle administration issues including driver licensing, vehicle titling & branding, vehicle registration, motor vehicle record (MVR) content & availability and the issues surrounding the uninsured motorist.

The IICMVA is a vendor-neutral organization; it does not endorse the use of any vendor or product.

Insurance Industry Committee on Motor Vehicle Administration

www.iicmva.com

On Line Insurance Verification Is Here Now!



The Source of Insurance Verification

iicmva-olv-073009

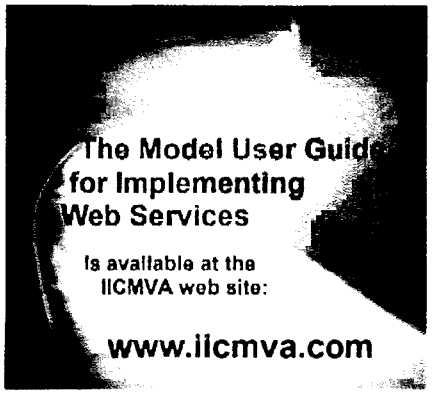
Online Insurance Verification

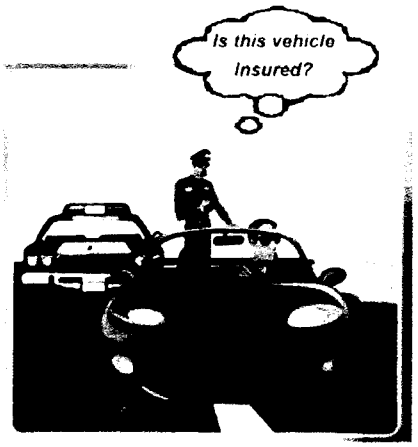
What is On Line Verification?

On Line Verification (OLV) of auto insurance is an inquiry made over the **World Wide Web** to verify that a vehicle has the auto insurance coverage required by law.

How it Works

Verifying automobile insurance online is the same process as validating health or dental insurance online. The customer provides their ID Card as proof of insurance. The ID Card contains the insurance company information and unique subscriber (policy) number; the information is sent to the insurance carrier for verification using an OLV system. Within seconds, the system responds to the coverage inquiry to verify the vehicle has insurance that meets the minimum financial responsibility requirements with the results: ***CONFIRMED* or UNCONFIRMED.***





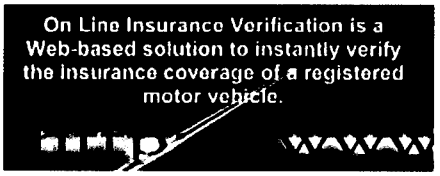
To provide the "**Confirmed**" or "**Unconfirmed**" response to the requestor, the OLV process developed by the IICMVA requires four (4) mandatory data elements:

- **NAIC Number** – Obtained from the Auto Insurance ID Card, the NAIC number identifies the insurance carrier to submit the request to.
- **Policy Key** – An Insurance Carrier's policy number or a unique number that a carrier uses internally to locate a policy record. Also obtained from the Auto Insurance ID Card.
- **Vehicle Identification Number (VIN)** Unique vehicle ID number.
- **Requested Confirmation Date** – Date on which Evidence of Financial Responsibility is being verified.

***Note:** The insurance company's response indicates whether it can confirm insurance meeting minimum financial responsibility obligations is present on the date in question. *It does not identify the specific limits that are present on an insurance policy or substitute for an insurance company's claims handling function*

The Benefits – The E's of Evidence

- **Event based system (registration, traffic** stop, court inquiry, periodic verification).
- Eliminates the delay associated with database reporting programs
- Ends the creation and maintenance of data repositories; reduces expenses and labor.
- Enhances results with greater accuracy and more precise matching.
- Ensures that standardization and future advancements are available to all jurisdictions.
- Enhances data security; confidential customer data is not required.
- Easily identify counterfeit Auto Insurance Identification Cards.
- Evidence of Insurance can be used with DMV vehicle registrations and renewals, police roadside inquiries, accident investigations and court requests.



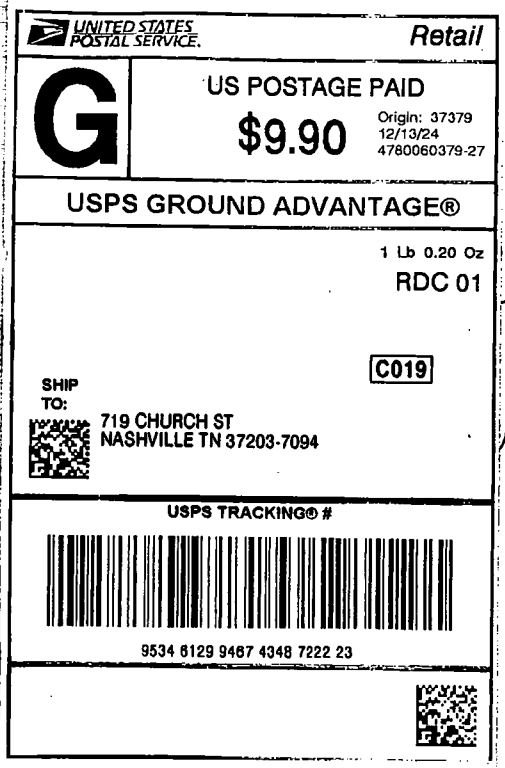
The Technology

- Uses inexpensive Internet connectivity.
- Built on proven, web-based protocols called XML to facilitate the sharing of structured data across different information systems.
- Ensures secure transactions with SSL & user authentifications.
- Meets ANSI and ACORD standards.

CERTIFICATE OF SERVICE

A copy of this document is served this Friday, the 13th day of December, 2024, upon defendants' attorney, Nicholas Barca, senior assistant attorney general, by e-mail at the address as follows;
nick.barca@ag.tn.gov

Tulis
10520 Brickhill Ln
Soddy Daisy TN 37379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