IN HAMILTON COUNTY CHANCERY COURT

David Jonathan Tulis	)	
Petitioner	)	**Case No.** 25-0507
	)	
V.	)	
	)	**ORAL ARGUMENT DEMAND**
Department of revenue	)	
David Gerregano, commissioner	)	
Respondent	)	

Petition for Judicial Review and Complaint for Injunctive Relief

The Tennessee department of revenue is party to a fraud upon the public and a system of oppression petitioner targets in a bid to restore a revoked motor vehicle registration tag. His goal in this suit is an order commanding return of the privilege, and a halt to misuse of the Tennessee Financial Responsibility Law of 1977 (§ 55–12–101 to § 55–12–142), or Part 1, and Insurance Verification Program ("James Lee Atwood JR. Law") (§ 55–12–201 to § 55–12–215), or Part 2.

1. The department ("DOR" or "revenue") operates a **universal mandatory insurance program** upon **all motor vehicle registrants** on grounds that T.C.A. § 55-12-139 creates such a scheme, and that T.C.A. § 55-12-210 commands the commissioner of revenue to mail revocation inquiries and notices to any registrant who doesn't purchase auto insurance.

2. Its theory is that every registrant must continually be able to show *proof* of financial responsibility ("POFR"), or ***evidence*** of POFR, and that it is proper to use the electronic insurance verification system ("EIVS") created by the Atwood amendment to match insurance company data and to apply state police power to revoke the registration tag of the noncompliant.

3. The question for the court is whom is liable to have evidence or proof of financial responsibility at all times while using the roads thrown open for public use? Respondent says 100 percent of registrants are liable under the law. Respondent's administration disregards the statute's limiting language and utilizes EIVS to indiscriminately surveil and penalize citizens not subject to the statute. This is not a filtering error; it is a foundational legal defect.

4. The record of proceedings in agency shows shows the extent of the departure from law, and degenerate zeal over two years in rationalizing that departure.

5. An individual in either of two groups has to show POFR and bear the duty of producing the certificate as "evidence" or "proof" of financial responsibility. (1) An individual in a qualifying accident, T.C.A. § 55-12-104, or, (2) a person under suspension for violation of rules of the road, conviction or adjudication or a finding by department of safety that he (or she) is financially irresponsible and requires supervision under administrative probation "for as long as the suspension shall last," T.C.A. §§ 55-12-114 and -116, up to five years.

6. Two issues are dispositive in this controversy: The hearing officer's subject matter jurisdiction and the certification requirement for the type of auto insurance subject to law:

    a. **Respondent's lack of authority to hold hearings under TFRL.** This case arises from litigation in DOR under color of TFRL. Respondent claims authority to conduct hearings under the state tax code. The financial responsibility law says hearings are held in department of safety. T.C.A. § 55-12-103.

    b. **The role of certification of insurance policies.** Certification makes an auto insurance policy *proof* or *evidence* of financial responsibility. Without certification, no paperwork passes legal muster as proof or evidence. Certification is part of the definition of "motor vehicle liability policy," the name of the policy a subject person must obtain to comply with the law in exercise of the privilege. T.C.A. § 55-12-102(7).

2 ROUTES INTO TFRL – WRECK, SUSPENSION

7. TFRL creates the duty of obtaining evidence or proof of financial responsibility. Law gives four ways to show POFR. "The following, and only the following, shall be acceptable proof of financial security. (1) Filing of written **proof of insurance coverage** with the commissioner [of safety] on **forms approved** by the commissioner;" (2) a cash deposit with DOSHS commissioner "in the total amount of all damages suffered"; (3) execution and filing of a bond with the commissioner of safety vouching for "the total amount of all damages suffered" and (4) "submission to the commissioner [of safety] of notarized releases executed by all parties" in a qualifying accident. T.C.A. § 55-12-105.

8. DOSHS approves for "written proof" the industry standard SR-22 form. The SR-22 proves or gives evidence that an insured in a qualifying accident had insurance coverage at the time of the accident. For a person under suspension, the SR-22 shows the licensee enjoys the driving and operating privilege on condition of having a current and active motor vehicle liability policy as defined in T.C.A § 55-12-103(7), with the certificate constituting the acceptable proof.

9. Is every licensee, or every registrant with a motor vehicle tag, required at all time to have an operator's or owner's insurance policy connected to a vehicle identification number ("VIN")? Did the general assembly, in adding T.C.A. § 55-12-139 in 2002, actually make a full rewrite of the law to convert an after-accident, voluntary-insurance first-bite-at-the-apple financial responsibility statute into one that makes proof of financial security (or responsibility) a condition precedent to registration?

10. To both questions respondent says, "Yes."

11. The record shows respondent's program premised on T.C.A. § 55-12-139 is rogue. It creates duties with which it is impossible for petitioner to comply. It abrogates 28 provisions of law. It violates petitioner's numerous protected rights.

12. DOR ***admits*** an illegal and unconstitutional purpose not part of the general assembly's intent: That the law is intended to ban the poor from the road (Initial order p. 31). The effect of the program is just that: Criminally prosecute the poor who cannot afford a cash

payment to Mr. Gerregano's department or who cannot afford to become customers of State Farm or other for-profit corporations.

13. In the 706 days DOR had this case, state courts convicted 78,979 souls of "driving without insurance," making them customers and clients of the court system.

14. The shakedown *requires people to buy insurance they cannot afford to obtain policies that are legally insufficient.*

Parties

15. **Petitioner** owns the 2000 Honda Odyssey minivan focus of this case and intends it for use as a motor vehicle for commerce in privilege taxable activity on the roads thrown open for public use that cannot be used as a matter of right for private profit and gain.

16. He uses the minivan in the normal course of life, out of convenience and necessity. Its having a tag to make it a motor vehicle allows him to exercise rights under privilege. That would be carrying goods or people for hire as a business or concern in which the public road is the place of business profit, or even occasionally. Revocation of his tag denies him two property rights. (1) One is commerce, to which he has a right, having broken no law nor caused anyone offense. (2) The other is his right to be free from interference of his religious, press and ingress-egress rights to and from his house. Deputies, police officers and state troopers cause that interference illegally using conservator of the peace criminal authority to enforce respondent claim that no private travel is permitted on the public road, and any and all use of the road is *presumptively commercial and presumptively privilege taxable activity*, which presumption petitioner rebuts.

17. **Respondent** department is headed by commissioner David Gerregano, a licensed attorney. His job is to "determine *** the methods of procedure within the department *** to perform the duties imposed by law" who shall hire staff "as are deemed necessary to effectively discharge the duties of the office in an orderly and efficient manner" T.C.A. § 4-3-1901.

18. Under TFRL the department is charged with complying with commands, policies and protocols of the commissioner of safety, who "shall administer and enforce this chapter" T.C.A. § 55-12-103.

19. The commissioner is charged with certifying EIVS. As long as he certifies EIVS, law enforcement may take action upon drivers based on the program. T.C.A. § 55-12-212.

Jurisdiction

20. Petitioner is "entitled to judicial review" and the court has jurisdiction under T.C.A. § 4-5-322, the uniform administrative procedures act, to hear this cause. "Except as provided in subdivisions (b)(1)(B), venue for appeals of contested case hearings shall be in the chancery court nearest to the place of residence of the person contesting the agency action or alternatively, at the person's discretion, in the chancery court nearest to the place where the cause of action arose, or in the chancery court of Davidson County" T.C.A. § 4-5-322(b)(1)(A)(ii).

21. Petitioner, living in Hamilton County, invokes the chancery court's plenary authority to bring justice and relief, and to exercise redemptive, restorative authority in equity.

22. The petition is timely filed within the 60-day limit under T.C.A. § 4-5-322(b)(1)(A). The department final order is dated June 5, 2025, and its last filing, denial of motion to reconsider, is dated July 1, 2025.

Standard of review

23. This case turns on statutory construction. "The resolution of this appeal involves the interpretation of a statute *** which is a question of law. Therefore, the standard of review is de novo without any presumption of correctness given to the legal conclusions of the courts below. *** In interpreting statutes, the duty of this Court is to ascertain and give effect to the intent and purpose of the legislature without unduly restricting or expanding a statute's coverage beyond its intended scope. *Id.* We determine the legislature's intent from the natural and ordinary meaning of the statutory language

within the context of the entire statute." Tidwell v. City of Memphis, 193 S.W.3d 555, 559 (Tenn. 2006)

24. Judicial review is upon the law applied to the facts presented in the record of the agency case, docket No. 23-004. "It is clear from the language of the statute that the review provided in the chancery court is in no sense a broad, or *de novo*, review. Review is confined to the record made before the agency, except in cases of 'alleged irregularities in procedure before the agency, not shown in the record . . . .' *** The trial court is required to determine whether the agency acted within the scope of its statutory authority, and in conformity generally with statutory and constitutional provisions, whether it followed proper procedures, whether its decisions were arbitrary, capricious or in abuse of discretion, and whether its conclusions are supported by material and substantial evidence in the record" Metro. Gov't of Nashville & Davidson Cnty. v. Shacklett, 554 S.W.2d 601, 604 (Tenn. 1977).

25. The court is empowered to discern whether respondent "administrative findings, inferences, conclusions or decisions" have "prejudiced" petitioner as against the law, whether the disputed program is

    1. In violation of constitutional or statutory provisions;
    2. In excess of the statutory authority of the agency;
    3. Made upon unlawful procedure;
    4. Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion

    T.C.A. § 4-5-322

Overview of case

26. The program creates two evil consequences for which petitioner seeks redress.

A. DENIAL OF DUE PROCESS

27. DOR puts petitioner in a position where he is denied the right of appeal. His case in agency is a nullity and void because the hearing officer has no subject matter jurisdiction under T.C.A. § 55-12-103.

28. The purported requirement that he obtain "adequate" insurance does not make him qualified to be able to show an officer or EIVS proof of a financial responsibility. Any paper, billfold card, policy page or other insurer document not certified as a motor vehicle liability policy cannot meet the POFR requirement.

29. It is a denial of due process to be subject to extortion — a threat of harm imposed (revocation, with criminal prosecution certain) if petitioner refuses to perform a certain act (buy insurance product).

B. STATUTORY CONSTRUCTION RULES VIOLATION

30. The court is being asked to read the law, say what it means and describe what the department of revenue is required to do, and what it is forbidden to do under Parts 1 and 2. There are no disputed material facts in this contest. The 2000 Honda Odyssey minivan is owned by petitioner and he has no insurance policy connected with the machine.

31. The department will be asking the court to uphold its revocation and the challenged program. It will cite public safety, legislative history, and claim its operation is independent and parallel to the program described in the law as operating under DOSHS. Respondent upholds an interpretation of T.C.A. § 55-12-139 as imposing a requirement on all registrants of proof of financial responsibility.

32. Respondent claims the first sentence in T.C.A. § 55-12-139, "(a) This part shall apply to every vehicle subject to the registration and certificate of title provisions," creates broad new powers and converts a financial responsibility law into a mandatory-insurance-upon-all law, in violation of rule *ejusdem generis* and duty to construe all provisions of law *in pari materia.*

33. The litigation has targeted respondent's use of EIVS without a filter to discern whom is to receive revocation notices. The department's insurance monitoring system functions in practice like an all-seeing surveillance tool, targeting citizens in ways inconsistent with the enabling statutes and constitutional restraints.

34. Most of insurance noncustomers are too poor to secure their investment in their automobiles. They use their limited means for medicines, food, gasoline, rent, car repairs and utilities. They are the most vulnerable Tennesseans who fall victim to respondent.

35. Respondent claims its program of criminalizing parties who don't have insurance company contracts, or who can't pay $65,000 to respondent in lieu of insurance makes the streets safer.

36. Ordinary hazards of travel claimed 1,314 lives in 2022 and 1,323 in 2023 in Tennessee. Misuse of police power makes life far worse for the public. Men, women and families are targeted by armed officer criminal enforcement authority apart from law. Officers order cars towed out from under their owners. Deputies strand families on the side of the road with their bags of groceries. Crippled by loss of an auto, some police victims face "failure to appear" criminal charges for not showing up for proceedings.

37. The program adds harm to stressed or preoccupied working class people with fines, penalties, court costs, a blight on their legal records that hinders many from gaining employment. The "Eye of Sauron," as petitioner calls it, referring to the "Lord of the Rings" literary and Hollywood franchise, makes the streets ***unsafe***. It transforms well-intentioned and honorable law officers into brigands.

38. For reason of poverty and free choice, petitioner is a *former* customer of State Farm Insurance. He is an insurance industry noncustomer,.

39. The record shows that petitioner has thorough knowledge and familiarity with the law in its 54 provisions in Parts 1 and 2. He finds no duty therein upon himself, nor any other member of the innocent traveling public, to produce evidence or POFR.

40. Registration of a motor vehicle is proof of tax paid for the privilege of using the conveyance as a motor vehicle. T.C.A. § 55-4-101. The injury of being denied the use of his automobile as a motor vehicle is arrest and criminal prosecution for activity that is not *privilege taxable activity* requiring driver license or registration.

41. Record shows the commissioner denies a distinction between privilege taxable activity and non-privilege taxable activity. This position is alarming. It's no different than if the enforcer of tax law says no difference exists between taxpayer and nontaxpayer.

42. Respondent misconstrues the law, ignores provisions that contradict its policy, decoheres the law and fails to account for 28 abrogations he imposes upon the public, as cited by petitioner in an exacting investigation of the department's activities.

1. Brief history of case

43. Department has steadfastly resisted petitioner's demands to comply with clear and unambiguous law and immediately cease its oppressive, arbitrary, capricious and constitution-abrogating industry-capture program.

44. Petitioner received notices April 19, 2023, request for information; May 19, 2023, first notice; June 21, 2023, final notice; and July 21, 2023, vehicle registration suspension notice.

45. Petitioner filed timely his petition for a contested case with the department circ. July 26, 2023, following correspondence.

46. Important filings by petitioner, and consequent departmental filings and hearing officer orders, include:

- Motion for recusal
- Motion for reconsideration
- Motion for temporary injunction
- Motion for reconsideration
- Notice of deposition of David Gerregano
- Notice challenging subject matter jurisdiction
- Administrative notice, affidavit on right of ingress-egress from abode, soil in Tennessee
- Motion for summary judgment
- Petition for appeal to the agency

- Motion to reconsider final order by agency

47. The last filing in the case is commissioner's Order denying petitioner's motion to reconsider final order by agency, July 1, 2025.

2. Non-waived issues

48. Petitioner reserves all issues brought up in the contested case. He doesn't waive violation of his rights by administrative hearing officer ("AHO") Brad Buchanan, a respondent employee, to recuse under motion.

49. As this case involves privilege taxable activity (driving and operating a motor vehicle), petitioner refuses to waive his non-disjunctive right of use of any road thrown open for free public use.

3. Dispositive issues

50. The record shows respondent's EIVS operation founders as against clear and unambiguous statute. In the interest of brevity, petitioner focuses on two determinative issues determinative of his claims: (1) denial of due process with no lawful venue for appeal, violating T.C.A. 55-12-103, and (2) rejection of the certification requirement for any insurance policy tendered as proof of financial responsibility, contradicting T.C.A. § 55-12-103(7) and, consequently, other provisions of law.

A. Respondent lack of authority for hearing; T.C.A. 55-12-103

51. In a fundamental error and threshold defect, department of revenue's EIVS revocation program affords no due process for an aggrieved party. The AHO's bar has no subject matter jurisdiction because the hearing has no statutory authorization.

52. All hearings under TFRL are heard by commissioner of safety.

> (a) 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; provided, that the requests are made within twenty (20) days following the order or act and that failure to make

the request within the time specified shall without exception constitute a waiver of the right.

53. (b) Any person aggrieved by an order or act of the commissioner under this chapter may seek judicial review of the order or act as provided by § 4-5-322.

T.C.A. § 55-12-103

54. Safety "shall administer and enforce this chapter," meaning revenue commissioner is order-taker, not order giver. Because safety is the head and revenue the tail in TFRL, hearings are in safety, which operates a financial responsibility division that has all driver records as basis for a licensee being subject to the POFR requirement.

55. It is not "*otherwise specifically provided*" that instant case be held under tax law.

56. Denial of a lawful venue is a violation of due process, indicating a program *ultra vires* as alleged.

B. Statutory construction: Policy certification requirement

57. A person subject to TFRL and Atwood monitoring establishes financial responsibility "on a form approved by the [DOSHS] commissioner" T.C.A. §§ 55-12-137, -210.

58. A "motor vehicle liability policy" is defined as "**certified** *** as **proof** of financial responsibility" T.C.A. § 55-12-102 (emphasis added).

59. POFR is not universally required. But "when required under this chapter," it is established by a "certificate of insurance," sects. 119, 125 and 133.

60. Suspended parties regain the privilege after wrongdoing. "**Proof** of financial responsibility may be furnished by filing with the commissioner" the "**written certificate**" from a carrier "**certifying** that there is in effect a **motor vehicle liability policy,**" sect. 120 (emphasis added).

61. TFRL applies to people, not to any one motor vehicle, as the certificate requirement shows: "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," sect. 120 (emphasis added). A DOR workaround forces each non-certified policy to be connected to a vehicle identification number.

62. A person from another state under sanction may "give [POFR]" by filing with Tennessee's safety department "**a written certificate or certificates** of an insurance carrier" and the commissioner "**shall accept the certificate**" with condition. Sect. 121 (emphasis added).

63. A form of the word "certified" appears seven (7) times in sect. 123 to the effect that when an insurer "has **certified** a **motor vehicle liability policy**," the "**insurance so certified**" cannot be canceled without notice filed with department of safety (emphasis added).

64. A truck driver, when or as required by the chapter to have evidence of POFR, can get his commercial policy "certified" as proof of financial responsibility, sect. 124.

65. Key wording "**financial responsibility insurance certificate**" appears in the provision limiting the time requirement for a suspendee's duty to have POFR during his probation, saying "a **person who is required to provide** proof of financial responsibility shall **maintain that proof** for the period of the revocation or suspension," sect. 126 (emphasis added).

66. Safety must hear about a party's shift from insurance to either of two purported alternatives to POFR and handle return of funds paid to safety or "shall consent to the cancellation of any bond or **certificate of insurance,**" sect. 133 (emphasis added).

67. *A certificate of insurance is equivalent to a* ***bond.*** A carrier that "fails or refuses to file *** the **certificate or form**" with safety may be fined, with proceeds payable to the insured person, sect. 137 (emphasis added).

68. An applicant for a driver license files with safety a certificate that he "[agree]s to abide by" TFRL when required, sect. 138.

69. State law divides ordinary insurance from the "**certificate of compliance** with the Tennessee Financial Responsibility Law of 1977." At an accident scene, parties "exchange *insurance information.*" The police report "shall include *information*

pertaining to the insurance policy." A person subject to POFR is treated ***differently.*** There exist regular insureds, then people who are required to show POFR. **"**If a person has a **certificate of compliance** with the Tennessee Financial Responsibility Law of 1977, compiled in chapter 12 of this title, issued by the commissioner of safety, a **copy** of the **certificate** shall be included in the report" T.C.A. § 55-10-108 (emphasis added).

70. A party subject to POFR has a policy the lapsing of which (for nonpayment) makes that person "eligible for notice" by "automobile liability insurer **of record,"** sect. 210 (emphasis added).

71. Insurance companies take part in Part 1 and Part 2 under a "**certificate of authority,**" sect. 136. The state forces insurance companies to insure suspended tag and license holders "who are in good faith [are] entitled to, but are unable to, procure *automobile liability policies through ordinary methods*" and who have a right to a "motor vehicle liability policy" that the carrier *certifies* (emphasis added).

72. EIVS began operation "**upon certification** by the commissioner of revenue[.] *** Until such **certification occurs,**" no police officer is authorized to use EIVS. Sect. 212 (emphasis added).

73. Atwood creates the EIVS utility to administer TFRL. Its search parameters under Insurance Industry Committee on Motor Vehicle Administration ("IICMVA") standards are bound by TFRL's definitions, categories and duties *in pari materia*.

74. No authority exists for DOR to run EIVS in a parallel, independent process torn free from the concept of the *certified motor vehicle liability policy* controlling in Part 1. Court cases as to the merits of relator's claims describe Tennessee as an after-accident, voluntary insurance, "first bite at the apple"-type financial responsibility state, not a "mandatory insurance" state. [1]

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[1] 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. "To avoid revocation, a motorist must prove financial responsibility. *See* Tenn.Code Ann. § 55–12–105(a). Most commonly, this provision requires the motorist to demonstrate that he or she has the present financial ability to satisfy any judgment arising out of the car accident. **This is**

4. Abrogations of law — sucking chest wound in the law

75. Respondent lacks authority to use EIVS to generate a list of noncustomers of the insurance industry (called "unconfirmeds"), and to begin enforcement action against their privilege of motor vehicle registration for which they paid annual renewal fees. A database crossmatch with private insurance industry records cannot form the basis of a revocation without a statutory adjudication framework with due process safeguards.

76. Respondent is counting on the court to pretermit the sucking chest wound it imposes upon the law. Respondent department claims authority from Part 2 to run EIVS without filters in a way making it "independent from" and "parallel to" Part 1, having no need to acknowledge or defend instances of *abrogation, incoherence and confusion*:

77. ➤ The law grants exceptions, but respondent denies them

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

79. ➤ Law says SR-22s are for suspendees or for an insured motorist in a qualifying accident, DOR says effectively SR-22s are for all

80. ➤ Uninsured person in an accident signs release affidavit to comply with law, DOR revokes him

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

82. ➤ Law says SR-22s are "eligible for notice" if they don't keep up premium payments; DOR says insurance noncustomers "eligible"

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sometimes referred to as the "present ability" requirement. *** By requiring proof of financial responsibility before restoring a motorist's driving privileges, the statute requires the motorist to demonstrate that henceforth he or she will be able to satisfy any damage claims arising out of owning and operating an automobile. *** . **This requirement is sometimes referred to as the "future ability" requirement."** Burress v. Sanders, 31 S.W.3d 259, 262–64 (Tenn. Ct. App. 2000). "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.**" *McManus v. State Farm Mut. Auto. Ins. Co.*, 225 Tenn. 106, 109, 463 S.W.2d 702, 703 (1971) (emphasis added)

83. ➤ Law says 100 percent of SR-22s who drop coverage are revoked; DOR says 100% of registrants who lack non-certified policy coverage are revoked

84. ➤ Law says unlawful for DOR to restore tag without DOSHS written approval, DOR says it's not

85. Altogether the record traces 28 abrogations of law created by misuse of EIVS that DOR admits.

5. Harms resulting from respondent acts

CONSTITUTIONAL VIOLATIONS

86. Respondent program violates nine (9) provisions of the Tennessee constitution.

87. **Tenn. Const. art 11 § 16 BAN ON PRETENDED AUTHORITY**

> *Section 16. The declaration of rights hereto prefixed is declared to be a part of the Constitution of this State, and shall never be violated on* ***any pretense whatever.*** *And to guard against transgression of the high powers we have delegated, we declare that every thing in the bill of rights contained, is* ***excepted out of the General powers of government****, and shall forever remain* ***inviolate****.* [emphasis added]

Respondent commissioner and department deny fundamental rights against rights and privileges with a "pretense" of mandatory auto insurance upon all Tennesseeans in the privilege, using powers "excepted out of" the general powers the people gave to government, which rights "shall forever remain inviolate," except under respondent arbitrary program.

88. **Tenn. Const. art 1 § 22 NO MONOPOLIES**

> *That perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed.*

Respondent's EIVS program creates a monopoly serving members of the Tennessee automobile insurance plan. T.C.A. § 55-12-136. Respondent gives racket protection to these companies, and will punish petitioner if he does not do business with the cartel.

89. **Tenn. Const. art 1 § 3 FREE EXERCISE OF RELIGION** [2]

No authority can arrest a man or woman who has committed no crime and is imposing no actionable harm upon another for traveling by his personal property on the public road. Respondent use of EIVS violates this provision by acts making travel to church in his 2000 Honda Odyssey minivan illegal.

90. **Tenn. Const. art. 1 § 5 SUFFRAGE** [3]

Suffrage implies rights in movement, assembly, and those qualified exercising the privilege of going to the place of balloting. Respondent EIVS program violates this supreme law by prohibiting any use of the public road by petitioner in his automobile to exercise right and privilege political.

91. **Tenn. Const. art. 1 § 7 DUE PROCESS**

> *That the people shall be **secure** in their persons, houses, papers and **possessions**, from **unreasonable searches and seizures**; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.* [emphasis added]

a. Right to travel the public road, enjoyment of ingress-egress rights, rights of communication in moving one's personal or private chattel property as matter of right on the highways, roadways, thoroughfares, lanes and streets anywhere in the state; right to earn a living.

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[2] *That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any minister against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishment or mode of worship.*

[3] *The elections shall be free and equal, and the right of suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon a conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by court of competent jurisdiction.*

b. The right to have and use property apart from privilege is constitutionally guaranteed. Phillips v. Lewis, 3 Shannon's cases 230, 1877. Privilege law is upon acts of commercial nature for private profit and gain affecting the public interest.

c. The right to contract – or to not contract.. No authority exists for a department or commissioner to criminalize use of the ordinary means of communication of the day, petitioner's Honda Odyssey minivan, on the public right of way in exercise of individual rights of ingress and egress, and force petitioner into a contract with an insurance company or bonding agency.

d. Right to a hearing is abrogated in violation of this provision. DOR denies relator a hearing before revocation in violation of his due process rights to a hearing before the axe falls. Beazley v. Armour, 420 F. Supp. 503, 506, 507, 509 (M.D. Tenn. 1976). Except in emergency situations, due process requires that when state seeks to terminate interest such as driver's license it must afford notice and opportunity for hearing appropriate to the nature of case before termination becomes effective. Bell v. Burson, 402 U.S. 535, 91 S. Ct. 1586, 29 L. Ed. 2d 90 (1971).

Respondent program violates this constitutional provision denying petitioner a hearing, and forcing him into an administrative venue without subject matter jurisdiction, which is conferred by statute alone.

92. **Tenn. Const. art. 1 § 8 PROTECTION OF PRIVILEGES, RIGHTS**

> *That no man shall be taken or imprisoned, or* ***disseized of his freehold****, liberties or* ***privileges****, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the* ***judgment of his peers, or the law of the land****.* [emphasis added]

Respondent's program denies a hearing in an authorized venue, and operates an attainder upon petitioner, outlawing him in his personal and private movement in his Honda Odyssey minivan on the public road, violating this section.

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 _____
Signature of Authorized Representative

8123 (01/07)

Respondent says the SR-22 financial responsibility certificate (photo top) is legally

= equal to =

an ordinary insurance wallet billfold card (photo below), which DOR says satisfies the commissioner of safety as proof of financial responsibility, despite T.C.A. § 55-12-122

93. **Tenn. Const. art 1 § 17 COURTS ARE OPEN**

> *That all **courts shall be open**; and every man, for an injury done him in his lands, **goods, person or reputation**, shall have **remedy by due course of law**, and right and justice administered **without sale, denial, or delay**. Suits may be brought against the State in such manner and in such courts as the Legislature may by law direct.* [emphasis added]

Barring member of the public from using his personally owned 2000 Honda Odyssey minivan prevents compliance with court orders, openness promised of the courts, reachable practically only by motor vehicle or car. Respondent's void case violates this provision of the constitution.

94. **Tenn. Const. art 1 § 19 PRESS**

> *That the printing **press shall be free** to every person to examine the proceedings of the Legislature; or of any branch or officer of the government, and **no law shall ever be made to restrain the right thereof.** The free communication of thoughts and opinions, is one of the invaluable rights of man and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty.* *** [emphasis added]

Respondent denies any private use of the 2000 Honda Odyssey minivan, insisting under rebuttable presumption that all travel by road is commercial, for hire, as employment, in commerce, business or industry, a confusion in which law enforcement agencies ("LEAs") participate to harass, abuse and injure petitioner and members of the public under attainder, which is outlaw, U.S. Const. art.1 § 9, ¶3 (no bill of attainder shall be passed). Petitioner is a press member whose rights to use the automobile or the motor vehicle are violated by respondent's EIVS program, breaching constitutional protections of the press.

95. **Tenn. Const. art 1 § 23 FREE ASSEMBLY**

> *That the citizens have a right, in a peaceable manner, to **assemble together** for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address or remonstrance.* [emphasis added]

Respondent abrogation of private communication by use of motor vehicles or automobiles violates this provision of the constitution securing right of the people to

assemble. Petitioner has a fundamental right to use his Honda Odyssey minivan under these protections of communication.

A. COMMON LAW, STATUTORY VIOLATIONS

96. Respondent department, its commissioner and its employees join in violation of criminal laws, namely:

97. T.C.A. § 39-14-112 EXTORTION

98. T.C.A. § 39-16-402 — OFFICIAL MISCONDUCT

99. T.C.A. 39-16-403 — OFFICIAL OPPRESSION

100. The program in excess of statutory authority is a degenerate overthrow of lawful government that respects the people and their rights.

101. The roads belong to the people. "A regulated monopoly in the motor carrier field is not authorized by Chapter 119, Public Acts 1933. **The highways of the State belong to the people of the State.** Many of these highways have been improved at large cost to the taxpayers. It is the convenience and necessity of the people of the State that must be given predominant consideration by the Commission, and not that of contending motor carriers operating free over these highways. It is within the power of the Commission, in proper cases, to permit several motor carriers to operate over the same route. No one carrier, by virtue of a certificate, obtains a monopoly over the route granted" Dunlap v. Dixie Greyhound Lines, 178 Tenn. 532, 160 S.W.2d 413, 418 (1942) (emphasis added).

102. "All roads, streets, alleys, and promenades where legally dedicated and thrown open for public travel or use free of charge shall be exempt from taxation" T.C.A. § 67-5-204. Use of the roads, in other words, is "free of charge" not contingent on any insurance contract upon either traveler or motor vehicle operator.

103. Respondent commissioner denies the roads "thrown open for public travel" are open and useable "free of charge," being exempt from taxation as physical property owned by the people, and the people's using them not liable to a tax or fee. Respondents threaten petitioner to pick his poison: He may (1) buy insurance from a state-approved insurance

company, (2) pay Mr. Gerregano $65,000 for use of his Honda Odyssey minivan, or (3) be revoked without a hearing or recourse.

104. These statutory violations are sufficiently alleged in the case record, under administrative notice from the first day of proceedings, circ. July 27, 2023.

6. Relief requested

105. Petitioner respectfully invokes the court's jurisdiction under T.C.A. § 4-5-322 to issue orders of relief. The remedies sought address unlawful administrative actions, restore petitioner's revoked registration and establish guardrails to prevent further violation of the Tennessee financial responsibility law.

106. These requests are rooted in specific statutes, the constitutional rights of Tennesseans and the need for structural redress in the interest of law and justice.

A. Declaratory relief

107. Where the legislature intended to impose obligations, it did so clearly. Where it imposed duties, it said who, when, and under what conditions. The department's program respects none of these boundaries.

108. Petitioner respectfully invokes the court's jurisdiction under T.C.A. § 4-5-322 to issue declaratory, injunctive and equitable relief and reimbursement of his costs. The following findings and orders are necessary to remedy unlawful agency action, restore petitioner's privilege under law and protect the rights of similarly situated Tennesseans.

109. Petitioner respectfully requires restoration of tag revoked upon unlawful procedure.

110. Further, petitioner asks the court to, in upholding the law and equity, make findings:

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

112. Of fact that he is under no order of suspension from DOSHS.

113. Of law that respondent's use of EIVS applies not to the noncustomer of the insurance industry, but to the *motor vehicle liability policy* holder. The only policy required by T.C.A. § 55-12-139 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," T.C.A. § 55-12-129, and at time for renewal of the license or registration.

114. Of law-and-fact that in violation of T.C.A. §§ 55-12-139, 55-12-202 and 55-12-210 respondent 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 amendment's EIVS utility, therein adding to department payroll, mail and other overhead costs, while injuring petitioner in his rights, and others in like standing, and that respondent must cease all activity that prevents the program from working efficiently and regularly to prevent the harm to petitioner from occurring upon others.

LAWFUL USE OF EIVS

Further, petitioner respectfully demands the court make findings of law that:

115. Respondent must forthwith, if not sooner, use EIVS under filter pursuant to T.C.A. T.C.A. § 55-12-202 to alert respondent of people whose policies are motor vehicle

liability insurance policies, per T.C.A. § 55-12-122, which policies under TFRL are required to be certified, per T.C.A. § 55-12-102(7), "'Motor vehicle liability policy' means an 'owner's policy' or 'operator's policy' of liability insurance, **certified** as provided in T.C.A. § 55-12-120 or § 55-12-121 as **proof of financial responsibility,** and issued, except as otherwise provided in T.C.A. § 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 auto insurance coverage for conditional use of the driving privilege.

116. Respondent 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" T.C.A. § 55-12-206.

117. Respondent's administration of T.C.A. § 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 department ***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)" T.C.A. § 55-12-210(f).

B. Injunctive relief, corrective action

118. Department notices under T.C.A. § 55-12-210 are insufficient and misleading and that they be ordered 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 policies current with their insurance carrier but who do not have such policy, and are thus in jeopardy of losing the driving and operating privilege, contingent on insurance coverage, said notice needing to confirm that the party has failed to show financial responsibility

following a judgment, conviction, court order, or DOSHS administrative determination as to the duty to have POFR, to which duty the notice recipient agreed. With court-ordered redaction, respondent is directed to explain in notice how TFRL works from Part 1, explain that Atwood is the enforcement utility, that suspendee under EIVS surveillance is in jeopardy of loss of privilege for a non-current policy, and state the duration of the suspension, giving date of release. T.C.A. § 55-12-114, T.C.A. § 55-12-116 and T.C.A. § 55-12-126.

119. Notice will make clear that POFR obligation is for no longer than five years, or the duration of the suspension. T.C.A. § 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*** once suspension is complete as Tennessee is an *after-accident voluntary insurance state*, as described in case law, the law coercing no one to do business with any company or concern if such person is not under penalty.

INTER-DEPARTMENTAL COOPERATION

120. DOR consult and cooperate with DOSHS per Atwood law T.C.A. §§ 55-12-103 and -204 and regularly use its financial responsibility division resources to allow EIVS to operate under its DOR certificate. T.C.A. § 55-12-204.

121. DOR 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, or give notice to former suspendees regarding their rights and their opportunity to restore their licenses and registrations.

122. DOR refer to and use the driver record, kept by DOSHS financial responsibility division, to make only that persons with a *motor vehicle liability policy* on record subject to T.C.A. § 55-12-210 inquiry and revocation notice.

C. Restitution & remediation

123. Respondent inform DOSHS that, in remediation for wrongdoing, it must release from the requirement of POFR any person who was required to have proof of financial responsibility because that person didn't have insurance or POFR under the false reading of T.C.A. § 55-12-139.

124. Since EIVS 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 program-related notices each Monday and 6,000 each Wednesday, mostly in excess of statutory authority, respondent staff and agency contractor i3 Verticals shall begin and complete a process of restoration and restitution for past wrongful notice, based upon random selection of registrants present and former erroneously revoked, in the interest of maintaining quality of public service during the reformation.

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

D. Public notice and awareness

126. Department 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 must prove good behavior in the use of the privilege, whether following qualifying accident or following adjudication of other § title 55 breach of rules of the road.

127. Notices, videos, memos, class lectures, social media posts, public service announcements and other remediation and correction updates be created by respondent 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.

128. Respondent be required to arrange for publicity, advertising and mass social media communications about respondent's effort to heal the breach its program has caused

among the people of Tennessee, so that they might be on awares about the restitution offered by respondent and state of Tennessee in good faith and in sorrow for wrongdoing.

129. Such respondent communications 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. T.C.A. § 139(c)(4).

E. Court-appointed monitor

130. Court create an office of monitor or special master to assist the court in overseeing compliance with its orders.

131. This office, the authority of which is time limited and report bound, will serve the court and oversee reformation of the financial responsibility section of the department, which party will give notice to the county clerk and courts in Hamilton County, where petitioner lives, that its past enforcement of TFRL is constitutionally impermissible, and without authority, and likewise in all other municipalities statewide, and that the office of monitor 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 plea bargain in overthrow of the peace and tranquility of the state and the people.

132. Department be commanded to submit to this monitor, and his/her office and staff, to heal the breach between petitioner in Hamilton County and the balance of people in the state's other 94 counties that the honor and dignity of falsely convicted Tennesseans be restored, that civil records be corrected, as equity and justice might require, and public confidence in respondent department might be restored.

COMPENSATION PAYMENT PROGRAM

133. The monitor consult with the commissioner, the commissioner of safety, 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 LEAs in every county.

UPDATE FOR PROSECUTION RULES

134. Respondent issue a public statement regarding T.C.A. § 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 T.C.A. § 55-12-139.

DRIVER LICENSE APPLICATION UPDATE

135. Respondent, in cooperation with DOSHS, 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, or that if my license is suspended for cause after adjudication and I seek conditional use of the privilege, I agree I will abide by said law."

Further, petitioner respectfully requests that —

136. 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 § 24.

137. The department and court monitor 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 former policy, and that court charges that are fruit of criminal charges stemming from a tag revoked by

respondent be sought, tallied, separated and expunged *en masse* and *in toto*, with fines and fees paid fully reimbursed.

F. Petitioner-specific relief

138. In light of the court's finding of law and fact in this appeal, that petitioner's motor vehicle registration be restored upon payment of the annual fee, starting the day of the court's final order, 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 use of that automobile as a motor vehicle for privilege taxable activity.

139. Respondent on receipt of affidavit of petitioner's billable hours and ordinary litigation expenses in (1) the contested case in agency, and (2) in this case pay his reasonable attorney fee and other reasonable costs.

140. These remedies aim not merely to vindicate petitioner's rights, but to restore coherence to the law, integrity to administrative process and trust among the people in the constitutional limitations of their state government.

141. Petitioner respectfully requests the above and any further relief as the court may deem just, proper or equitable.

Respectfully submitted,

David Jonathan Tulis

David Jonathan Tulis

Appendix

Petitioner has created a flow chart of the Tennessee financial responsibility act of 1977, showing how all its parts work together to create a reasonable, constitution-respecting whole. The flow chart is in the record as a thumb drive. The flow chart also is viewable at this link for the court's convenience.

https://davidtulis.substack.com/p/flow-chart-of-tn-financial-responsibility

Screen grab showing portion of the flowchart graphic