



## Failure to Appear in Court for Traffic Violation

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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## Failure to Appear in Court for Traffic Violation

**Reference Number:** MTAS-310

### ***Failure to Appear for a Traffic Violation***

The Tennessee Department of Safety is authorized to suspend the driving privileges of violators who fail to appear in court or satisfy a citation. See, T.C.A. §55-50-502. Occasionally, a defendant will appear in court but neglect to pay fines or costs. This is called “failure to satisfy a citation,” and it should be treated the same as failing to appear in court. Tennessee has an interstate compact with most other states that deals with violators who fail to satisfy citations they receive in a state other than the one in which they live. If an out-of-state resident receives a traffic citation while traveling through Tennessee and fails to satisfy that citation, the Tennessee Department of Safety will notify the other state, and the other state will suspend the driver’s driving privileges. The same holds true for Tennessee residents who fail to satisfy a citation received in another state.

Failure to Appear (FTA) is when a defendant did not appear for court at the designated time and date. Typically, the court will find the defendant guilty of the ordinance violation, by default, due to the failure to appear. The guilty conviction should be timely submitted on the court action report. The default judgment may be appealed to circuit court. The clerk should submit “Failure to Appear (FTA)” on the court action report. Any request for suspension must be submitted to the Department of Safety **within six (6) months of the violation date**. T.C.A. §55-50-502(a)(1)(I).

Failure to Satisfy (FTS) indicates the defendant did appear in court, but did not do all of the things ordered by the court (such as payment of fines, payment of costs, or completion of a traffic school). Since the defendant was found guilty of the traffic violation, a court action report should be timely submitted to report the conviction. If the defendant fails to pay the citation, the court clerk should indicate on the court action report that the defendant “Failed to Satisfy” (FTS).

Note: There are two cases on appeal in the Sixth Circuit concerning the State’s process for suspending and/or revoking drivers’ licenses. Specifically, these cases address due process requirements, payment plans, and indigency determinations. The case addressing suspended drivers’ licenses is Robinson v. Purkey No. 3:17-cv-0126 (M.D. Tenn., amended complaint filed 12/19/17); 2018 WL 5023330 (10/16/18). The case addressing drivers’ licenses is Thomas v. Haslam, No. 3:17-cv-00005, (M.D. Tenn., filed 1/4/17), 2018 WL 3301648 (July 2, 2018). The Tennessee Department of Safety stopped suspending drivers’ licenses for failure to pay after the Robinson case was decided in October 2018. If you have any questions about the process, please contact the MTAS Municipal Court Specialist.

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*DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

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