

## Rules of the Road

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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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**Reference Number:** MTAS-327

Many cities have an ordinance in their codes that adopts misdemeanors of the state of Tennessee. The cities rely on that ordinance to try cases involving violations of state traffic laws in the municipal court. T.C.A. § 16-18-302 specifically authorizes cities to adopt state criminal offenses that are Class C misdemeanors by reference, mirroring or substantially duplicating the state statutes. This means that after passing a single ordinance adopting the Rules of the Road (T.C.A. Title 55, Chapter 8) and certain other traffic violations (T.C.A. Title 55, Chapter 10), the city can try any of the individual statutes as though they were city ordinances without having to adopt individual ordinances for each of those traffic laws.

In the Supreme Court case mentioned earlier in which the Court determined that the \$50 limitation on fines imposed without a jury applies to violations of municipal ordinances, the Court discussed ordinances adopting traffic offenses from the state code by reference. The Court did not rule that such ordinances are unconstitutional, however, it did express a concern that municipalities adopting the statutes by reference, and enforcing those regulations could infringe upon the constitutional and statutory authority of the local district attorney general to make decisions regarding the prosecution of state regulations. *City of Chattanooga v. Davis and Barrett v. Metropolitan Government of Nashville and Davidson County*, 54 S.W.3d 248 (Tenn. 2001).

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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.*

**Source URL (retrieved on 06/25/2019 - 7:59pm):** <http://www.mtas.tennessee.edu/reference/rules-road>