



MUNICIPAL COURTS UPDATES

Spring 2024

Municipal Courts Updates

Guidance, Refreshers, and Revisions



Ordering new paper Department of Safety Standard Forms – SF - XXXX

ORDERING FORMS

Phone number to set up an account



Please use the following information if an agency (courts, law enforcement, school system, etc.) contacts you wanting to order forms supplied by the department and we don't carry them here for mailing.

If they don't have an account already set up with Central Stores to obtain forms, then they need to call them at **(615) 350-3088** to set up account.

If they have an account, they need to fax Central Stores at **(615) 350-3078 attn. Debra** and furnish the following information:



Phone number if you have an account

- 1) Form Number at bottom left of form (should start with SF)
- 2) Title of form (should be across the top)
- 3) Quantity needed
- 4) Agency Requesting forms (Attention to who if applicable)
- 5) Street address (will be shipped UPS)
- 6) Telephone number (in case Central Stores needs to contact)

Thanks for your assistance with this. We don't want them having to call all over to get the information they need.



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Updated Court Action Report

Digital Only

Cannot order new paper forms

Updated February 2024



SCAN ME



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New Court Action Report Form

This new form is a fillable PDF, so you can type on it, print and mail.

It's on the MTAS Court page at <https://www.mtas.tennessee.edu/courts>

Municipal Resources

Codes Enforcement

→ Courts

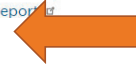
Finance and Accounting

Fire

Human Resources

STATE RESOURCES

- Department of Safety Sample Letter about Driving School - Pub. Chap. 710
- Public Chapter 710 - July 2022 - Traffic School and Removal of Points
- Department of Revenue: FORM PRV 401 - Litigation Taxes - Updated May 2020
- Department of Revenue: FORM PRV 414 - Litigation Fines and Fees - Updated May 2020
- Department of Revenue website link for FORM PRV 414 - Litigation Fines and Feesst
- Department of Revenue website link for FORM PRV 401 - Litigation Taxesst
- Department of Revenue - TN Taxpayer Access Portalst
- Administrative Office of the Courts Training - Includes training for Judges.st
- Website Portal for Dept of Safety Dispositions - Court Action Reportst
- Department of Safety Court Action Report Form - Fillable PDF



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Court Action Report Form – February 2024

TN Department of Safety & Homeland Security **COURT ACTION REPORT**

DEPARTMENT OF SAFETY AND HOMELAND SECURITY USE ONLY
TYPE OR PRINT LEGIBLY IN BLACK INK. DO NOT WRITE IN SHADED AREAS.

DEFENDANT	NAME: FIRST MIDDLE LAST	RACE	SEX	DATE OF BIRTH: mm/dd/yyyy	SOCIAL SECURITY NUMBER
	ADDRESS (NO., STREET, APT. OR RT. AND PO BOX NO.)	CITY	STATE	ZIP CODE	
	DRIVER LICENSE NUMBER: CLASS STATE LIC. PLATE NO. STATE YR VEH YR VEH MAKE VEH MODEL				
ASSIGNED NO. HISTORY ONLY	COMMERCIAL MOTOR VEH	HAZARDOUS MATERIALS	ACCIDENT	CDL	
	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
VIO. DATE	COUNTY	CODE	STREET/HIGHWAY	AGENCY	
1 CITATION NO.	DESCRIPTION OF VIOLATION	SPEED MPH	ZONE	DUI OFFENSE	<input type="checkbox"/> 1ST <input type="checkbox"/> 2ND <input type="checkbox"/> 3RD
OTHER COURT ORDERED RESTRICTIONS					
HEARING DATE	COURT DOCKET NO.	CASE DISPOSITION: (CHECK ONLY THE ONE APPROPRIATE BOX)			
<input type="checkbox"/> YES <input type="checkbox"/> NO	DATE COMPLETED	<input type="checkbox"/> GUILTY AS CHARGED <input type="checkbox"/> REDUCED - GUILTY OF: <input type="checkbox"/> DISMISSED <input type="checkbox"/> FAILED TO APPEAR - INITIATE SUSPENSION (LIST CONVICTION) <input type="checkbox"/> FAILED TO PAY FINES/COSTS AFTER CONVICTION - INITIATE SUSPENSION <input type="checkbox"/> SENT IN ERROR			
REMARKS					
FINE	COSTS	OTHER	TOTAL ASSESSED	PAID IN FULL	PN LIC. SEIZED
VIO. CODE	BAT. CODE	FTA CODE	FINE CODE	LIC. SURR CODE	REVOKE/SUSPEND
					BEGIN ELIGIBLE



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Old Disposition Box

CASE DISPOSITION: (CHECK ONLY THE ONE APPROPRIATE BOX)

<input type="checkbox"/> GUILTY AS CHARGED	<input type="checkbox"/> REDUCED - GUILTY OF _____
<input type="checkbox"/> DISMISSED	<input type="checkbox"/> FAILED TO APPEAR - INITIATE SUSPENSION (LIST CONVICTION)
<input type="checkbox"/> DEFAULTED ON T.C.A. 55-50-502(j)-COMPLIANT PAYMENT PLAN TO PAY FINES/COSTS AFTER CONVICTION - INITIATE SUSPENSION; DEFAULT DATE _____	<input type="checkbox"/> SENT IN ERROR



Old box for default of payment plan language



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New Disposition Box

CASE DISPOSITION: (CHECK ONLY THE ONE APPROPRIATE BOX)

<input type="checkbox"/> GUILTY AS CHARGED	<input type="checkbox"/> REDUCED - GUILTY OF: _____
<input type="checkbox"/> DISMISSED	<input type="checkbox"/> FAILED TO APPEAR - INITIATE SUSPENSION (LIST CONVICTION)
<input type="checkbox"/> FAILED TO PAY FINES/COSTS AFTER CONVICTION - INITIATE SUSPENSION	<input type="checkbox"/> SENT IN ERROR



Revised language to save space on the form. Use this for Default on Payment Plans.



Same as before



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Old Form – “CITATION SATISFIED”

PAID IN FULL
 YES NO PAYMENT PLAN WAIVED/INDIGENT

TN LICENSE SEIZED
 YES NO

URR CODE REVOKE/SUSPEND BEGIN ELIGIBLE

CORRECTED/AMENDED ABSTRACT? YES, EXPLAIN CORRECTION BELOW:
 STAPLE COPY OF ORIGINAL DOCUMENT SUBMITTED.

CITATION SATISFIED **392** FINES & COSTS ON MANDATORY PAID **277**

18-20 ALCOHOL SUSPENSION MAY BE WITHDRAWN

JUDGE/CLERK SIGNATURE WITHDRAW DATE

Bottom Right Corner of the Form:

1. Payment Plan Box – when they make a payment to either reinstate license or prevent suspension
2. Citation Satisfied – When paid off entire amount and submit for license reinstatement
3. 18-20 Alcohol Suspension Withdrawn– General Sessions offenses
4. Fines & Cost on Mandatory Paid – Mandatory Revocation offenses

New Form – No more “CITATION SATISFIED”

Bottom Right Corner

“CITATION SATISFIED” box is gone.

Use the “Paid in Full” under each violation box to indicate a satisfied citation for reinstatements.

CORRECTED/AMENDED ABSTRACT? YES, EXPLAIN CORRECTION BELOW:
 STAPLE COPY OF ORIGINAL DOCUMENT SUBMITTED.



PAID IN FULL
 YES NO PAYMENT PLAN WAIVED/INDIGENT

Department of Safety Items



Question: How far back can I submit Court Action Reports or resubmit them if never originally processed?



Answer:



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Department of Safety Items



Question: How far back can I submit Court Action Reports or resubmit them if never originally processed?



Answer: There is no cutoff date, but be reasonable.



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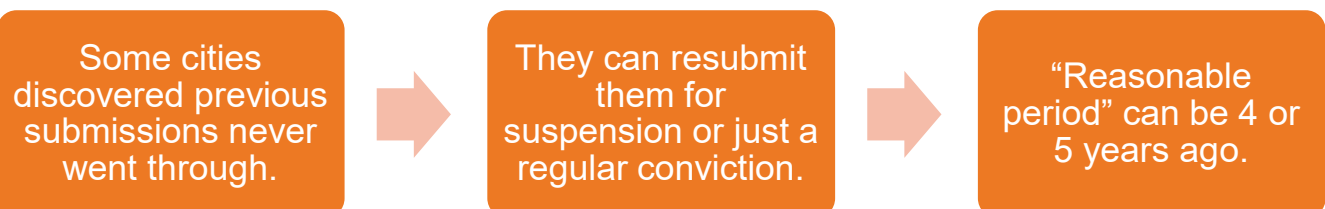
Department of Safety Items

- From 2018 – 2021, the Robinson v. Purkey payment plan lawsuit was pending.
- The DOSHS was not suspending anyone for Failure to Pay during that time because the AG said not to while the case was pending.
- 2019 – Payment plan law was passed, TCA 55-50-502(j)
- Robinson case was resolved in 2021 and the DOSHS said they would start suspending for Default on Payment Plans in August 2021.
- However, DOSHS said all previously submitted requests from 2019-2021 would have to be resubmitted.



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Department of Safety Items



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Traffic School – TCA 55-10-301



Judges have discretion to award traffic schools “in addition to, or in lieu of any other penalty imposed.”



There are no state limits on the number of times a driver can attend a 4-hour traffic school in a year or period of years.



Judges can create their own “look back period.”

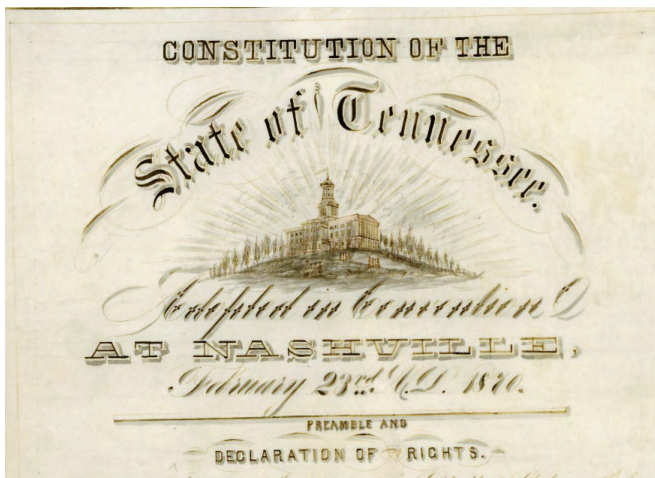


DOS does not impose points on a person’s record for attending a 4-hour traffic school, regardless of how many times.



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Municipal Court Fines - \$50 Limit



The Tennessee Constitution, Article VI, § 14 places a \$50 limit on any fine assessed against a party where there is not an opportunity for the fine to be assessed by a jury of a person’s peers.

It would take a literal constitutional amendment to change this.



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Well...here's a possible Constitutional change



House Joint Resolution 858



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Well...here's a possible Constitutional change



House Joint Resolution 858

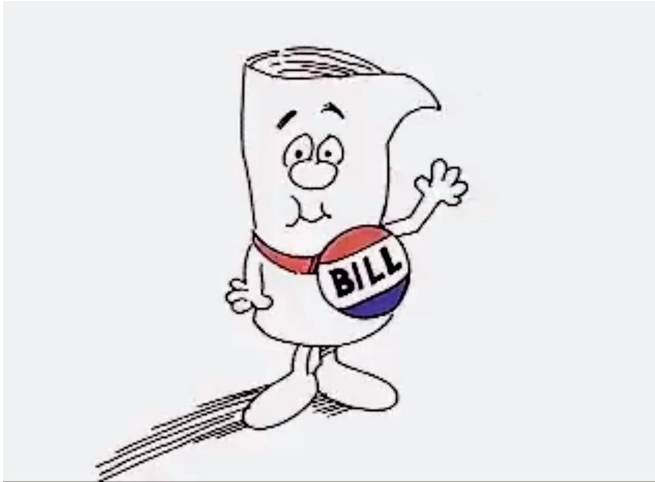


Proposed Legislation –
Increases municipal court fines
up to **\$3,000**



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But...lots of steps to amend the Constitution



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Amending the Constitution

1. File Joint Resolution in the House and Senate
2. Pass through H/S Committees like any other bill
3. Pass both House and Senate Chambers
4. Then wait until new General Assembly takes seat (each GA is a two year cycle)
5. New General Assembly must pass this again, then...



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Amending the Constitution (continued)

6. Goes on the ballot for the next state referendum (November elections)
7. Two things must happen:
 - a) Amendment must get more “Yes” votes than “No” votes
 - b) Number of “Yes” votes must be a majority of the total votes in the Governor’s election.



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Amending the Constitution (continued)

In other words, votes for all candidates for governor are added together, then divided by two.

If there are more “yes” votes than “no” votes on the amendment and that number of “yes” exceeds 50% of the total votes for governor, then it passes.



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Things more likely to happen than this:

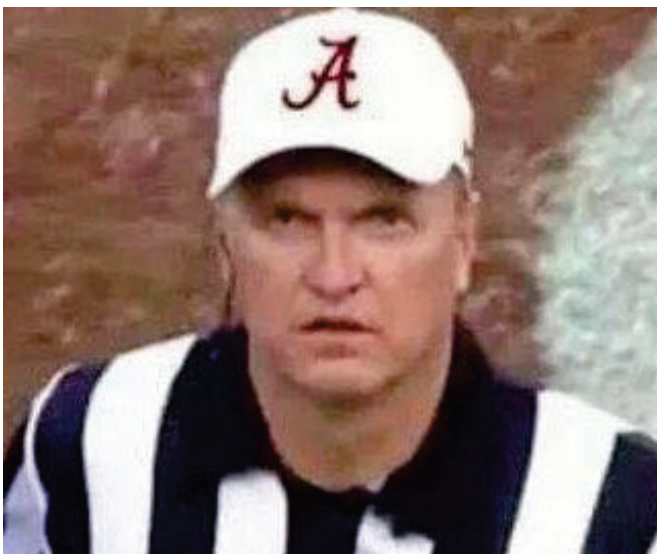


Spotting a Chick-Fil-A open on a Sunday



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Unbiased referee in the UT – Bama game



ANXIETY



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TDOT finishing all road projects

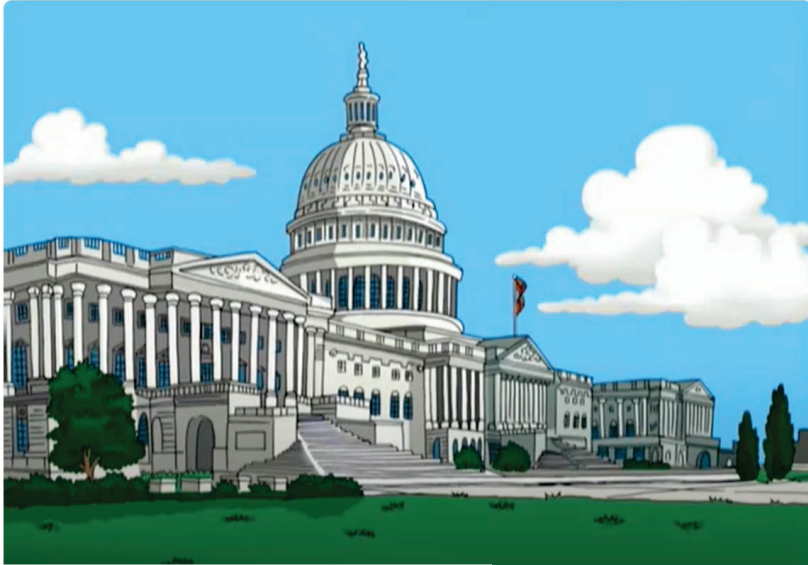


imgflip.com



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So it may look more like this:



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HB 2205 / SB 2054 – General Sessions Courts

Proposed law still under consideration in the House.

- District Attorney will only prosecute cases in municipal court where the city “provides sufficient additional prosecutorial personnel of at least 1 ADA position initially funded at entry level compensation and thereafter compensated in accordance with TCA 8-7-226...”
- The necessity and sufficiency of additional prosecutorial personnel to be provided by the municipality is determined by and in the sole and exclusive discretion of the DA.



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What does this mean?

- If this passes, the GS jurisdiction city will have to find the money out of city funds to pay the District Attorney the cost for a prosecutor
- The Fiscal Note says the pay for an entry level prosecutor is \$63,853, but the DA could ask for any amount they deem necessary.
- Fiscal Note says total impact is \$1,253,313.
- However, this doesn't include other compensation like health benefits or TCRS contributions.
- Fiscal Note underestimated the number of GS courts too.



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Additional points to the bill

- The DA can determine what to pay the prosecutor assigned to the municipal courts and can raise the pay at the DA's discretion.
- Fiscal Note also say “For any municipality who **opts to participate**, there will be a **permissive recurring increase in local expenditures to fund an ADAG position**; the extent of such permissive increase in local expenditures will be dependent upon the number of municipalities that participate and the number of additional prosecutorial personnel the DAG determines is necessary and sufficient.”



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Additional points to the bill



Nothing in this bill says that this prosecutor will be working for your court full time



Meaning, the city could be paying for someone who only spends 10% of their time working in the municipal GS Court.



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If this passes...

General Sessions cities likely will need to reallocate their budgets to pay these expenses to the District Attorney's office to fund a prosecutor.

Alternatives may be to hire private practice attorneys to serve as your city's prosecutors.

Note: If you do that, you will need the local District Attorney's office to approve and/or "deputize" these lawyers to serve as criminal prosecutors.



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Municipal Court Reform Act Refresher

Two items, one new, one old, both for General Sessions cities.

- New item: 3 business days to report criminal dispositions to the TBI
- Old item: GS courts can have their criminal court costs match the state statutes for county courts.



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TCA 16-18-310(c) – 3 days reporting rule

TCA 16-18-310(c) - The clerk of the municipal court, when exercising concurrent general sessions court jurisdiction, shall notify the Tennessee Bureau of Investigation by electronic submission of final disposition of criminal proceedings against a person **as soon as practicable but no later than three (3) business days after final disposition of the criminal proceedings.**



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GS Court Costs can match county courts

TCA 16-18-304(b) - Notwithstanding any law to the contrary, to the extent that a municipal court is exercising its duly conferred, concurrent general sessions court jurisdiction in a given case, this section does not apply and costs in such case shall be assessed, collected and distributed in the same manner as such costs are assessed, collected and distributed in the court of general sessions.



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GS criminal court fees – TCA 8-21-401(g)

- \$62 - fee for criminal convictions
- \$42 - fee for criminal traffic conviction
- \$40 - failure to appear fee
- \$40 - additional fee if court issues a capias or bench warrant for the FTA
- \$40 – calling in a surety
- \$75 – request for bonding company to release from final forfeiture or request to reinstate driver’s license.
- \$100 – fee for criminal record expungement

Note: There are numerous other charges, commissions, fines scattered about in other statutes. Contact your local county court clerk and just do what they do.

Sample from GS Criminal Court Conference

General Sessions Criminal
Associate Clerks Conference 2023

B	C	D	E	F
Fee Descriptions	Pay To	Amount	TCA	Comments
Archives Fee	County Trustee	up to \$5.00/case	10-7-408(b)(1)(C)	Must be passed by County Legislative Body - Upon initiating legal proceeding
Arrest Fee	Arresting Agency	\$40.00	8-21-901	
Blood Alcohol Test	Department of Revenue	\$250.00	55-10-413(f)(1)	Upon conviction. Remove if NO test given
Booking Fee	County Trustee	up to \$10.00/case	40-7-122	Must be passed by County Legislative Body
CIC Tax (CAPERSON)	Department of Revenue	\$50.00	40-24-107(a)(1)(A)	Upon Conviction. Remove if charge is dismissed
Clerk Fee - CR	County Trustee		8-21-401	Fee based offices may hold excess fees in office
<i>Clerk Data Processing</i>		\$4.00		Should be earmarked for computerization within your Trustee/Finance Office
<i>Clerk Fee - CR</i>		\$60.00		
County Litigation Tax	County Trustee	Varies by County	67-1-602	Amount set by County Legislative Body. Cannot exceed state litigation amounts set in 67-4-602
Courthouse Security Tax	County Trustee	up to \$25.00	67-4-601(b)(6)	Must be passed by County Legislative Body
Jail Building Tax	County Trustee	up to \$25.00	67-4-601(b)(5)	Must be passed by County Legislative Body
Crthse Jail Renovation	County Trustee	up to \$10.00	67-4-601(b)(1)	Must be passed by County Legislative Body
Jail Fee	County Trustee	Varies by county	8-26-105	Must be passed by County Legislative Body
Judicial Commissioners Education	Department of Revenue	\$2.00	67-4-602(k)	Only in counties with commissioners/magistrates
Public Defender Fee	Public Defender's Conference	\$19.50	40-14-340	Keay and Shelly shall charge. All other counties must be

Pop Quiz!

Do you have to offer payment plans for out of state drivers?

- A. Yes
- B. No
- C. Not sure, I think John's trying to trick us



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Trick Question – We aren't sure

Safe play - offer a payment plan to out of state drivers

However, payment plan law TCA 55-50-502 only discusses the authority of the Department of Safety to suspend TN license holders.

TN DOSHS cannot suspend out of state drivers, only submit defaults and FTAs to other states and those states' laws govern.



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Looking for a Volunteer!



Department of Safety's legal counsel recommended a city request a formal Attorney General opinion on this issue.

This is an ambiguous question, so we are looking for a volunteer.



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GS Municipal Judges and Residency



Question: Does a popularly elected municipal court general sessions judge have to live in the city limits?



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GS Municipal Judges and Residency



Question: Does a popularly elected municipal court general sessions judge have to live in the city limits?



Answer: Nope. Not according to the TN Court of Appeals



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McNabb v. Harrison – 2023 WL 7019872



Case out of Lenoir City located in Loudon County



Case discusses residency requirements for general sessions municipal judges



Contested election, winning judge (Harrison) did not live within the city limits of Lenoir City, but did live in Loudon County.



Defeated judge (McNabb) sued to challenge result based on residency.



Ruling: Winning judge did meet the residency requirement because lived in “district or circuit to which [the Lenoir City Municipal Judge is] to be assigned,” which was Loudon County.



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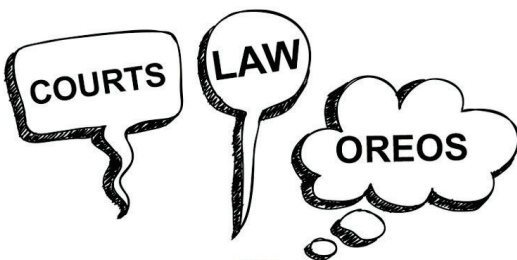
Revised Guidance Time!

Or as my family likes to call it..



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Stuff John Got Wrong



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That wrong list is getting pretty long too...

- Income Taxes
- Changing my own oil
- Microwaving a fork
- Betting on Mr. T in the fight in “Rocky III”

- Investing in Beanie Babies
- Buying a Zune instead of an iPod in college
- Trying to make “Members Only” jackets cool again



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Important Dates for Reporting Convictions



Commercial Driver’s License
(CDL) convictions – 5 days

TCA 55-50-409



For regular driver’s licenses
convictions – 30 days

TCA 55-10-306



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When does a “conviction” occur?

Possible revised guidance

If a person pays a ticket in full prior to court,

But does not sign anything that pleads guilty,



- Do you turn in the case as convicted right then?
- Or wait until court date comes and goes then turn it in?

When does “conviction” occur?

John’s previous advice:

If all they do is pay money and don’t sign anything that says guilty...

The money serves as a cash bond...

Bonds cannot be forfeited until the court date comes and goes.

Department of Safety’s practice:

Once a person pays the ticket, even prior to court, the reporting clock starts.

The 5 day (CDL) and 30 day (everyone else) reporting period starts when they paid the ticket.

How did this come up?

TN Court Statistics Non-Commercial Vehicle Convictions

Report Date: 07/14/2023 T.C.A. 55-10-306

Convictions Received From 01-Apr-2023 to 30-Jun-2023

Rating Key:

85% - 100% = Compliant
65% - 84% = Non-Compliant
0% - 64% = Non-Compliant

Court ID	Court Name	Conviction to TDOSHS submission date <= 30 days	Conviction to TDOSHS submission date > 30 days	Total Convictions	% of Total Reports	Overall Rating
CT01011	Anderson County GS Clerk	164	8	172	95.35%	Compliant
CT01013	Anderson County Circuit Court Clerk	19	0	19	100.00%	Compliant
CT01022	Lake City City Court	37	12	49	75.51%	Non-Compliant
CT01041	Anderson County GS Clerk	65	0	65	100.00%	Compliant
CT01042	Oak Ridge City Court	275	209	484	56.82%	Non-Compliant
CT02012	Bell Buckle City Court	2	0	2	100.00%	Compliant
CT02031	Bedford County GS Clerk	558	29	587	95.06%	Compliant
CT02032	Shelbyville City Court	71	296	367	19.35%	Non-Compliant
CT02042	Wartrace City Court	2	4	6	33.33%	Non-Compliant
CT03012	Big Sandy City Court	6	2	8	75.00%	Non-Compliant



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CDL statute – TCA 55-50-102(16) - Conviction

(16) “Conviction” means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, **an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court**, a plea of guilty or nolo contendere accepted by the court, **the payment of a fine or court cost**, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated;



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Regular drivers' statute – TCA 55-10-306(b)(1)

(b)(1) Except as provided by § 55-50-409, within thirty (30) days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of chapter 8, parts 1-5 of this chapter and § 55-12-139 or other law regulating the operation of vehicles on highways, every such magistrate or judge of the court or clerk of the court of record in which the conviction was had or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of the court covering the case in which the person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.



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Takeaway: Possible conflicting language

Both statutes distinguish “conviction” and “forfeiture of bail” and separate, distinct things.

However, if a person pays the fine and court costs, that could constitute a conviction for the CDL statute.

Risk: If city convicts someone prior to court without an overt admission of guilt, runs the risk of violating constitutional rights to a hearing.



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Practical Result



If the Department of Safety says the 5 day and 30 day reporting period starts when the person pays the ticket prior to court.



If you wait until the court date comes and go, then the city's audit numbers will reflect "noncompliant."



Talk it over with your city attorney and I'll keep you updated, but we may need to report convictions as soon as people pay, even if before court.



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Update: We have an answer!

Send it in as guilty when they pay,

Even if it is before court.



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TCA 55-10-207(f) – Citations statute

- (f) Prior to the time set for the person to appear in court to answer the charge, the person cited may elect not to contest the charge and may, in lieu of appearance in court, submit the fine and costs to the clerk of the court. The submission to fine must be with the approval of the court that has jurisdiction of the offense within the county in which the offense charged is alleged to have been committed. The submission to fine shall not otherwise be exclusive of any other method or procedure prescribed by law for disposition of a traffic citation that may be issued for a violation of any provision of this chapter or chapter 8, 9, or 50 of this title or § 55-12-139 or chapter 4, part 4 of this title.



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Reporting Impact



This will help with any future compliance audits.



Good compliance audit results = good graces with Federal DOT



Good graces with Federal DOT = TN gets Federal \$\$\$



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What if the person shows up to court anyway?



If a person pays prior to court and you turn them in as guilty...



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What if the person shows up to court anyway?



If a person pays prior to court and you turn them in as guilty...



And they show up and contest the case...



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What if the person shows up to court anyway?



If a person pays prior to court and you turn them in as guilty...



And they show up and contest the case...



If the judge rules in their favor, just submit a corrected Court Action Report and refund the money.



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Practical Tips

Paper Court Action Reports do not have “Date Paid” boxes anyway, so your audit reports should not have been affected either way.

Not every 3rd party software solution indicates “date paid = conviction date,” so consult with your vendor to make sure your date paid is the same as conviction if paid prior to court.



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Quick refresher on jurisdiction



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Statutory Citations Format

TCA = Tennessee Code Annotated

TCA 55 – 8 - 152 (Speeding)



Title



Chapter



Section



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If charging a state criminal violation...

TCA 55-10-303 says the Department of Safety gets the fine money for all state criminal traffic violations under the following circumstances:

(a) All fines, penalties and forfeitures of bonds imposed or collected under any of the provisions of chapters 8 and 9 of this title, parts 1-5 of this chapter and § 55-12-139, except such as may be imposed or collected under § 55-10-401, shall, within fifteen (15) days following the last day of the month in which the fines, penalties and forfeitures of bond were received, be paid to the commissioner of safety...



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However, cities can adopt these into their code

TCA 55-10-307 gives cities the authority to adopt various statutes regulating motor vehicles into its city code:

(a) Any incorporated municipality may by ordinance adopt, by reference, any of the appropriate provisions of chapter 8 of this title, §§ 55-10-101 -- 55-10-310, 55-12-139, 55-50-301, 55-50-302, 55-50-304, 55-50-305, 55-50-311, and 55-10-312, and may by ordinance provide additional regulations for the operation of vehicles within the municipality, which shall not be in conflict with the listed sections. All fines, penalties, and forfeitures of bonds imposed or collected under the terms of §§ 55-50-311 and 55-50-312, shall be paid over to the appropriate state agency as provided in § 55-50-604.



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City ordinance violations, not state charges



Once a city adopts the Rules of the Road into its city code, these previously criminal state statutes “magically” transform into civil, city code violations.



Since they are city code violations, TCA 55-10-303 no longer applies.



TCA 55-10-307 applies, and city code violations stay with the city, unless the state statute you adopted requires the funds to be sent to the state.



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More Revised Guidance - Speeding

Old Guidance: Traditional Courts should collect the extra \$5 fine for speeding in excess of 10 mph because traditional courts can hear Class C misdemeanor speeding cases.

Traumatic Brain Injury Trust Fund (TBIF) (established in TCA 68-55-401). The following fines are in addition to any other fines imposed by the noted TCA sections.

TCA 68-55-301 → \$5 for driving a motor vehicle in excess of ten (10) mph over the posted speed limit (TCA Title 55, Chapter 8)

Sidenote: As long as the original speeding fine was not maxed out at \$50.



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New Guidance – Don't collect this extra \$5 fine

TCA 68-55-301 – Speeding; fines and penalties:

Notwithstanding any other law to the contrary, **in addition to any other fines imposed by title 55, chapter 8**, for driving a motor vehicle in excess of ten (10) miles over the posted speed limit, there is imposed an additional fine of five dollars (\$5.00) for each such violation to be earmarked for and paid into the general fund reserve account created by § 68-55-401.



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New Guidance

Pursuant to City of LaVergne v. Lequire (2016), jurisdiction is established under city ordinances that adopted the Rules of the Road;

The ticket should indicate the Rules of the Road city code section that was violated;

Driver is prosecuted under the city code violation, and not the state criminal law violation in Title 44, Chapter 8.



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New Guidance – AG opinion 05-091

AG opinion 05-091 distinguishes this extra \$5 as a fine, not a court costs.

However, this opinion describes this fine for violating a state criminal statute:

The “fines” are in fact fines and not court costs. The increased fines in this statute are imposed for violating a criminal statute making it unlawful to drive a motor vehicle in excess of the posted speed limit. The additional fines are authorized if a defendant violates the speeding statute in excess of ten (10) miles over the posted speed limit. It is a fine for violating a criminal statute.

Traditional city courts cannot enforce criminal statutes



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So what fines do send to the DOS?

Traditional City Courts: 4 items for sure.

1. Seatbelt fines – TCA 55-9-603(d)(1)
2. Child Restraint fines – TCA 55-9-602(f)(1) and (2)
3. Drivers’ license violation fines – TCA 55-50-604
4. Child Passenger on Motorcycle – TCA 55-8-164(e)(2)(A)

Child must in a real seat with proper footpegs, not just hanging on to the driver’s back



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Fines to DOS - continued



Main takeaway – these four statutes clearly say, “Department of Safety gets the money.”



If you read the other 95+ Rules of the Road statutes, they do not say, “Department of Safety gets the money.”



But to do this right, the city must adopt the Rules of the Road and cite the city code on the ticket pursuant to City of LaVergne v. Lequire



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“Eddie Conrad Act” - Effective January 1, 2024

Amends the Hands-Free law

TCA 55-8-199(c)(4)

Drivers under 18 years old

2nd or subsequent violation of the Hands-Free Law

Seven points charged to the person’s driving record



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New \$200 residential speeding law



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TCA 55-8-152(d)(1)(D)

(D) A municipality may adopt an ordinance by majority vote of the municipal governing body to establish a special speed limit upon a public road, street, or highway within its jurisdiction that is adjacent to or within one-fourth ($\frac{1}{4}$) mile of a zone classified by the municipality for residential use. Notwithstanding another law to the contrary, a violation of the special speed limit established pursuant to this subdivision (d)(1)(D) is a Class C misdemeanor, **punishable by fine only of two hundred dollars (\$200).**



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But wait a minute...\$200?

Legislators wanted a harsher penalty for speeding in neighborhoods.

Steps:

1. Cities must pass an ordinance establishing special zone.
2. Police officers can write tickets for this new offense, but...
3. It must go to general sessions court.

Because it says, “fine only of \$200” municipal courts cannot hear it because it removes ability to assess a lower \$50 fine.



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New Rule – “Zoom Court” available

Supreme Court Rule 55 –

“Use of Technology for Court Proceedings.”

Adopted June 8, 2023.

“The use of teleconferencing, video conferencing or other technology to conduct court proceedings or other court business remotely is permissible at the discretion of the trial or appellate court.”



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New Language Service!

Tennessee Language Center (TLC) and MTAS have a new program for language services for municipal officials.

Expanded to municipal courts if a city court needs these services.

For now, it's covered by grants and other funds so no cost to the city.

If you don't have an existing language service (via phone or other methods) keep this in mind.



Language Collaborative *for Municipal Officials*

Language Services at No Cost to Municipal Officials

Written Translation

- Signage
- Documents
- Applications
- and more!

Verbal Interpretation

- Phone system recordings
- In-person interpreters
- 24-hour telephonic interpretation

MTAS is proud to sponsor municipal officials who would like to take advantage of this great resource from the **UT Tennessee Language Center**.



Questions?



Tomorrow, Friday April 5

8:00 am – 9:00 am	Conducting a Virtual Court – Nolensville’s Vivian Conn (Court Clerk), Judge James Peterson, Victor Lay, (Town Manager), & Assistant Chief Michael Terns
9:00 am – 10:00 am	Cybersecurity Issues–Cesar Salazar, TBI
10:00 am – 10:30 am	Break
10:30 am – 11:30 am	A Roadmap to a Better Future: Knox County’s Driver’s License Program– Mike Hammond, Mandy Branch, Elizabeth Golem, & Barbara Davis, Knox County General Sessions Court Clerks & Tyler Caviness and Valerie Coleman, City of Knoxville
11:30 am	Recognition of Municipal Court Clerk Certificate recipients, door prizes, and closing remarks



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Have fun tonight!



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