



Municipal Technical Advisory Service
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Enforcement of Motor Vehicles and Traffic Rules

Dear Reader:

The following document was created from the Municipal Technical Advisory Services website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website shares information relative to Tennessee municipal government. We hope this information will be useful to you and that it will assist you with questions that arise in your tenure in 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.

The Municipal Technical Advisory Service (MTAS) was created in 1949 to provide technical assistance to elected and appointed municipal officials in Tennessee. We are a resource for Tennessee municipal officials in areas of municipal government, human resources, finance, fire, legal, police, public works, water, and wastewater. We provide personal and professional knowledge growth opportunities on current issues within municipal government.

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Enforcement of Motor Vehicles and Traffic Rules

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Enforcement of Motor Vehicle Rules and Regulations — State Pre-emption

City ordinances may adopt by reference the state Rules of the Road that are Class C misdemeanors. T.C.A. § 16-18-302. See also T.C.A. § 55-10-307. Primary responsibility for enforcing state and local motor vehicle laws falls on municipalities within their city limits. In addition to or in lieu of any other penalty imposed, a court may require violators to attend a driver improvement course. The city may provide such a course and charge a fee of between \$50 and \$175. However, no person may be refused admittance because he or she cannot pay. T.C.A. § 55-10-301. T.C.A. § 55-8-196 allows a person sentenced to driver school to attend the school in his or her county of residence rather than in the county where the citation was issued, at the discretion of the court. A city offering a course consents to having its course records inspected by the Department of Safety. Certain violations are exclusively state offenses and must be prosecuted in courts with state jurisdiction. These violations include driving while intoxicated or drugged, failing to stop after an accident, driving with a suspended or revoked license, and drag racing. T.C.A. § 55-10-308.

Municipalities also may conduct community education courses for persons convicted of leaving a child in an unattended vehicle. Restrictions are similar to those for driver safety courses. T.C.A. § 55-10-804.

Enforcement of Traffic Rules and Regulations on Private Property

T.C.A. § 55-10-317 allows law enforcement agencies to enforce traffic laws on private streets in residential developments with single and multi-family dwellings. A majority of residents of the development must approve this in a petition to the governing body. The governing body must establish traffic laws in the development, just as it does for public streets. T.C.A. § 55-10-301.

With written permission from the property owner or manager, police officers may go onto the premises of any shopping center or office park that generally is open to the public to inspect any motor vehicle to determine if the vehicle is properly registered and licensed. T.C.A. § 55-10-316.

T.C.A. § 55-5-122(b) provides that subsection (a) of that section, which restricts the towing of vehicles on private property, does not restrict the authority of municipalities and metropolitan governments to regulate parking and towing of motor vehicles within their boundaries.

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