



Municipal Technical Advisory Service  
INSTITUTE *for* PUBLIC SERVICE

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## Seatbelts and Child Restraint Violations

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://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,

The University of Tennessee  
Municipal Technical Advisory Service  
1610 University Avenue  
Knoxville, TN 37921-6741  
865-974-0411 phone  
865-974-0423 fax  
[www.mtas.tennessee.edu](http://www.mtas.tennessee.edu)

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## Seatbelts and Child Restraint Violations

**Reference Number:** MTAS-328

Fines collected for violations of seatbelt and child restraint violations must be forwarded to the state department of safety. However, PC 358 (2017) authorizes the court clerk to retain \$5 from the \$30 fine collected for certain violations. The amount of the fine varies according to the violation, and the city cannot collect court costs for some violations.

The child restraint law (or city ordinance) applies to all persons under the age of 16. It provides that:

- The citation is to be given to the guardian, if present, or the driver;
- The maximum fine is \$50;
- If the child was supposed to be in a child restraint seat or booster seat, the court may collect court costs; and
- If the child (under 16 years of age) was supposed to be restrained by a seatbelt, the court cannot collect court costs.

The seatbelt law (or city ordinance) applies to all persons 16 years of age or older and provides that:

- The violator receives the citation;
- If the violator is age 16 or 17, the fine is \$30. (Note: The county juvenile judge must waive jurisdiction for juvenile traffic offenders for the city court to hear seatbelt offenses for this age group);
- If the violator is 18 years of age or older, the fine is \$30 for the first offense and \$50 for subsequent offenses [1];
- The court clerk is authorized to retain \$5 of the \$30 fine.
- The court cannot collect court costs for seatbelt violations.

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**Notes:**

The applicable statutes referenced in this summary are T.C.A. § 55-9-602 and § 55-9-603. Public Chapter 358 (2017) states that the subsequent offense would carry a \$55 fine. Municipal courts are limited to \$50 fines, per T.C.A. § 16-18-302(a)(2) and Article VI, § 14 of the Tennessee Constitution.

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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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