



Municipal Technical Advisory Service  
INSTITUTE for PUBLIC SERVICE

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## Unmanned Traffic Enforcement Cameras

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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,

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## Unmanned Traffic Enforcement Cameras

**Reference Number:** MTAS-1220

Municipal authority to own, install and operate traffic surveillance cameras was hotly contested during the 2011 Tennessee General Assembly. The one bill to emerge from the discussions and eventually pass was Public Chapter No. 425 (HB1500/SB1684), T.C.A. § 55-8-198, that made significant changes to the traffic enforcement camera landscape existing at that time.

Foremost among these changes is the requirement that a municipality conduct a traffic engineering study prior to the installation of a new unmanned traffic enforcement camera. Such a study must be completed in accordance with the standard engineering practices of the Institute of Transportation Engineers (ITE) and certified by a licensed engineer specializing in traffic engineering. A traffic camera vendor is prohibited from conducting the study or even participating in the selection of the engineer. Furthermore, any contract with a vendor must explicitly state that the contract must conform to any changes in state law, including all new and existing contracts, as well as contract renewals occurring after July 1, 2012. T. C. A. § 55-8-198(n). The Attorney General has opined that this requirement is constitutional and does not impair existing contracts. Tenn.Op.Atty.Gen. No. 11-61 (2011); Tenn. Op. Atty. Gen. No. 08-179 (2008).

Also present in the legislation are the hurdles it places on municipalities to ticket vehicles turning right (and left onto a one-way) at red lights. To ticket a vehicle, solely using unmanned camera evidence, for failure to come to a complete stop before turning at a red light, the evidence must clearly show the vehicle with a front tire before the stop line when the signal is red and subsequently show the same vehicle with a rear tire past the stop line while the signal is red. Furthermore, to ticket a vehicle, using solely unmanned camera evidence, for making an unlawful right turn on red, a clearly marked "No Turn on Red" sign must be in place.

With respect to speed cameras, as of July 1, 2015, unmanned traffic enforcement cameras used to monitor speed and issue speeding citations are prohibited except within the designated distance of a marked school zone and any S-curve of a public highway or road. T.C.A. § 55-8-198.

These provisions refer to "unmanned" cameras, but what does it fall within the statute if an officer is present? The Attorney General said no: "Where an officer operates a device, it is not "unmanned" for purposes of Tenn. Code Ann. § 55-8-198, but the mere passive presence of an officer near a traffic enforcement camera that otherwise functions automatically does not remove the device from the ambit of the statute." However, "a camera that is operated by an officer—as, for example, a camera mounted in a patrol car—would not be subject to the restrictions set forth in Tenn. Code Ann. § 55-8-198. Both the purpose and the context of those restrictions, however, counsel against extending this construction to situations in which an officer is present with an automated device, but plays no active role in collecting evidence or issuing a citation. Tenn. Op. Atty. Gen 12-21 (2012).

The bill also changed the procedures for noticing and fining alleged violators. A POST-certified officer must review the evidence, and if a violation is determined, a notice of such must be sent to the alleged violator within 20 days of the occurrence of violation. This notice must state the amount of the fine, which cannot exceed \$50, and also state any additional fees or costs that could result from a failure to pay or from being found guilty after contesting the violation. Violators still have 30 days from the mailing date to pay a citation. Additional fines and costs can be assessed after this period lapses.

Beware, however, of contacting a collection agency that turns over delinquent accounts to a consumer reporting agency. In 2012, the Legislature adopted this amendment to T.C.A. § 55-8-198 (m)(1):

(A) "Consumer report" and "consumer reporting agency" have the same meanings ascribed to those terms by § 604 of the Fair Credit Reporting Act, codified in 15 U.S.C. § 1681a; and

(B) "Credit report" means any written, oral, or other communication of information, including a consumer report, by a consumer reporting agency bearing on a consumer's creditworthiness, credit standing or credit capacity, which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing a consumer's eligibility for credit to be used primarily for personal, family, or household purposes.

(2) No person having charge, custody of or control over any records or information regarding a violation of this section, including payments made pursuant to receipt of a notice of violation or a citation,

whether timely or delinquent, shall disclose these records or information to a consumer reporting agency. In addition, no information regarding a violation shall be disclosed or identified in any credit report.

Text of Public Chapter No. 425 can be found at <http://sharetn.gov.tnsosfiles.com/sos/acts/100/pub/Pubc0425.HTM> [1]. [1]

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**Links:**

[1] <http://sharetn.gov.tnsosfiles.com/sos/acts/100/pub/Pubc0425.HTM>

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