



MTAS Municipal Technical Advisory Service
INSTITUTE FOR PUBLIC SERVICE

AFORESAID DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):										
V I O L A T I O N	A	TCA 55-8- SPEEDING	ZONE	CONSTRUCTION ZONE	Y	N	RADAR PACING	02	OTHER LASER	04
	B	TCA 55-10-205 RECKLESS DRIVING	TCA 55-8- TRAFFIC CONTROL DEVICE/SIGNAL	WORKERS PRESENT	Y	N		03		05
	C	TCA 55-8- IMPROPER PASSING	TCA 55-8-124 DRIVING TOO CLOSE							
	D	TCA 55-50- TOL. VIOL.	10-416 101							
	E	TCA 55-8- MIS. DR.	106 107							
	F	TCA 55-8- CHILD RESTRAINT DEVICE	393							
	G									

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To hear state law traffic violations in city court, the city:

A. May hear any state law violation.

B. May only hear Driving Under the Influence violations.

C. May adopt the T.C.A. "Rules of the Road."

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Municipal Court Reform Act TCA § 16-18-302

- (1) A municipal court possesses jurisdiction in and over cases:
- (A) For violation of the laws and ordinances of the municipality; or
 - (B) Arising under the laws and ordinances of the municipality; and

(2) A municipal court also possesses jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if the state criminal statute mirrored, duplicated or cross-referenced is a Class C misdemeanor and the maximum penalty prescribed by municipal law or ordinance is a civil fine not in excess of fifty dollars (\$50.00).

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Adoption of Rules of the Road Text from MTAS Sample Ordinance

Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated § 16-18-302, the City of MTAS adopts by reference as if fully set forth in this section, the "Rules of the Road," as codified in Tennessee Code Annotated §§ 55-8-101 through 55-8-131, and §§ 55-8-133 through 55-8-180. Additionally, the City of MTAS adopts Tennessee Code Annotated §§ 55-8-181 through 55-8-193, §§ 55-9-601 through 55-9-606, § 55-12-139 and § 55-21-108 by reference as if fully set forth in this section.

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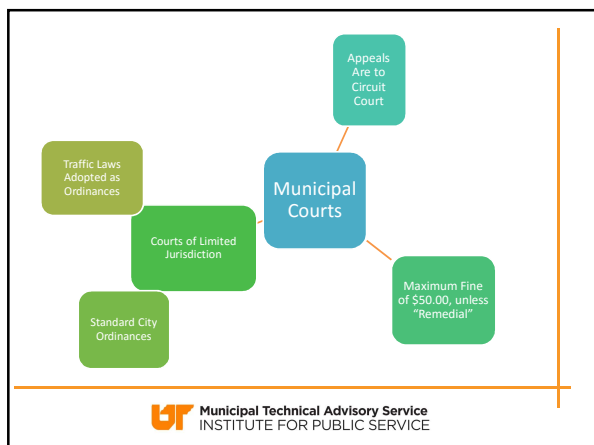
Article VI, Section 14, Tennessee Constitution

Fines and penalties; assessment by jury

No fine shall be laid on any citizen of this State that shall exceed fifty dollars unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine should be more than fifty dollars

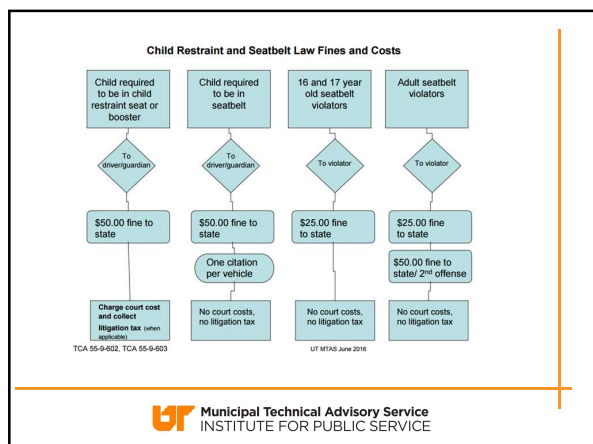
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“Preemption” means the state has declared that it is the only governmental entity that has authority to legislate in the area.

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If a financial responsibility law defendant does not have insurance at the time a citation is issued:

A. The court must dismiss if defendant obtains insurance.

B. The court cannot dismiss the charge.

C. The court cannot hear the case.

D. The court cannot charge court costs.

FINANCIAL RESPONSIBILITY

- If the defendant had insurance AT THE TIME OF THE CITATION judge *must* dismiss for first offense
- If the defendant had insurance AT THE TIME OF THE CITATION judge *may* dismiss for subsequent offenses
- If case is dismissed, NO COURT COSTS

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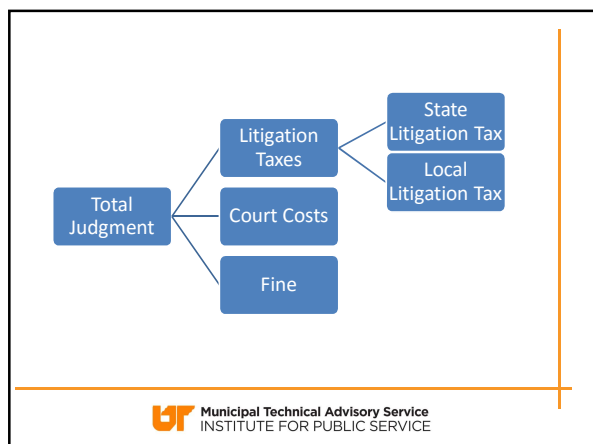
BREAK



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The litigation tax should be collected when:

- A. The case is dismissed upon payment of costs.
- B. The violator is found guilty after a hearing.**
- C. The violator posts a cash bond.
- D. In all cases a ticket is issued.

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A city may assess a city litigation tax:

- A. Up to the constitutional limit of \$50.00.
- B. \$15.00.
- C. The cannot assess a city litigation tax.
- D. Any amount, up to the amount of the state litigation tax.**

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LITIGATION TAXES

Tennessee State Litigation Tax \$13.75

Local Litigation Tax up to \$13.75



- The person pleads guilty
- The person is found guilty after hearing
- The person submits to a fine

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COURT COSTS

- The governing body is to establish the court cost (reasonable, justifiable)
- Submit \$1.00 to state for every violation for which court costs are collected to AOC
 - This is not a litigation tax
 - The \$1.00 fee pays for judges and clerks training

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To collect a fee for continuing a case, the city must:

- A. Pass an authorizing resolution.
- B. The judge must issue a court order establishing the fee.

C. The fee must be part of the court cost ordinance.

- D. The city cannot charge such a fee.

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When is Payment Due?



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Failure to Appear

- Notify Department of Safety
- Warning letter?
- If your city has adopted a separate "Failure to Appear" ordinance, must give notice
- Withdrawals: send to state

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What if They Don't Pay Or Won't Comply? – Failure to Satisfy

Traffic
Violations

Non-Traffic
Violations

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Traffic School

- You MUST submit Court Action Reports to the state for cases dismissed upon completion of traffic school. TCA § 55-10-301
- No points will be applied to driver's history.
- Each court clerk shall provide a list of approved entities in the county to any person ordered to attend a driver education or improvement course.

TCA § 55-10-301 (b)(4)

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The Court Action Report for a driver with a commercial driver license must be submitted:

- A. Within 30 days.
- B. Within 10 days.
- C. Within 5 days.
- D. Within 2 days.

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- Dispositions submitted within 5 days of adjudication
- Not eligible for traffic school

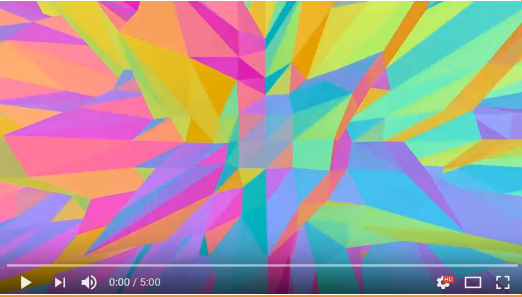


Accessibility to the Court


Accessibility

- All participants in judicial programs must comply with ADA policy, including clerks
- Reasonable modification in rules, policies, services and practices when needed.
- Cost cannot be charged or passed along to a person with a disability.
- Local Judicial Branch ADA Coordinator is the main contact person for those needing accommodation.

BREAK



0:00 / 5:00

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Appeal


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In the Municipal Court of _____ County, Tennessee	PAUPER'S OATH IN LIEU OF APPEAL BOND	
By _____		Clerk of the Court

I, _____ do solemnly swear that I am a resident of the State of Tennessee, and that owing to my poverty, I am not able to bear the expense of an appeal from the judgment of the Court in the above-styled case to the Circuit Court of _____ County, an _____ Tennessee, which has this day been taken and granted, and that I am justly entitled to the relief sought, to the best of my belief.

Witness my hand and subscribed before me, this day _____ day of _____, 20____.

CLERK (Type Name)

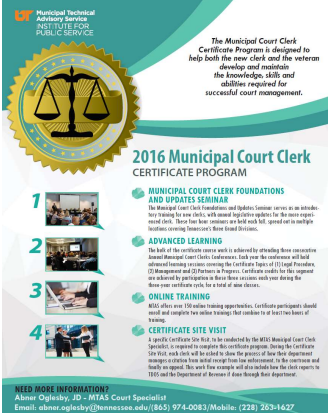
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[illegible][illegible]



- T.C.A. § 55-9-107 Window Tint
- T.C.A § 40-32-101 Expungement
- T.C.A. § 7-51-1802 “Ban the Box”
- T.C.A. § 55-12-102 Financial Responsibility
- T.C.A. § 55-8-204 “Slow Poke” Law
- T.C.A. § 55-8-199 Texting Update



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The Municipal Court Clerk Certificate Program is designed to help both the new clerk and the veteran develop and maintain the knowledge, skills and abilities required for successful court management.

2016 Municipal Court Clerk CERTIFICATE PROGRAM

- MUNICIPAL COURT CLERK FOUNDATIONS AND UPDATES SERIES**
The Municipal Court Clerk Foundations and Updates Series serves as an intensive four training for new clerks, with annual updates to update the the most recent court clerk. These four hour seminars are held each fall, spread out in each of the four counties (Franklin, Davidson, Shelby and Williamson).
- ADVANCED LEARNING**
The fall of the certificate series will include the attending three successful Judicial/Municipal Court Clerk conferences. Each year the conference will hold advanced training sessions covering the Certificate Topics of (1) Court Procedures, (2) Management and (3) Personnel Programs. Certificate credits for the program are awarded by participation in these three sessions with one during the three year certificate cycle for a total of nine classes.
- ONLINE TRAINING**
MATS offers more 10 online training opportunities. Certificate participants should attend and complete the online training that combines to at least two hours of training.
- CERTIFICATE SITE VISIT**
A Clerk's Certificate Site Visit, to be conducted by the MATS Municipal Court Clerk Services, is required to complete the certificate program. During the Clerk and Site Visit, each clerk will be asked to show the program of how their department manages its court clerk and staff using their information in the program and finally to spend. The work flow example will also include how the clerk reports to the Department of Revenue and how through their department.

NEED MORE INFORMATION?
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**COURT CLERK
BOOT CAMP
ONLINE....**

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