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MUNICIPAL COURTS CONFERENCE 2025

WELCOME!

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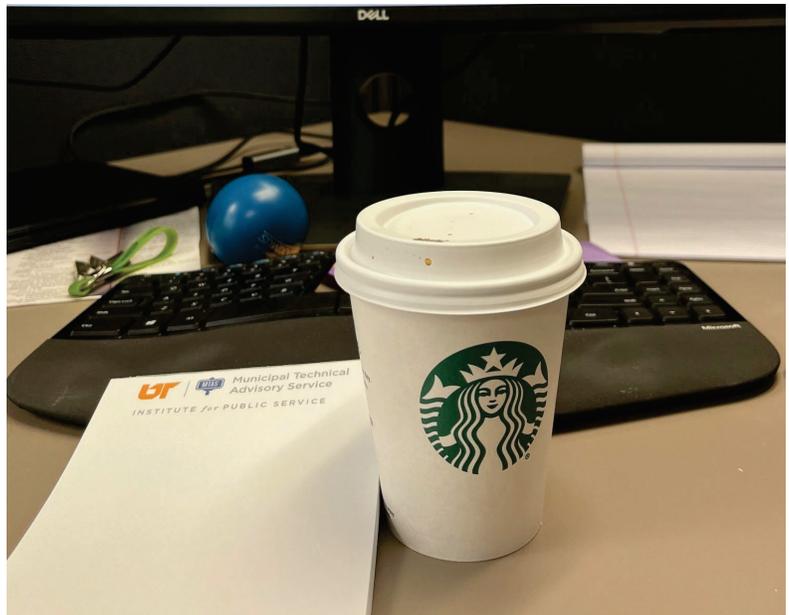


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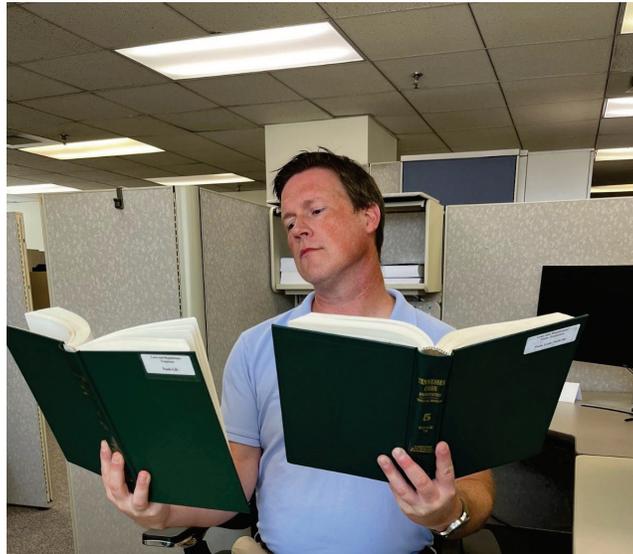
What's it like to be a MTAS employee?



Start out with
some coffee
and the required
MTAS notepad



Memorizing the TCAs



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Morning salute
to the TN State
Capitol.



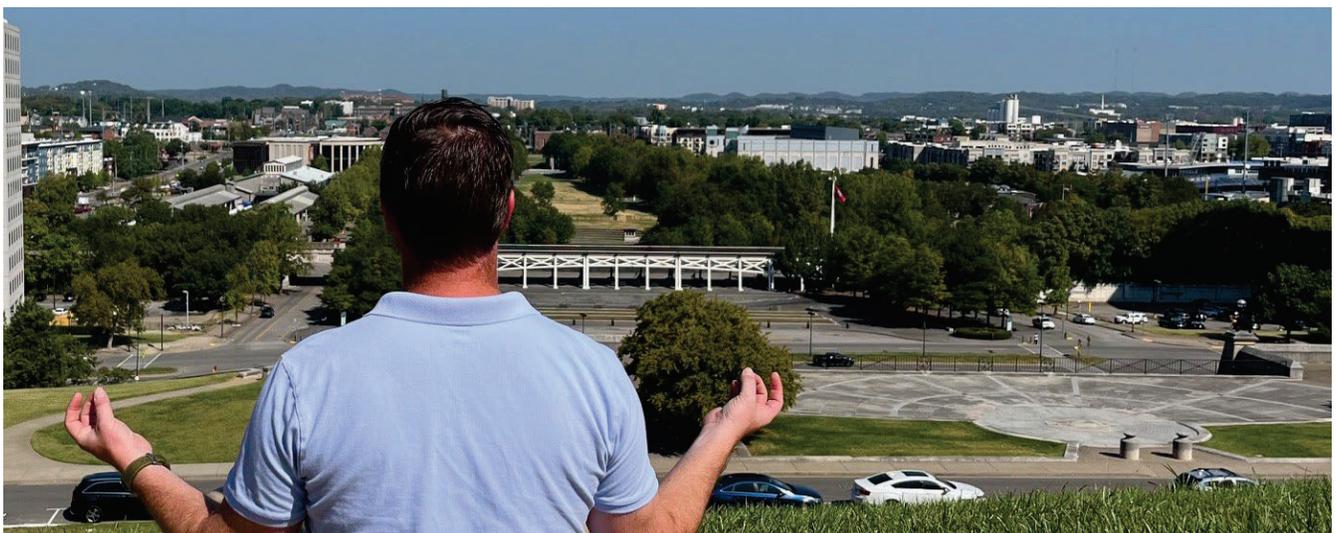
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Daily Supreme Court oral argument



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Mid-morning Bicentennial Mall Meditation



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Practice my city name pronunciations



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Two new projects
John did!

Beginner's Guide to the
Slum Clearance Act

MTAS Beginner's Guide to the Tennessee Slum Clearance Act

T.C.A § 13-21-101 et. seq.

John Eskew, MTAS Municipal Courts Specialist

January 2025



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Two new projects John did!

Discussion of all things court costs.

What to consider in setting costs.

Why costs vary from city to city.

Audience: Mayors, city council members, general public.

Municipal Court Costs

What are they? What should they be? How do we determine them?

John Eskew, MTAS Municipal Courts Specialist



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www.mtas.tennessee.edu/courts

MTAS Resources



[Court Costs Article 2024 - What are they? What should they be? How do we determine them?](#)

[Slum Clearance Act - Beginner's Guide 2025](#)



[Memo about Fines and Fees to send to the Dept. of Safety \(PDF\)](#)

[MTAS Cheat Sheet for Gen. Sessions - Litigation Tax PRV 401](#)

[MTAS Cheat Sheet for Gen. Sessions - Litigation Fines and Fees PRV 414](#)

[Sample Municipal Court Expungement Ordinance, Petition, and Order \(PDF\)](#)

[Parking Information and Research 2022 \(PDF\)](#)

[Rules of the Road Ordinance 2023 - short form \(PDF\)](#)

[Rules of the Road Ordinance 2023 - long form \(DOCX\)](#)



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Important Court Cases in 2024-2025



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McNabb v. Harrison – 2025 Supreme Court

Case involves judicial residency requirements for elected judges

Who it affects:

- Municipal Courts with Concurrent General Sessions Jurisdiction (i.e. Inferior Courts per the Constitution)
- Traditional City Courts with Popularly Elected Judges

Who it does not affect:

- Traditional city courts (i.e. Corporation Courts per the Constitution) where judges are appointed by city council



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Two types of jurisdiction

Traditional jurisdiction vs. General Sessions jurisdiction

Tennessee Constitution – Article VI, Sec.1

ARTICLE VI.

Judicial Department.

Section 1. The judicial power of this state shall be vested in one Supreme Court and in such Circuit, Chancery and other Inferior Courts as the Legislature shall from time to time, ordain and establish; in the judges thereof, and in justices of the peace. The Legislature may also vest such jurisdiction in Corporation Courts as may be deemed necessary. Courts to be holden by justices of the peace may also be established.



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Two types of jurisdiction

Traditional Jurisdiction

Corporation Court

- “Civil in Character”
- Hears municipal code ordinance violations
- Hears Class C misdemeanors adopted into the city code
- No risk of going to jail
- Most common

Concurrent General Sessions Jurisdiction

Inferior Court

- Civil and criminal cases
- Hears municipal code violations
- Hears Class A, B, and C misdemeanors
- There is a risk of going to jail

“Inferior” vs. “Corporate” courts detailed in Town of South Carthage v. Barrett, 840 S.W.2d 895 (1992).



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McNabb v. Harrison – 2025 Supreme Court



Ruling – Municipal Court with GS jurisdiction, the elected judge must live within the city limits of the municipality, not just live in the county limits as was considered ok in the past (per AG opinions and Court of Appeals)



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McNabb v. Harrison – 2025 Supreme Court



Ruling – Municipal Court with GS jurisdiction, the elected judge must live within the city limits of the municipality, not just live in the county limits as was considered ok in the past (per AG opinions and Court of Appeals)



Also, popularly elected judges (even in traditional city court) must also live within the city limits under TCA 16-18-202.



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McNabb v. Harrison – Constitutional “District”



Residency requirement in TN Constitution – Article VI, Section 4



“District” now is the “geographical area where the court has territorial jurisdiction, or in other words, the area to which the judge is assigned.”



“Constitution requires a municipal judge to be a resident of that municipality for a period of one year prior to election.”



Reversed Court of Appeals and remanded to Chancery.



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Update: April 8, 2025 – SB 255 / HB 490

Bill (not yet passed) to amend Title 16, Chapter 18, Part 2 (Judges statute) to say the following:

- Municipal Judge elected or appointed prior to March 7, 2025, and qualified for the office under laws at that time, shall not be disqualified or removed due to residency during the term elected/appointed.
- Judge’s decisions, acts, judgments are valid during the completion of this term
- Residency requirements established by McNabb shall apply prospectively at the next regular election.
- This exemption only applies to the residency requirements in the McNabb case.



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Rainwaters v. TWRA – W2022-0051-COA-R3-CV

Prior to this case, state law allowed TWRA officers to enter onto private property without consent or warrants to enforce wildlife laws, even criminal ones.



Ruling- Statutes permitting entry without warrants or consent are unconstitutional. Warrants must be obtained under the same search and seizure provisions of the Constitution.



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Rainwaters Impact on Codes Enforcement?

Although Rainwaters applies to a law enforcement agency entering private property without permission or a warrant, it may also extend to codes enforcement officers.

This could affect their ability to enter private property for addressing maintenance issues, documenting violations, or pursuing clean up.



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Voiding Citations? Who can do it?



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Voiding vs. Dismissing a Citation

Dismissing

Dismissing = Judge dismissing the case in court, that's ok.

Voiding

Voiding = Officer cancelling, voiding, or otherwise removing a citation before it ever gets to court, which may not ok.



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Two statutes regarding voiding and records



TCA 55-10-306



TCA 55-10-204



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TCA 55-10-306(a) – Records and recordation

(a) Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, warrant, traffic citation or other legal form of traffic charge deposited with or presented to the court or the traffic violations bureau of its jurisdiction, and shall keep a record of every official action by the court or the traffic violations bureau of its jurisdiction in reference thereto, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every traffic complaint, warrant, or citation deposited with or presented to the court or traffic violations bureau.



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TCA 55-10-204 – Cancellations of Citations

(a) **Any person who cancels** or solicits the cancellation of **any traffic citation**, in any manner other than as provided in this chapter, **commits a Class C misdemeanor**.

(b) Every record of traffic citations required in chapter 8 and parts 1-5 of this chapter shall be audited by the appropriate fiscal officer of the governmental agency to which the traffic-enforcement agency is responsible, within the time prescribed for the audit of other officers of the agency.



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Discussion questions

Can a police officer void or cancel a ticket prior to court in these circumstances?

- Made a mistake on the ticket like wrong address or DL number?
- Cancel the ticket if defendant provides information refuting the ticket?
- Cancel the ticket because the police chief said so?
- Cancel the ticket because the mayor said so?



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During the court proceedings

Now we are in court. What about these situations?

- Police officer asks the judge if he or she can withdraw or dismiss the ticket?
- What is this process similar to?

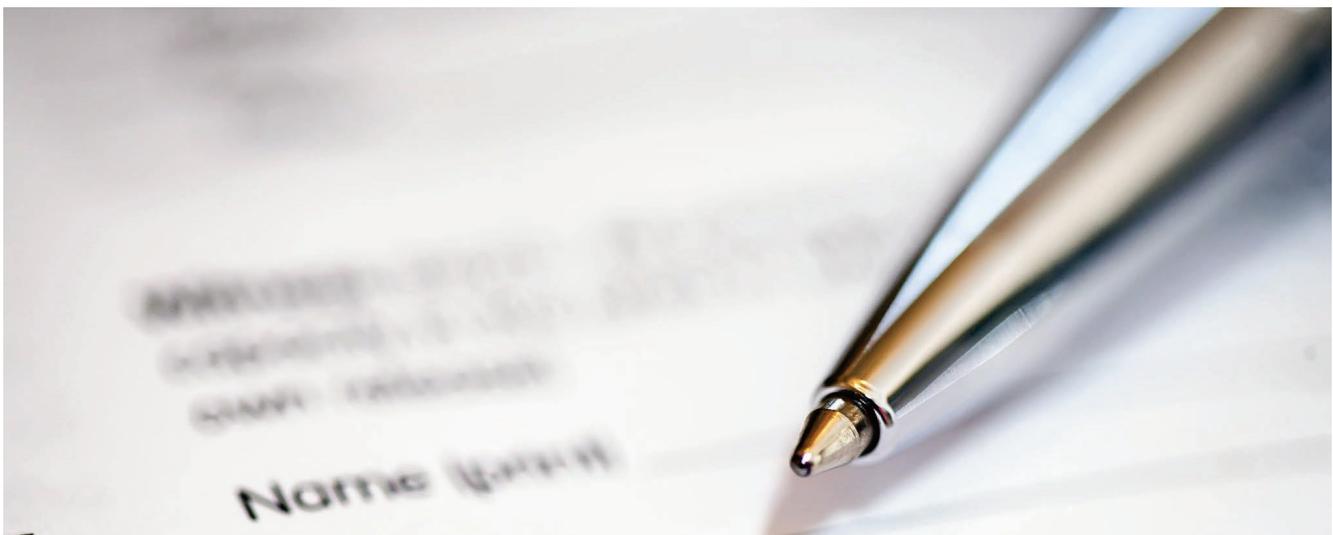


Can a judge accept a police officer's request to withdraw a ticket? Any ethical issues?



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Failure to Appear and Default Judgment?



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Does a FTA result in a conviction?

GS Criminal Court cases – No, because you cannot convict someone in their absence. Warrant is issued.



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Does a FTA result in a conviction?

GS Criminal Court cases – No, because you cannot convict someone in their absence. Warrant is issued.

Traditional Court civil cases – Yes, because it's a default judgment and the statute says so.



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TCA 55-10-207(g) - Citations

(g) If the person cited has not paid the traffic citation upon submission to fine as provided in this section and the person cited fails to appear in court at the time specified, or such later date as may be fixed by the court, the court may issue a warrant for the person's arrest or may declare a judgment of forfeiture for the offense charged. The judgment of forfeiture shall in no case be more than the total amount of fine and costs prescribed by law for the offense and may be collected in the manner provided in § 40-24-105.



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Result = Conviction + FTA Suspension

To do this, Department of Safety says city will need submit each action item in a separate report.

DOSHS system currently does not automatically add a conviction solely based on FTA (because their system also processes the 95 criminal county GS courts)

One electronic report = guilty, and another electronic report = FTA

3rd Party Court Software Programs may already do this for cities.



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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.



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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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Traffic School – TCA 55-10-301(b)(5)



Do not report Traffic School to Safety until after completion.



Avoids confusion if report traffic school first then the driver does not complete it and you must amend the CAR.



If fail to complete traffic school timely, then full conviction.



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Communicate with your Judge

IMPORTANT- Communicate with the judge and the court clerk to distinguish the ruling between:

- a) Traffic school “in lieu of any other penalty imposed” or,
- b) Conviction + traffic school

Why? If the goal was traffic school and no conviction, and the court clerk turns in the court action report showing both traffic school AND a guilty finding, that will result in a conviction on the driver’s record when that was not the judge’s intent.



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Conviction + Traffic School = MVR and points

VIO. DATE	COUNTY	CODE	STREET/HIGHWAY	AGENCY
1	CITATION NO.	DESCRIPTION OF VIOLATION	SPEED MPH	ZONE
OTHER COURT ORDERED RESTRICTIONS				
HEARING DATE	COURT DOCKET NO.	CASE DISPOSITION: (CHECK ONLY THE ONE APPROPRIATE BOX)		
		<input checked="" type="checkbox"/> GUILTY AS CHARGED <input type="checkbox"/> REDUCED - GUILTY OF: _____ <small>(LIST CONVICTION)</small>		
TRAFFIC SCHOOL	DATE COMPLETED	<input type="checkbox"/> DISMISSED <input type="checkbox"/> FAILED TO APPEAR - INITIATE SUSPENSION <input type="checkbox"/> FAILED TO PAY FINES/COSTS AFTER CONVICTION - INITIATE SUSPENSION <input type="checkbox"/> SENT IN ERROR		
REMARKS				
FIN	COSTS	OTHER	TOTAL ASSESSED	PAID IN FULL
+ _____	+ _____	= _____	0	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> PAYMENT PLAN <input type="checkbox"/> WAIVED/INDIGENT
			TN LICENSE SEIZED	
			<input type="checkbox"/> YES <input type="checkbox"/> NO	
VIO. CODE	BAT CODE	FTA CODE	FINE CODE	LIC. SURR CODE
				REVOKE/SUSPEND →
			BEGIN	ELIGIBLE

Traffic School only = No conviction, no points

VIO. DATE	COUNTY	CODE	STREET/HIGHWAY	AGENCY
1	CITATION NO.	DESCRIPTION OF VIOLATION	SPEED MPH	ZONE
OTHER COURT ORDERED RESTRICTIONS				
HEARING DATE	COURT DOCKET NO.	CASE DISPOSITION: (CHECK ONLY THE ONE APPROPRIATE BOX)		
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+ _____	+ _____	= _____	0	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> PAYMENT PLAN <input type="checkbox"/> WAIVED/INDIGENT
			TN LICENSE SEIZED	
			<input type="checkbox"/> YES <input type="checkbox"/> NO	
VIO. CODE	BAT CODE	FTA CODE	FINE CODE	LIC. SURR CODE
				REVOKE/SUSPEND →
			BEGIN	ELIGIBLE

New (and new-ish) legislation



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HB 0748 / SB 1089 – Increase MTE fee by \$1



Bill proposes to amend TCA 16-18-304(a) to increase the Municipal Training Education fee that cities submit from court costs from \$1 to \$2.



Impact – Could substantially increase funding for municipal judge and court clerk training programs through AOC sources.



Additional Impact – Cities can either absorb this additional fee or increase their court costs by \$1 to pass the costs to the defendant.



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TCA 55-8-213 – Carolina Squat Law

Class B Misdemeanor – must cite to GS court

Front fender cannot be more than 4 inches greater than rear fender.

Vertical measurement from and perpendicular to ground, through centerline of the wheel, and to bottom of fender.



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Examples of Carolina Squat Vehicles



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Not just trucks anymore



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Ok now, that's just ridiculous



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Enforcement may require measurements



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Penalties – TCA 55-8-213

1st offense in 12-month period - \$250

2nd offense in 12-month period - \$500

3rd offense in 12- month period - \$500 plus revoked driver's license.



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Pop Quiz! 49 cc Minibikes!



Question: Are 49 cc minibikes street legal?

Answer: Yes



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Pop Quiz! 49 cc Minibikes!



Question: Do these bikes need insurance and registration on public roads?

Answer: No, they are governed by the same rules as bicycles



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How do I know what off-highway vehicles require what?

Department of Revenue has this helpful website and chart.

<https://tnclerks.zendesk.com/hc/en-us/articles/360000358886-Low-Medium-Speed-Vehicles>



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A screenshot of a web page from the Tennessee Department of Revenue. The page title is 'VEHICLE SERVICES COUNTY CLERK GUIDE'. Below the title, there is a breadcrumb trail: 'Vehicle Services County Clerk Guide > Title & Registration Topics > Title Information'. The main heading is 'Low/Medium Speed Vehicles'. Underneath, there is an 'AUTHORITY:' section with the following text: 'Tenn. Code Ann. Sections 55-1-122, 55-1-123 and 55-1-125, 55-8-101 and 55-8-102, and 55-50-102', 'U.S. Code 49 CFR 571.500', and 'National Highway Traffic Safety Administration'. In the top right corner of the screenshot, there are links for 'Submit a request' and 'Sign in'. In the bottom right corner, there is a 'Follow' button.



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Helpful chart too for off-highway vehicles & plates

Component	Medium Speed Vehicle Plate	Low Speed Vehicle Plate	Class I Vehicle Plate	Class II Vehicle Plate
headlamps	YES	YES	YES	YES
stop lamps	YES	YES	YES	YES
front and rear turn signal	YES	YES	YES	YES
tail lamps	YES	YES	at least 2	at least 2
reflex reflectors	YES	YES		
parking brake	YES	YES		
drivers side exterior mirror	YES	YES		
additional mirror	YES	YES		
engine displacement			1000cc or less	
dry weight			up to 2500 lbs.	



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TCA 7-63-301 – Ordinances and traffic stops



A local governmental entity or official shall not adopt or enact a resolution, ordinance, or policy that prohibits or limits the ability of a law enforcement agency to conduct traffic stops based on observation of or reasonable suspicion that the operator or a passenger in a vehicle has violated a local ordinance or state or federal law. A resolution, ordinance, or policy that is adopted in violation of this section is null and void.



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TCA 55-8-214 – Crossing guards in school zones

Cities (and counties) can hire or appoint volunteers to serve as school zone crossing guards on public roads in marked school zones.

City/County posts proper school zone signage and speed limits.

Crossing guards will have the proper safety gear and signs.

Motorist who knowingly ignores regulatory or warning sign commits Class C misdemeanor, fine only of \$50.



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Update on last year's GS / DA funding bill



House Bill 2205 – 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...”



Bill was later referred to TACIR for further study on impact and need.



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TACIR Report – January 2025

Draft of the 40 page report found here:

- https://www.tn.gov/content/dam/tn/tacir/commission-meetings/2025january/2025Jan_Tab12DAstaffing_DraftReport.pdf

Draft of the shorter memorandum found here:

- https://www.tn.gov/content/dam/tn/tacir/commission-meetings/2025january/2025Jan_Tab12DAstaffing_Memo.pdf



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TACIR did not recommend passing the bill

Bill would not reduce existing DA's caseloads.

Cities questioned why they should fund a full time DA position when their court meets infrequently.

If forced to pay this new expenses, some cities indicated they would end GS jurisdiction and transfer all cases to the county, potentially overwhelming county courts.



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Report recommends two main things:

- The state undertake a weighted caseload study as soon as feasible to establish the staffing needs of district attorneys based on all the courts they serve, including municipal courts with concurrent jurisdiction.
- To assist with district attorney staffing needs prior to the completion of a weighted caseload study, each city with a municipal court of concurrent jurisdiction that does not already have an existing funding arrangement with its DA should negotiate a per diem payment for DA staff.



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New Gen. Assembly = Must file bill again



The good news for city courts with GS jurisdiction is this bill from last year is dead regardless of what the TACIR report found.



Because the General Assembly is new every two years, and 2025 being Year 1 of the 114th General Assembly, if the bill sponsor wanted to try this again, he or she would have to start all the way over.



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HB 749 / SB 1086 – Illegal Alien DL's

- (a) If a driver license is of a class of driver licenses issued by another state exclusively to illegal aliens, then the driver license is invalid in this state and does not authorize the holder to operate a motor vehicle in this state...”
- (b) It is an offense for a person to operate a motor vehicle in this state with an invalid driver license described in subsection (a). A violation of this subsection (b) is a Class B misdemeanor.

Creates a new section, TCA 55-50-355, and GS courts could hear this.



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However, foreign license holders are valid



Foreign License Holders (i.e. foreign individuals with proper immigration/ visa status who have a valid license in their home countries) can drive legally in Tennessee, but are still subject to the same driving rules of course.



However, if they get a citation, you adjudicate the case like normal, but the city does not report the conviction to the Department of Safety.



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HB 547 - \$12.50 bill of cost, GS criminal

Criminal cases – Clerks of courts with criminal jurisdiction now include a \$12.50 charge in every cost bill to be remitted to the county to provide support services for promoting public safety at the discretion of the DA.

Takes effect upon 2/3 vote of county legislative body, requires DA to submit an annual report.



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Let's talk about some other statutes



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TCA 55-8-209 – Extension beyond corporate limits



OFTEN CALLED THE
“1 MILE RULE”



OR AS I LIKE TO CALL
IT...



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“Dukes of Hazard Rule”



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TCA 6-54-301 – One Mile Rule

“Police authority of all incorporated towns and cities shall extend to a distance of one mile from the lawful corporate limits thereof, for the suppression of all disorderly acts and practices forbidden by the general laws of the state;”

This extended jurisdiction shall not be extended beyond the limits of the county or as to come within one mile of another incorporated city.

I.e., you can't cross into another county or another city.



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Question for the day

Question: Can your police set up a speed zone outside the city limits, but within the one-mile boundary?

Answer: I don't think so.



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TCA 55-12-127 - Surrender of license/reg.

If a person's driver's license or registration is suspended, cancelled or revoked, the person should surrender the items to the state.

If they don't, the police officer (or judge) can seize it and the city forwards it to the state.

Once the driver comes into compliance, driver reapplies for license or registration and pays \$75 fee to Department of Safety.

Once Safety gets the \$75, it will forward \$25 to the city.



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Which agency gets what?



Driver license = Department of Safety



Registration = Department of Revenue



But all payments go to the Department of Safety



Class C Misdemeanor for person to fail to surrender license/registration within 20 days after suspension, cancellation, or revocation.



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Let's talk insurance...

Question: If the driver's name is not the same name on the proof of insurance, does that violate the Financial Responsibility laws?

Answer: It depends

But probably does not violate



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“Insurance follows the car”



Broad rule – Insurance follows the car, so no violation



Generally speaking, if a driver has permission from the car owner to operate the car, the insurance will cover the use of the car.

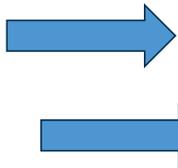


So if the driver's name is not the insurance policy holder or isn't listed, it's not a violation per se.



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ISO Sample – Personal Auto Policy



damage not covered under this Policy.

B. "Insured" as used in this Part means:

1. You or any "family member" for the ownership, maintenance or use of any auto or "trailer".
2. Any person using "your covered auto".
3. For "your covered auto", any person or organization but only with respect to legal responsibility for acts or omissions of a person for whom coverage is afforded under this Part.
4. For any auto or "trailer", other than "your covered auto", any other person or organization but only with respect to legal responsibility for acts or omissions of you or any "family member" for whom coverage is afforded under this Part. This provision (B.4.) applies only if the person or organization does not own or hire the auto or "trailer".

SUPPLEMENTARY PAYMENTS



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Multiple Offenses Court Costs Follow Up



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(a) Notwithstanding any law to the contrary, municipal court costs shall be set and collected in the amount prescribed by municipal law or ordinance. From such amount, one dollar (\$1.00) shall be forwarded by the municipal court clerk to the state treasurer for deposit and shall be credited to the account for the administrative office of the courts (AOC) for the sole purpose of defraying the administrative director's expenses in providing training and continuing education courses for municipal court judges and municipal court clerks. The AOC shall allocate fifty percent (50%) of such funds exclusively for the purpose of providing training and continuing education for municipal court clerks. The AOC is authorized to contract with qualified persons, entities or organizations in order to provide required training or continuing education for municipal court judges. The AOC shall contract with the municipal technical advisory service of the University of Tennessee institute for public service in order to provide required training or continuing education for municipal court clerks and may contract with other qualified persons, entities or organizations to provide additional or alternate training to municipal court clerks.

Court Cost Statute – TCA 16-18-302(a)

One sentence of guidance



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Quiz! – Citation with multiple offenses

Scenario – One traffic stop with multiple offenses

1. Speeding
2. No registration
3. No insurance

How many violations on the ticket?

Three violations

How many fines?

Three separate fines



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Good job!



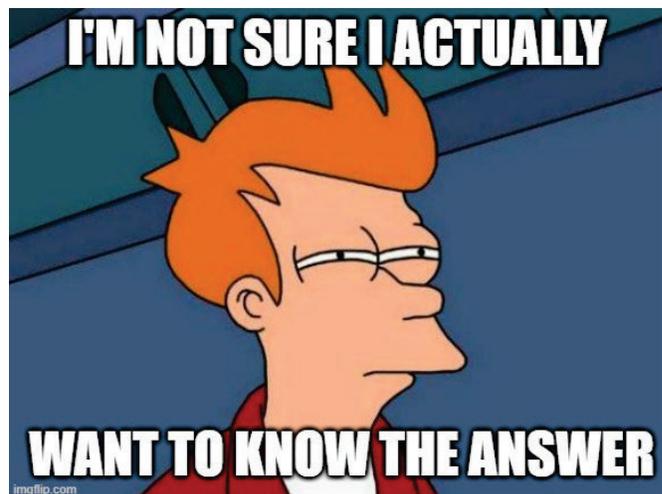
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Now, how many court costs?

One traffic stop, three offenses.

How many court costs do you assess?

- A. One court costs?
- B. Three court costs?
- C. Dunno, I think John's trying to trick us.



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Survey Say!



Honestly, I don't know.

TCA 16-18-304 and annotated materials do not say one way or another.

Only guidance we have is AG 06-75 where court costs cannot be punitive.



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Multiple Court Costs per Occurrence

One Court Costs

Fine (3 violations)	\$150
Court Costs	\$150
State tax	\$13.75
<hr/>	
Total	\$313.75

Is that punitive? – No

Multiple court costs

Fine (3 violations)	\$150
Court Costs	\$450
State tax	\$13.75
<hr/>	
Total	\$613.75

Is that punitive? - Maybe



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Guidance from County GS Courts

County General Sessions Courts routinely apply multiple court costs for the same violation.

Basis: TCA 16-1-117(a)(1) and 2014 law change

Key Definition of “Incident”



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Pre-2014 law change – TCA 16-1-117(a)

The AOC requires all courts to report the number of cases/incidents they adjudicated each year.

Prior to 2014, the “incident” was counted each violation even if occurring from the same traffic stop.

This means one traffic stop with three violations are considered three “incidents” and therefore would assess three court costs.



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After 2014 law change

“Incident” now classified as the specific traffic stop or law enforcement call.

The multiple violations from this traffic stop still result in separate charges and fines (like normal) but for statistical reporting purposes, this entire encounter would be one “incident.”

This results in more accurate statistical reporting.



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Counties were concerned though...

Counties felt if these now counted as one incident, they would lose money in court costs.

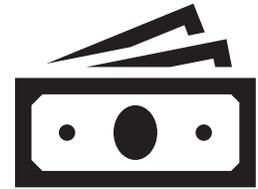
TCA 16-1-117(a)(1) steps in and says this:



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TCA 16-1-117(a)(1)

(1) Each criminal case shall be assigned a unique docket number. **A criminal case shall be defined and reported as a single charge or set of charges arising out of a single incident concerning a single defendant in one (1) court proceeding...**



Nothing in this subdivision (a)(1) shall operate to deprive court clerks of any fees to which they were entitled prior to July 1, 2014;



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Some Takeaways



While this is a good guide, it doesn't automatically mean cities should charge multiple court costs for the same stop.



One argument is, "Hey if the counties can do it, why can't we?"



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Some Takeaways



While this is a good guide, it doesn't automatically mean cities should charge multiple court costs for the same stop.



One argument is, "Hey if the counties can do it, why can't we?"



The counter argument is "This law is for county GS criminal courts, and you're not one of those."



So still a little unclear. But if you charge multiple court costs for the same stop, just still be prepared to defend how it's not punitive in nature.



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Speaking of money – Waiver of Lit. Taxes



Whenever a judge suspends, releases, or waives litigation taxes, TCA 67-4-605 requires the court to report that waiver to the Department of Revenue.



Waiver = judgment previously entered and money assessed, but now the judge is waiving it.



Waiver is not the same thing as dismissal, where no money is assessed.



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Report waivers to Department of Revenue

Email documentation of these
waivers to
revenue.support@tn.gov

PDFs preferred

Detail the account (taxes or
fines and fees) and what period
they go to.



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Questions?



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