

Department of Safety Panel Discussion (in no particular order) as of May 2021

Payment Plans:

- Has the State resumed suspending licenses for defaults on payment plans? Criminal Payment Plans? Civil violation payment plans? Defaults on criminal offense payment plans must be compliant with current statute 40-24-105(b). The department has not yet begun processing suspensions for default on payment plans for traffic citations 55-50-502(j).
- What steps does a city need to take with payment plans and defaults?
 - Does the city even have to notify the defendant or should a city leave that notification to the DOS? TCA 55-50-502(j) merely says that a city notify the Department of Safety of a default, but does the DOS want cities to notify the defendant of a default before turning them over to the DOS? Question for the AOC/MTAS/the court's legal counsel. Not Safety.
 - If DOS wants cities to notify the defendant prior to turning it over to the DOS, what notices should the city give? Mail? Phone Call? Certified Mail? Return receipt requested mail? (Those costs add up for small cities) Question for the AOC/MTAS/the court's legal counsel. Not Safety.
 - Does the DOS have a policy or procedure that it wants the cities to follow?
- Does the State (or DOS) have blank forms we can use for payment plans that you like? The AOC has the format.

FTA and FTP:

- Will you please describe the differences between a Failure to Appear and a Failure to Pay? If a driver Fails to Appear in Court or if a driver Fails to Pay a citation. This is the difference. A court has a six month time frame from violation date to report the Fail to Appear. There is not a reporting time frame with Fail to Pay.
FTA – As defined in TCA 55-50-502(a)(1)(I).
FTP – As defined in TCA 55-50-502(a)(1)(H)
 - What are the consequences for each? The court may report Failure to Appear for suspension action. FTP – for FTPs after October 12, 2018 there is currently no action. Drivers suspended prior to 07/01/2019 for FTP may apply to the court for a payment plan and reinstatement of the driver license.
 - How do those consequences differ? FTA may be submitted for suspension. FTP can no longer be submitted for suspension and has not been processed since October 2018. Soon, we will begin accepting suspensions if a driver defaults on a court payment plan which is compliant with TCA 55-50-501(a)(1)(j) The driver must be on a payment plan and default before suspension action can be taken. AOC/MTAS can provide additional guidance for this action in the future.
 - Can one start out as a FTP and then be ordered to return to court to follow up on a defaulted payment plan, and when they do not show up for the follow up hearing, does that convert to a FTA and possible license suspension? Question for the AOC/MTAS/the court's legal counsel. Not Safety. Regardless, no FTA will be processed if more than 6 months from the violation date.

- The law doesn't really address what payment plans should look like. Can you describe what possible payment plan options exist? **Question for the AOC/MTAS/the court's legal counsel. Not Safety.**
 - For example, one payment plan may be a set dollar amount per month, while another payment plan may be an extension of time to satisfy the entire judgment.
- When a defendant agrees in court to pay costs and/or fines, and also agrees to appear on another court date to apply for a payment plan if NOT paid before that date, and then they do neither, can that defendant be submitted for FTA instead of FTP?
 - Example: After a conviction our judge may give the defendant additional time to pay. If the defendant doesn't pay or return to court on the designated day, do we send in for FTA? Or does the defendant get the call/letter and 30 days in which to comply? Essentially the process starting all over?? Also, clarification of Payment Plan reporting is huge, fees, etc. **Question for the AOC/MTAS/the court's legal counsel. Not Safety. Regardless, no FTA will be processed if more than 6 months from the violation date.**

If they are put in as FTA and months or years later they show up because their license have be suspended or revoked do we have to get them to sign up for a payment plan and if so how do we let the state know? How does that work?

55-50-502(j)

(1) The court shall require every licensee who is convicted of a driving offense and who does not pay the assessed fines and costs in full on the date of disposition to make payments pursuant to an installment payment plan.

Payment plans should be reported as compliance the way they have been for the past 10 years. The compliance document should indicate that the violation is on a payment plan rather than satisfied in full. For courts reporting electronically, electronic reporting of payment plans is not yet possible but will be in the future.

“Six Month Rule”

- Please discuss the “Six Month Rule,” where we understand that a case should be heard and disposed of within six months of the original ticket being cited.
- We know under TCA 55-50-502(a)(1)(I) that the court clerk must report FTAs within six months of the traffic violation for the DOS to suspend the person's license for FTA.
 - Is there a similar law somewhere that says all other court convictions (whether FTA or not) must be reported within 6 months? If so, where is that? **I am not aware of any other law with a 6 month rule.**
 - It is best practice to report any convictions in a timely manner so that they can be added to the driver's record.
 - Federal regulations require that CDL/CMV convictions are added to the driver's record within 10 days. So courts must have those convictions to us within 5 days for processing.

Will the DOS take punitive action on a conviction that is reported over six months from the violation date?

All violations are added to the driver's record regardless of when they are received. If the conviction is such that statute requires the mandatory

suspension/revocation of the license, action is taken. Again, best practice is to report convictions to the department immediately to prevent any delayed action from occurring.

- Has the DOS made any exceptions to the 6-month rule considering COVID and inability of some courts to have a hearing for months at a time? **No**
 - What happens in the DOS when a guilty disposition on a ticket that is over six months is submitted? Will the DOS take any action on it?
All violations are added to the driver's record regardless of when they are received. If the conviction is such that statute requires the mandatory suspension/revocation of the license, action is taken. Again, best practice is to report convictions to the department immediately to prevent any delayed action from occurring.

Forms and Reporting:

- Are there any updated forms for reinstatements, Reporting of Fines, Fees, and Taxes? What address should be used? **The Department is currently revising the Court Action Report. TN Dept of Safety P.O. Box 945 Nashville TN 37202**
 - Is there a spot on the DOS website where we can download these forms? **No**
- Do you think the DOS will create an online payment portal similar to the Department of Revenue for payments through TNTAP or something similar? **I think this may be referring to payment of the fines/fees that the court collects and then sends to the Department. That is a question for our fiscal services department but does not currently exist.**
- Do I need to send additional documentation other than the Court Action Report to remove a ticket from the defendant's name if the violation was financial responsibility? If so, what type document and who should receive it. **The only thing that can remove a financial responsibility violation is a dismissal due to the driver having insurance at the time of the violation. If the driver was not insured at the time of the violation, then it is a mandatory suspension of their driving privileges.**

Out of State Defendants

- How do we handle out of state defendants?
 - Do we report their convictions like everyone else? **Report like everyone else**
 - Sometimes we get calls from other state's DMV offices indicating that they still have an outstanding charge in our court, but our records show that they satisfied all of our citations. Who do we tell at the TN DOS that the person's court fines are satisfied? What numbers or names should we contact? **Preferably they should provide documentation right to the other state. Only send it to us if the other state will not accept from the court.**
 - Is that something the city courts should do or is that the domain of the TN DOS? **When an FTA or FTP is sent in, then a clearance document will need to be sent in so that it can also be forwarded to that driver's state.**

- When using the State's Court Action Report website, we enter the data in when they pay but later we cannot go back and edit the record to show that they have satisfied the citation. How are they supposed to be put in the State website? [Fax or mail in documentation showing satisfied.](#)
- Had a lot of complaints from folks that paid tickets late and their state is not notified of payment after we send in the satisfied "fail to pay" notice online. Is there anything else we need to be doing? [These are mailed to the other states and we have no control over the time-frame it may take the postal service for mail time and for processing to occur with another state.](#)

Contacting specific department questions:

Would it be possible to include a list of names, emails, and phone numbers or faxes for different people or departments for reinstatements, payment plans, suspensions, software questions, etc.? If there is a general phone tree directory that you'd be willing to share with the court clerks they'd love it. [Contact info sheets available](#)

Reinstatement questions:

- When a person whose license is suspended comes in and pays everything off, or establishes a payment plan and wants the license restored, what does the clerk do next?
 - What letter does the court clerk give the person? [Court action report or court release](#)
 - Where does the person take it? [Reinstatement office](#)
 - Can we fax the report of payment in? What number? [Yes fax to 615-242-3480 or customer can upload online](#)
 - What form do we fax in? [court action report or court release](#)
 - Can we email it in? [The Department prefers fax so that it can be scanned into our system and worked by all available examiners. Email does not allow us to do this. Please consider an electronic reporting system that can automatically report compliances 😊](#)
 - Online report?
 - What is the best step by step procedure? [My answer would have been – provide the document to the driver and instruct them to fax/mail/take to a reinstatement office. And/or if they have already given a copy to the driver, there's no need to duplicate the work by the court also sending it to us.](#)
 - How much time should we advise the person to wait between faxing/reporting it in and them going to the reinstatement center? [Drivers should be submitting their own documentation and monitoring their requirements online before calling or visiting a reinstatement office. Reinstatement documents can now be submitted online by the driver and is the preferred method to any other.](#)
- (This is a question from another city) - Why does the Dept. of Safety require drivers to bring the court action reports aka release forms, to the reinstatement centers, when the courts submit them electronically? I understand if there are still some courts that do it via US Mail, but most of us submit electronically, so why can't DOS take our release form without making the person come to the center to bring them the same exact proof that we

submit anyway? The driver can pay the reinstatement fee online, so is it truly necessary to make them physically appear at a reinstatement center with the piece of paper?

If the court is reporting compliance electronically and correctly, then there is no need for the driver to duplicate this by faxing/mailing/takin in person.

However, the citation number on the electronic compliance often does not match the original submission and therefore our system cannot match these up. Courts should review submissions/compliances with their vendors to ensure an exact match.

- Is there a way that reinstatements could be handled entirely electronically? Driver can submit documents, reinstatement fees online, and in some cases even reissue online.
- If not, does the DOS anticipate going that direction in the future? Yes DOS is doing as much as possible online.

Traffic School:

- How does traffic school and dismissals work on the state's website? Can you enter in "traffic school" and "dismissal" simultaneously on the Court Action Report website like you could on the paper forms? Courts should not be reporting dismissals online only traffic school.
- If the violation was reported as guilty/convicted and later dismissed with traffic school, this must be corrected manually by sending a corrected abstract to the department. Reporting a dismissal online will have no affect on anything previously reported.
- Does traffic school automatically result in a dismissal? Sometimes traffic school is a requirement of the court and doesn't result in a dismissal of a citation. This is a question for your legal counsel/MTAS/AOC
 - If dismissed, are any points ever put on a person's license? Points are only accessed with a moving violation being processed to a driver record. If citation is dismissed the violation is removed from the driver record – no points accessed.
 - Can you attend traffic school and still have points on a person's license for frequent traffic schools across jurisdictions? -Points are only assessed for convicted/guilty violations and crashes. Notification from a court that a driver has attended traffic school does not result in points.

Points on Licenses:

Where can people find the schedule of points for violations?

<https://www.tn.gov/safety/driver-services/online.html>

- Who determines when points are assessed? Traffic points are accessed upon conviction per statute
- Is it possible for a case to be dismissed and points still be assessed? Like maybe attending numerous traffic schools in a short period of time? No if dismissed the violation doesn't go on driver record and no points accessed.