



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE



MUNICIPAL COURTS UPDATES

Spring 2023

Municipal Courts Updates

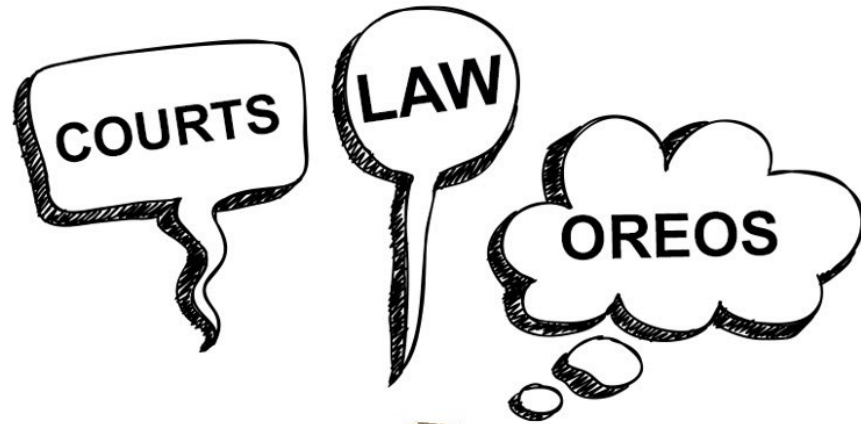
That's just a working title for the presentation.

Alternative titles include:



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

Alternate Title #1



Stuff John's
Researched in the
Past Year

Updated Rules of the Road Ordinance

TN has adopted more Class C Misdemeanors over the years.

Updated our MTAS Sample Rules of the Road Ordinance to reflect this.

New law on July 1, 2022 - “Camping Along Interstate Highways,”
- TCA § 55-8-212.



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Short Form Ordinance

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen, that

Section 1. Municipal Code § 15-XXX, “Adoption of State Traffic Statutes” is repealed in its entirety.

Section 2. The following provision is added as the new § Title 15, Chapter 1, Section 15-XXX of the Municipal Code of (CITY/TOWN):

15-XXX. Adoption of state traffic statutes. By the authority granted under Tennessee Code Annotated § 16-18-302, the Town of (CITY/TOWN) 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 55-8-191, § 55-8-193, § 55-8-199, §§ 55-8-203 through 55-8-205, § 55-8-212 and § 55-8-304. Additionally, the Town of (CITY/TOWN) adopts Tennessee Code Annotated §§ 55-4-101 through 55-4-128, §§ 55-4-130 through 55-4-133, §§ 55-4-135 through 55-4-138, §§ 55-9-401 through 55-9-408, §§ 55-9-601 through 55-9-606, § 55-12-139, § 55-50-333, and § 55-50-351, by reference as if fully set forth in this section.

Section 2. This ordinance shall take effect upon its final reading, the public welfare requiring it.



Long Form Ordinance

15-XXX Adoption of state traffic statutes. By reference granted under Tennessee Code Annotated, § 16-18-302, the City of _____ adopts by reference as if fully set forth in this section, the “Rules of the Road”:

- (1) “Definitions,” as set forth in *Tennessee Code Annotated*, § 55-8-101.
- (2) “Applicability of Law,” as set forth in *Tennessee Code Annotated*, § 55-8-102.
- (3) “Crimes and Offenses,” as set forth in *Tennessee Code Annotated*, § 55-8-103.
- (4) “Compliance with Lawful Orders or Directions of Police Officers,” as set forth in *Tennessee Code Annotated*, § 55-8-104.
- (5) “Riding Animals or Driving Animal Drawn Vehicles,” as set forth in *Tennessee Code Annotated*, § 55-8-105.
- (6) “Officers and Employees,” as set forth in *Tennessee Code Annotated*, § 55-8-106.
- (7) “Working upon Highway Surface,” as set forth in *Tennessee Code Annotated*, § 55-8-107.
- (8) “Emergency Vehicles,” as set forth in *Tennessee Code Annotated*, § 55-8-108.
- (9) “Traffic Control Devices; Obedience,” as set forth in *Tennessee Code Annotated*, § 55-8-109.
- (10) “Traffic Control Signals; Traffic Citations,” as set forth in *Tennessee Code Annotated*, § 55-8-110.
- (11) “Pedestrian Control Signals,” as set forth in *Tennessee Code Annotated*, § 55-8-111.
- (12) “Flashing Red or Yellow Signals,” as set forth in *Tennessee Code Annotated*, § 55-8-112.

Short form vs. Long form

Short Form

- One paragraph ordinance
- Easier for officers to remember
- However, you would need to cite both the TCA violation and cite the city ordinance on the ticket to properly establish jurisdiction.

Long Form

- Very detailed
- Can be tedious to program into your software program
- Incorporates the TCA charge in each subparagraph
- No ambiguity that this is a city ordinance violation, not a state charge.

Sample Rules of the Road Ordinance Available on the MTAS Courts page

<https://www.mtas.tennessee.edu/courts>

MTAS RESOURCES

- [Parking Information and Research 2022](#)
- [Rules of the Road Ordinance 2023 - long form](#)
- [Rules of the Road Ordinance 2023 - short form](#)
- [Child Restraints Fines and Costs Flowsheet, 2021 \(PDF\)](#)
- [Sample Payment Plan - Specific Payment per Month \(DOC\)](#)
- [Seatbelt Fines and Costs for Adults - Flowsheet, 2021 \(PDF\)](#)
- [Sample Payment Plan - Extension of Time to Pay \(DOC\)](#)
- [Foundations and Updates seminar 2021 \(PDF\)](#)
- [Just for Fun - City Court Clerks favorite restaurants list 2022 \(PDF\)](#)
- [FAQs for new court clerks \(PDF\)](#)
- [Payment Plan Flowsheet - License Suspension and Department of Safety \(PDF\)](#)



Parking Information

Another project was a comprehensive view of state and local parking violations.


Including:

- Interstate parking
- City ordinances regulating parking
- State laws regulating parking
- Handicap parking violations (city offenses vs. state offenses)
- Who can write parking violations

Also available on the MTAS Courts page

<https://www.mtas.tennessee.edu/courts>

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- FAQs for new court clerks (PDF)
- Payment Plan Flowsheet - License Suspension and Department of Safety (PDF)

Just for Fun – Restaurants list

MTAS RESOURCES

- [Parking Information and Research 2022](#)
- [Child Restraints Fines and Costs Flowsheet, 2021 \(PDF\)](#)
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Sorted alphabetically too!

Foundations and Updates Seminar 2022 – I asked all class participants to name their favorite restaurant, café, coffee house, etc. so whenever you visit another city, you know where the locals love to go.

Name	City
1. Alcoa	Hot Rod's Diner
2. Algood	Manny's pizzeria
3. Algood	Olive Garden
4. Athens	BJs Snack bar or the Thai House
5. Atoka	Olympic
6. Atoka	Los Alabrihes
7. Bartlett	Side Porch (go for the croutons)
8. Bartlett	Fat Larry's
9. Bean Station	Aunt Bee's Ice Cream
10. Bean Station	Clinch Mountain Bakery and Restaurant
11. Benton	Bakery on Main & Ocoee Dam Deli
12. Berry Hill	ML Rose
13. Benton	Cotton Service Station/Deli
14. Blaine	El Perizo's

New-ish Court Action Report

Department
of Safety
revised its
Court
Action
Report.

- Updated box for Default on Payment Plans
- New box indicating Payment Plans being entered
- New box for “Citation Satisfied”

Court Action Report Form – June 2022

DEPARTMENT OF SAFETY AND HOMELAND SECURITY USE ONLY

TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY

COURT ACTION REPORT

TYPE OR PRINT LEGIBLY IN BLACK INK. DO NOT WRITE IN SHADED AREAS.

D E F E N D A N T	NAME: FIRST MIDDLE LAST			RACE	SEX	DATE OF BIRTH		SOCIAL SECURITY NUMBER		
	ADDRESS (NO., STREET, APT., OR RT. AND BOX NO.)				CITY		STATE		ZIP CODE	
	DRIVER LICENSE NUMBER		CLASS	STATE	LIC. PLATE NO.		STATE	YR	VEH YR	
									VEH MAKE	
V I O L A T I O N	ASSIGNED NO. HISTORY ONLY			COMMERCIAL MOTOR VEH.		HAZARDOUS MATERIALS		ACCIDENT		
				<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		
O T H E R C O U R T O R D E R E D R E S T R I C T I O N S	VIO. DATE	COUNTY		CODE	STREET/HIGHWAY			AGENCY		
	CITATION NO.		DESCRIPTION OF VIOLATION			SPEED MPH		ZONE	DUI OFFENSE	
									1ST 2ND 3RD	
R E M A R K S	HEARING DATE		COURT DOCKET NO.		CASE DISPOSITION: (CHECK ONLY THE ONE APPROPRIATE BOX)					
					<input type="checkbox"/> GUILTY AS CHARGED <input type="checkbox"/> REDUCED - GUILTY OF					
	TRAFFIC SCHOOL		DATE COMPLETED		<input type="checkbox"/> DISMISSED <input type="checkbox"/> FAILED TO APPEAR - INITIATE SUSPENSION (LIST CONVICTION)					
	<input type="checkbox"/> YES <input type="checkbox"/> NO				<input type="checkbox"/> DEFAULTED ON T.C.A. 55-50-502(j) - COMPLIANT PAYMENT PLAN TO PAY FINES/COSTS AFTER CONVICTION - INITIATE SUSPENSION; DEFAULT DATE <input type="checkbox"/> SENT IN ERROR					
F I N E S A N D C O S T S	REMARKS									
F I N E S A N D C O S T S	FINE	COSTS	OTHER	TOTAL ASSESSED		PAID IN FULL		TN LICENSE SEIZED		
						<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> PAYMENT PLAN <input type="checkbox"/> WAIVED/INDIGENT		<input type="checkbox"/> YES <input type="checkbox"/> NO		
F I N E S A N D C O S T S	VIO. CODE	BAT CODE	FTA CODE	FINE CODE	LIC. SURR CODE	REVOKE/SUSPEND	BEGIN	ELIGIBLE		



Zoomed In – New Disposition Boxes

CASE DISPOSITION: (CHECK ONLY THE ONE APPROPRIATE BOX)	
<input type="checkbox"/> GUILTY AS CHARGED	<input type="checkbox"/> REDUCED - GUILTY OF <input type="text"/>
<input type="checkbox"/> DISMISSED	<input type="checkbox"/> FAILED TO APPEAR - INITIATE SUSPENSION <small>(LIST CONVICTION)</small>
<input type="checkbox"/> DEFAULTED ON T.C.A. 55-50-502(j)-COMPLIANT PAYMENT PLAN TO PAY FINES/COSTS AFTER CONVICTION - INITIATE SUSPENSION; DEFAULT DATE <input type="text"/>	<input type="checkbox"/> SENT IN ERROR



New box for default of
payment plan language

New box for "Sent in Error"



Zoomed In – Payment Plan Boxes

<input type="checkbox"/> PAID IN FULL <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	
URR CODE	REVOKE/SUSPEND	BEGIN	ELIGIBLE		
CORRECTED/AMENDED ABSTRACT? <input type="checkbox"/> YES, EXPLAIN CORRECTION BELOW: STAPLE COPY OF ORIGINAL DOCUMENT SUBMITTED.					
<input type="checkbox"/> CITATION SATISFIED 392					
<input type="checkbox"/> 18-20 ALCOHOL SUSPENSION MAY BE WITHDRAWN					
<input type="checkbox"/> FINES & COSTS ON MANDATORY PAID 277					
JUDGE/CLERK SIGNATURE				WITHDRAW DATE	

Bottom Right Corner of the Form:

1. Payment Plan Box – when they make a payment to either reinstate license or prevent suspension
2. Citation Satisfied – When paid off entire amount and submit for license reinstatement
3. 18-20 Alcohol Suspension Withdrawn— General Sessions offenses
4. Fines & Cost on Mandatory Paid – Mandatory Revocation offenses

New Court Action Report Form

- This new form is a fillable PDF, so you can type on it, print and mail.
- It's on the MTAS Court page at <https://www.mtas.tennessee.edu/courts>

Municipal Resources

Codes Enforcement

→ Courts

Finance and Accounting

Fire

Human Resources

STATE RESOURCES

- Department of Safety Sample Letter about Driving School - Pub. Chap. 710
- Public Chapter 710 - July 2022 - Traffic School and Removal of Points
- Department of Revenue: FORM PRV 401 - Litigation Taxes - Updated May 2020
- Department of Revenue: FORM PRV 414 - Litigation Fines and Fees - Updated May 2020
- Department of Revenue website link for FORM PRV 414 - Litigation Fines and Fees
- Department of Revenue website link for FORM PRV 401 - Litigation Taxes
- Department of Revenue - TN Taxpayer Access Portal
- Administrative Office of the Courts Training - Includes training for Judges
- Website Portal for Dept of Safety Dispositions - Court Action Report
- Department of Safety Court Action Report Form - Fillable PDF



Proposed New Law - Expungements



House Bill 0281/Senate Bill 1215

Unanimously passed by both House and Senate

Awaiting either the Governor's signature, or becomes law 10 days after the Governor declines to sign it.

Proposed Municipal Court Expungements

New section to Municipal Court Reform Act - TCA 16-18-302(a)(3)

302(a)(3)(A) - A municipal court has jurisdiction over the expunction of a conviction for a violation of a municipal ordinance from a person's public record in the municipal court upon the person's petition requesting removal of a public record of a violation of a municipal ordinance.



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Proposed Municipal Court Expungements

302(a)(3)(B) The court may grant the petition if:

- (i) The petition satisfactorily demonstrates to the court that the petitioner merits such relief;
- (ii) At the time of the filing of the petition, **at least one hundred eighty (180) days have elapsed since the completion of the penalty imposed for the ordinance violation; and**
- (iii) **The person has fulfilled all requirements of the judgment imposed by the court for the conviction, including payment of all fines, court costs, and other assessments.**

Proposed Municipal Court Expungements

302(a)(3)(C) and (D)

(C) As used in this subdivision (a)(3), "public record" has the same meaning as in § 40-32-101(b).

(D) The municipal court clerk may charge a fee for the expunction of public records pursuant to this subdivision (a)(3). **The fee for expunction of a public record in municipal court must be set by municipal law or ordinance.**



Proposed Municipal Court Expungements

302(a)(3)(E) A municipal court's jurisdiction under this subdivision (a)(3):

- (i) Is limited to the records in that municipal court; and
- (ii) **Does not include records of the department of safety relating to driver records or the driver improvement program established in § 55- 50-505.**

Major Note! – Does not apply to traffic cases!



Proposed new TCA 16-18-302(a)(3)(E) only applies to municipal code violations....



But **does not apply** to motor vehicle violations that your report to the Department of Safety for convictions or traffic school.

So what types of offense are covered?

Practically, anything not traffic.

Expungements may include convictions for:

- Building a building without a permit
- Failing to comply with plumbing, electrical, fire codes
- Overgrown vegetation / Slum Clearance Act violations
- Junk cars
- Open container of alcohol on public sidewalk

Who may seek an expungement?

Anyone convicted of a municipal code offense can seek an expungement.

However, because municipal codes convictions are civil in nature, not criminal, these convictions typically do not show up in a pre-employment background check.

There may not be much demand for these expungement since most likely these convictions will not impair someone's ability to get a job (unlike criminal convictions).



Who may seek an expungement?

Building Contractors perhaps. Insurance companies typically do not want to insure contractors who frequently build without permits or fail to comply with fire, electrical, plumbing codes.

People seeking government security clearances (Military, Federal/State/Local Law Enforcement) may want these removed because the background check covers all courts.

Steps going forward



Generate an expungement request form.



Create a short checklist reflecting the requirements of the statute for your staff to follow.



Training on this new topic, including how to actually remove records from public access whether the records are in paper or electronic format.



Hopefully though, this will not have a significant impact on your daily court operations because traffic convictions are not expunged.



Red Light Cameras – TCA 55-8-198



Technically, these are “Unmanned Traffic Enforcement Cameras,” so the scope of violations include:

- Red Light violations
- Speeding violations
- Can be unmanned police vehicles with cameras in them

Unmanned Traffic Enforcement Cameras – TCA 55-8-198

- Non-moving violation – So no points on your license
- \$50 fine max.
- Only POST-certified or state commissioned law enforcement can review footage and issue tickets.
- Tickets mailed to vehicle's registered owner; owner has 30 days to pay once receive the notice of violation.
- Notice shall state
 - **Fine amount**
 - **Any additional fees or court costs if fine not paid timely or if citation is contested and found guilty of offense in court**

Unmanned Traffic Enforcement Cameras – TCA 55-8-198

If pay ticket within 30 days of receipt of notice, max fine of \$50

If not pay timely, “additional fees or court costs may be assessed.” – TCA 55-8-198(b)(4).

If you don’t pay but show up to court to contest the charge and are found guilty, then additional fees or court costs may be assessed. – TCA 55-8-198(b)(5)



Who get the ticket?

- TCA 55-8-198(e)(1) says the registered owner is responsible for payment.
- However, owner is not liable if furnishes the court an affidavit stating the name and address of person or entity that leased, rented, or otherwise had care, custody or control of the motor vehicle at the time of the violation – TCA 55-8-198(e)(2).
- Exceptions if the car or plates were stolen. – TCA 55-8-198(e)(3) and (4).

Cameras without a City Police Department?

Can a city without a police department use an unmanned traffic enforcement camera?

Yes, only if the city enters into an agreement with a POST-Certified law enforcement entity to review the violations.

Credit Scores and Collections Agencies



Question: Can non-payment of unmanned traffic enforcement camera violations negatively impact your credit score?



Answer: Nope.



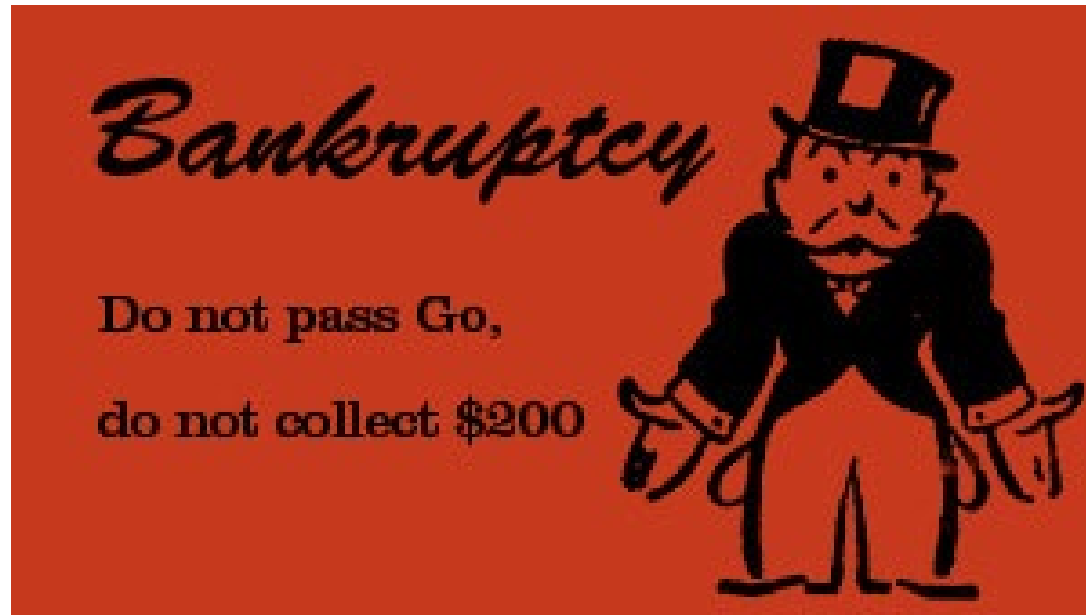
In fact, you cannot report anything involving an Unmanned Traffic Enforcement Camera to a credit bureau. See TCA 55-8-198(m)(2).

Credit Scores and Collections Agencies

- But can you send unpaid tickets for unmanned traffic violations to a collection agency?
- Probably – But your contract with any collection agency must be explicit that nothing ever gets reported to a credit bureau.
 - Get it in writing;
 - Get an indemnity provision in case the collection agency violates the rule and your city gets sued.

Bankruptcy filings by the Defendants

Oddly enough, it's somewhat backwards:



Chapter 7 – Normally completely discharged.

Chapter 13 – Normally not totally discharged, just a debt restructuring

Bankruptcy filings by the Defendants

When a Driver's license is suspended for unpaid traffic violations:

Chapter 13 - if a Driver files Chapter 13, and in the list of creditors includes the court where they may have an open Failure to Appear or defaulted Failure to Pay cases, the Department of Safety will use the bankruptcy filing as compliance for the case to assist with reinstatement of the license.

i.e., they get their license back.

Chapter 7 – Strictly for accident claims and judgments associated with accidents. Department of Safety does not use Chapter 7 filings for compliance until the case is discharged.

i.e, they do not get their license back.



Failure to Appear fee?



Question: Can a municipal court impose a fee or additional fine for a Failure to Appear?



Answer: Yes, either as a contempt of court charge, or specific court costs.

Failure to Appear – Contempt of Court

Contempt of Court – TCA 55-10-207(c)(1) governs citations.

(c)(1) The traffic citation shall demand the person cited to appear in court at a stated time and it shall state the name and address of the person cited, the name of the issuing officer, and the offense charged. Unless the person cited requests an earlier date, the time specified on the traffic citation to appear shall be as fixed by the arresting officer. **The traffic citation shall give notice to the person cited that failure to appear as ordered is punishable as contempt of court.** The person cited shall signify the acceptance of the traffic citation and the agreement to appear in court as directed by signing the citation. An electronic signature may be used to sign a citation issued electronically and has the same force and effect as a written signature.

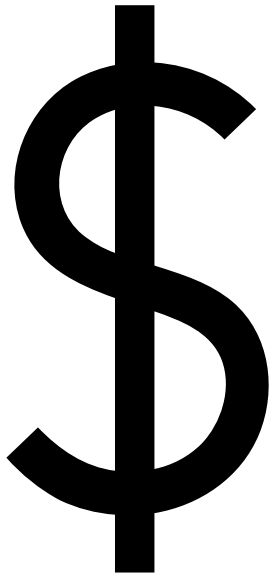


Failure to Appear – Contempt of Court

Municipal Court Reform Act – TCA 16-18-306 governs contempt in city courts.

Notwithstanding any law to the contrary, contempt of a municipal court shall be punishable by fine in the amount of fifty dollars (\$50.00), or such lesser amount as may be imposed in the judge's discretion.

Failure to Appear – specified court cost



TCA 16-18-304 says court cost shall be set by ordinance passed by city council.

If a city can demonstrate extra expenses involved with FTAs as reasonable court costs, then you can itemize this in your court cost ordinance.

Be prepared to defend its reasonableness.

Court Costs – Itemized in the Ordinance

Question: Can you itemize various elements of a court costs in the Municipal Code of Ordinance?

Answer: You can, but it may open you up for disputes from defendants.

Barrett v. Town of Nolensville (2011 case)

Barrett v. Town of Nolensville, 2011 WL 856923

- Nolensville's wanted to be very transparent with its court costs.
- City code read "in all cases heard or determined by the municipal judge," court costs were \$75.
- Same city code listed the itemized breakdown of these court costs.

Barrett v. Town of Nolensville (2011 case)

Court Cost Breakdown:

1. Clerk (includes fee of filing and processing) \$33.50
- 2. Police Officer \$26.50**
3. Data Processing fee \$2.00
4. Citation Issuance fee \$5.00
5. Fee for entering costs on record \$3.00
6. Fee for entering judgment of the court \$3.00
7. Fee for submitting results in motor vehicle violations \$3.00

Total \$75.00



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Barrett v. Town of Nolensville (2011 case)

Two defendants: Mr. Barrett and Ms. Cheatham

Ms. Cheatham pled guilty before the court date.

She hoped to only pay the \$50 fine and avoid paying court costs (because she would not be coming to court).

However, she was told she must pay the court costs too pursuant to the city ordinance.

Assessed $\$50 + \$75 = \$125$



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Barrett v. Town of Nolensville (2011 case)

Mr. Barrett showed up to court to contest the charge.

Mr. Barrett's counsel admitted to the violation in court.

Mr. Barrett assessed the same amount

$\$50 \text{ fine} + \$75 \text{ court costs} = \125

Both parties sought review of the municipal courts assessment of costs "claiming that the assessment of costs was a violation of Article VI, Section 14 of the Tennessee Constitution."

Barrett v. Town of Nolensville (2011 case)

Court of Appeals ruled the following:

- These court costs are remedial in nature, not punitive, so they are allowed.
- “We are of the opinion that these costs are assessed together by ordinance because they are present in every city court contested case.”
- Both defendants are guilty, but the court costs matter hinges on each individual’s actions.

Barrett v. Town of Nolensville (2011 case)

Ms. Cheatham admitted her violation in advance, prior to the hearing date.

The city knew it would not need to call the police officer to testify because she pled guilty earlier.

Therefore, the city would not incur the \$26.50 Police Officer Fee detailed in the court costs ordinance.

Ms. Cheatham's Total Court Costs were reduced by \$26.50.

New costs amount = \$75 (court costs) - \$26.50 (police officer fee)

Barrett v. Town of Nolensville (2011 case)

Mr. Barrett admitted his violation, but not prior to the court hearing.

- City had no choice to but have the police officer present in the hearing.
- City incurred the \$26.50 police officer fee and therefore is supported in the full court costs assessment.

“The fact that he ultimately did not have to testify is irrelevant because Mr. Barrett's actions required the officer's presence in the event his testimony was needed. As we have already noted, the remaining items of court costs would occur in any case irrespective of whether or not the case was contested.”

Recommendation

Be mindful about itemizing or detailing each element of the court costs in the city ordinance.

Determine the financial needs of the court with your finance and court teams, but ultimately the city code should have the final dollar amount of the court costs.

Otherwise, if you add or discontinue a new item (court software, more staff, overtime fees) you have to amend your city ordinance or risk being challenged on it.

New Law! – TCA 55-8-207 – Traffic School

- TCA 55-8-207 (Public Chapter 710, effective July 1, 2022).

“A person who is charged with speeding and subsequently convicted and who successfully completes a department-approved defensive driving course within ninety (90) days of the conviction shall have the points charged to the person's driving record for the speeding conviction removed; provided, that five (5) points is the maximum number of points that may be removed from the person's driving record. This section may be applied to only one (1) speeding offense for each driving course completed and only once in a four-year period.”

New Law! – TCA 55-8-207 – How it works

- Only applies for speeding charges.
- Convicted in City Court, court clerk reports conviction to Safety
- Safety reviews case, if eligible, safety sends letter to driver.
- Driver is allowed to take a traffic school and have a max of 5 points removed. The conviction still stands on the record though.
- Driver must complete within 90 days of conviction.
- Driver submits completion certificate to Safety (not to you).
- Points are removed from person's record.
- Driver can do this once every 4 calendar years.



New Law! – TCA 55-8-207 – How it works

Ideally, Safety does all the heavy lifting in this new law.

If your city offers a traffic school, the person could attend your school without ever having a ticket in your court.

CDL drivers eligible. Not masking because the conviction still stands, just points fall off.



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Sample Letter Driver's Receive

December 25, 2023

Letter ID: L0247267328

DLN: 130491383

JULIUS KELVIN CEASAR
3041 SIDCO DR
NASHVILLE TN 37204-4505

Dear JULIUS CEASAR

The Department of Safety utilizes a driver point system which is designed to identify and counsel those Tennessee drivers who receive convictions for traffic citations. A review of your driving record reveals that you have been convicted of a speeding violation that meets the criteria to allow you to complete and submit a four (4) hour traffic school course to remove any accumulated points from this conviction up to five points.

A traffic school course must be successfully completed within (90) ninety days from the date of this notice. This may be applied to only one speeding offense for each traffic school course completed and only once in a four-year period.

If you wish to attend a traffic school course, visit the website below to find a list of four (4) hour traffic school courses which have been approved by the Department. You should determine which of the courses is most convenient for you and contact that agency to schedule a date to attend the course. You should make contact as soon as possible, as some programs have waiting lists. It is your responsibility to make arrangements to attend the course and to provide a certificate of completion to this Department.

Access the website through the URL or scan the QR code:

www.tn.gov/safety/driver-services/--driver-education-courses--traffic-schools-.html



Note: Statute says attend traffic school withing 90 days from conviction.

This letter says 90 days from receipt of this notice.

It's possible this could cause a discrepancy in the future. We will see.

QR code listing all eligible traffic schools



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Criminal Court Payment Plans

This is for Municipal Courts with General Sessions jurisdiction

Fun fact: How many municipal courts exercise concurrent GS jurisdiction?

Answer: 24 ½ (one city is winding its down next year)

So the other 250 ½ cities can take a quick nap.



Criminal Court Payment Plans

- TCA 40-24-105 – If a person has a criminal conviction and are assessed fines/costs/taxes, the person must pay those or get on a court ordered payment plan.
- If you default on that payment plan you can lose your license, even if the offense was unrelated to a motor vehicle violation.
- Must pay these criminal fines/costs within one year of disposition of the case.

Criminal Court Payment Plans

Do you have to wait
one whole year
after disposition to
enter into a
payment plan?

Thankfully, NO.

Criminal Court Payment Plans

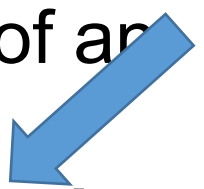
TCA 40-24-105(b)(1) –

(b)(1) Any person who is issued a license under title 55 and who has not paid all litigation taxes, court costs, and fines assessed as a result of disposition of any offense under the criminal laws of this state **within one (1) year of the date of the completion of the sentence shall enter into an installment payment plan** with the clerk of the court ordering disposition of the offense to make payments on the taxes, costs, and fines owed.

Criminal Court Payment Plans

TCA 40-24-105(b)(2) –

(2) The clerk of the court ordering disposition of an offense shall offer a payment plan, which must be reasonable and based on a person's income and ability to pay, to any person convicted of an offense under the criminal laws of this state who requests to make payments pursuant to an installment payment plan or who is required to enter into an installment payment plan in accordance with subdivision (b)(1).



Criminal Court Payment Plans

If a criminal court payment plan is properly entered...

And the person defaults,

You can submit that to the Department of Safety when it occurs.

You do not have to wait for the year to expire.

New Case!



City of La Vergne v. Gure – Slip Copy 2022 WL 3709387



Main takeaway: Court of Appeals held that Google Maps data is admissible evidence and not considered hearsay for purposes of determining a driver's speed.

City of La Vergne v. Gure

La Vergne Police cited driver for speeding.

La Vergne Police Officer testified of his own observations, radar data, and training to determine if someone is speeding.

Driver denied speeding and wanted to introduce his Google Maps data (he said his speedometer was not working correctly)

City of La Vergne v. Gure

City objected to Google Maps data as hearsay.

City court convicted the driver of speeding, driver appealed to Circuit Court.

Driver filed a motion to dismiss the city's amended complaint citing the speeding violation.

Circuit court denied the admissibility of the Google Maps data as hearsay, and also denied the driver's motion to dismiss.



City of La Vergne v. Gure



There was a whole bunch of procedural points, but ultimately the Court of Appeals upheld the trial court's conviction of the driver.



But the Court of Appeals determined that the data from Google Maps was not considered hearsay.

Hearsay discussion

TN Rule of Evidence 801 governs the definitions of hearsay.

- Hearsay – statement, other than one made by the declarant while testifying at trial or hearing, offered in evidence to prove the truth of the matter asserted.
- Declarant – Person who makes a statement
- Statement – (1) oral or written assertion or (2) nonverbal conduct ***of a person*** if it is intended by the person as an assertion.

Court of Appeals held the following:

“Google Maps is not a person. So, it is not a ‘declarant.’

Google Maps functions as a tool ... the tool does not make a “statement.”

Thus, any readings from Google Maps showing speed is not a “statement.”

Google Maps evidence is admissible



Court Interpreters

Is a municipal court required to provide interpretation services?

Yes, under both TN Supreme Court Rule 42 and Title VI of the Civil Rights Act of 1964.



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Court Interpreters – Title VI

If your city receives federal money of any kind, it requires you to adhere to Title VI of the Civil Rights Act of 1964.



“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Court Interpreters



Supreme Court Rule 42 -

Section 1. Scope

This rule, except where noted, shall apply to all courts in this state, **including without limitation, municipal court**, general sessions court, juvenile court, probate court, circuit court, chancery court, criminal court, and appellate court.

Court Interpreters – TN Supreme Court Rule 42

Rule 42 - Section 3. Determining the Need for Interpretation

- (a) Appointing an interpreter is a matter of judicial discretion. **It is the responsibility of the court to determine whether a participant in a legal proceeding has a limited ability to understand and communicate in English.** If the court determines that a participant has such limited ability, the court should appoint an interpreter pursuant to this rule.

...

- (c) The court shall appoint an interpreter according to the preference listed below:

1. State certified court interpreter;
2. State registered court interpreter;
3. Non-credentialed court interpreter.

(The Rule wants courts to try for #1, but if not, go for #2 or #3.)



Court Interpreters – Who pays for interpreters?

Traditional City
Courts –
City pays for the
interpreter

General Sessions
City Courts –
AOC pays for the
interpreter

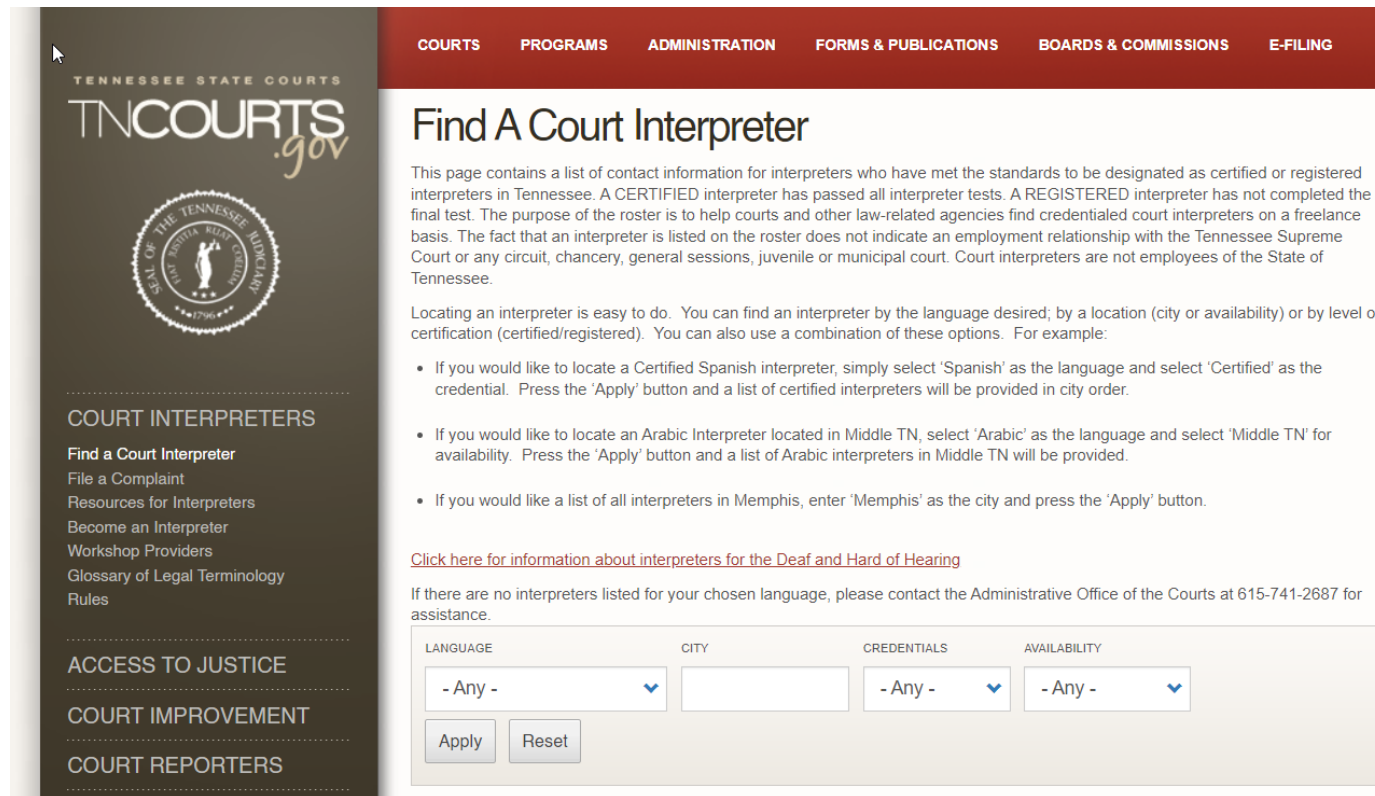
Rule 42 – Costs of Interpreter

Section 7 – (excerpt)

...When it is necessary for a court to utilize the services of an interpreter to determine if an individual is LEP, **the AOC will compensate the interpreter for this service. The reasonable costs will be compensated pursuant to this section 7 when a general sessions court, or a municipal court exercising general sessions jurisdiction**, or a juvenile, probate, circuit, chancery, criminal, or appellate court, finds, on motion of a party or on the court's own initiative, that a party has limited English proficiency. Reasonable compensation shall be determined by the court in which services are rendered, subject to the limitations in this rule, which limitations are declared to be reasonable.

In-Person Interpreters – AOC's website

<https://www.tncourts.gov/programs/court-interpreters/find-court-interpreter>



The screenshot displays the Tennessee State Courts website. The left sidebar features the 'TNCOURTS.gov' logo, the Seal of the Tennessee Judiciary, and a menu with links: 'COURT INTERPRETERS', 'Find a Court Interpreter', 'File a Complaint', 'Resources for Interpreters', 'Become an Interpreter', 'Workshop Providers', 'Glossary of Legal Terminology', and 'Rules'. Below this are sections for 'ACCESS TO JUSTICE', 'COURT IMPROVEMENT', and 'COURT REPORTERS'. The main content area is titled 'Find A Court Interpreter' and includes a detailed explanation of the interpreter roster, a list of search criteria (language, location, certification), and a search form. The search form has four dropdown menus: 'LANGUAGE' (set to '- Any -'), 'CITY' (empty), 'CREDENTIALS' (set to '- Any -'), and 'AVAILABILITY' (set to '- Any -'). Below the dropdowns are 'Apply' and 'Reset' buttons. A note at the bottom of the main area states: 'If there are no interpreters listed for your chosen language, please contact the Administrative Office of the Courts at 615-741-2687 for assistance.'

TENNESSEE STATE COURTS
TNCOURTS.gov

COURT INTERPRETERS
Find a Court Interpreter
File a Complaint
Resources for Interpreters
Become an Interpreter
Workshop Providers
Glossary of Legal Terminology
Rules

ACCESS TO JUSTICE
COURT IMPROVEMENT
COURT REPORTERS

Find A Court Interpreter

This page contains a list of contact information for interpreters who have met the standards to be designated as certified or registered interpreters in Tennessee. A CERTIFIED interpreter has passed all interpreter tests. A REGISTERED interpreter has not completed the final test. The purpose of the roster is to help courts and other law-related agencies find credentialed court interpreters on a freelance basis. The fact that an interpreter is listed on the roster does not indicate an employment relationship with the Tennessee Supreme Court or any circuit, chancery, general sessions, juvenile or municipal court. Court interpreters are not employees of the State of Tennessee.

Locating an interpreter is easy to do. You can find an interpreter by the language desired; by a location (city or availability) or by level of certification (certified/registered). You can also use a combination of these options. For example:

- If you would like to locate a Certified Spanish interpreter, simply select 'Spanish' as the language and select 'Certified' as the credential. Press the 'Apply' button and a list of certified interpreters will be provided in city order.
- If you would like to locate an Arabic Interpreter located in Middle TN, select 'Arabic' as the language and select 'Middle TN' for availability. Press the 'Apply' button and a list of Arabic interpreters in Middle TN will be provided.
- If you would like a list of all interpreters in Memphis, enter 'Memphis' as the city and press the 'Apply' button.

[Click here for information about interpreters for the Deaf and Hard of Hearing](#)

If there are no interpreters listed for your chosen language, please contact the Administrative Office of the Courts at 615-741-2687 for assistance.

LANGUAGE CITY CREDENTIALS AVAILABILITY

- Any - - Any - - Any - - Any -

Apply Reset

In-Person Interpreters – TN Language Center

<https://tlc.tennessee.edu/interpretation-and-translation/>



INTERPRETATION
or spoken



TRANSLATION
or written



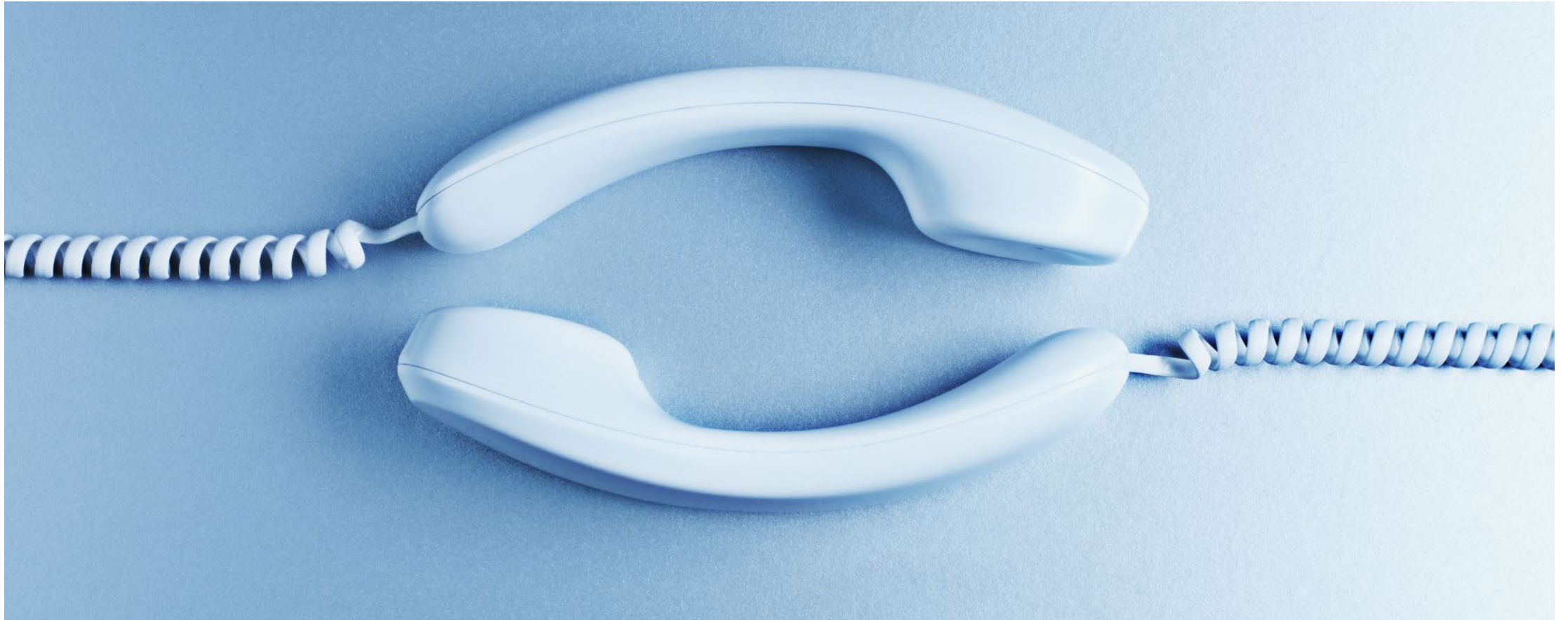
**REQUEST AN INTERPRETER
OR A TRANSLATION**

INTERPRETATION AND TRANSLATION

Quality interpretation and translation are more than matters of compliance. Discount services often end up costing organizations more – in time, reputation, bids lost, and lawsuits – because the interpreters, translators, or agencies providing services at such a low cost often don't have the training and experience required to provide high-quality services. Translators are often hired off-shore to be more cost effective for agencies.



Telephonic Translation Services



Municipal Technical Advisory Service
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Telephonic Translation Services

These services are perfectly acceptable.

Your city's HR office likely already has a language service on contract.

Some languages are not offered by either the AOC or TLC's services, so telephonic may be the only reasonable option.

E-services Court Portal



e-Services Court Portal User Manual

Version 1.0.1

Updated: June 6, 2022



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E-services Court Portal

Allows a city court clerk to access an individual driver's TN driver's license status and reinstatement requirements across all TN jurisdictions (cities and counties).

You can tell the driver during court, "You have outstanding tickets in cities X, Y, and Z. Get those taken care of and you get your license back."

Enhances customer service from the courts.



E-services Court Portal

Instructions in the manual, but generally here are the steps:

1. Contact DOS and they set up a username and temporary password.
2. Complete the Acceptable Use Policy (do and don't stuff)
3. Look up driver's records
4. Not as strict as NCIC, so you can use this in the courtroom.

Criminal Trespass – TCA 39-14-405

- Old laws for loitering, prowling, trespassing were repealed by the legislature.
- Many cities adopted these old laws in their code, and they're not unenforceable.
- **Replacement law is a Class C Misdemeanor, which can be adopted into your city code by ordinance.**
- Police can issue citations like normal.
- Heard in city court, so civil offense. Fine, court costs, taxes.
- No possibility of jail in a traditional city court.
- Not dependent on the DA. Shows citizens you're doing all you can.



Questions?





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931-551-6796 (Mobile)



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