

TENNESSEE MUNICIPAL JUDGES CONFERENCE

2011 LEGISLATIVE UPDATE

WHAT THE LEGISLATURE PASSED AND DID
NOT PASS THAT MUNICIPAL COURTS NEED
TO KNOW

2011 TMJC LEGISLATIVE UPDATE

ENACTED PUBLIC CHAPTERS

2011 PC 30

Effective March 1, 2011

Amends Tenn. Code Ann. § 55-16-105(a) & (f)

The change to subsection (a) alters the time period after which a police department must send notice to owner(s) of an abandoned vehicle from 3 days after a police department takes possession. The time period is changed to within 3 days after taking possession, a PD must verify ownership and within 3 days of verifying ownership notice must be sent.

The change to subsection (f) applies identical changes from (a) to garagekeepers and towing firms.

2011 PC 49

Effective July 1, 2011

Amends Tenn. Code Ann. § 38-6-103(d)(1)

This law corrects an error in the “cash bond fee” law that was passed in 2010. The effect is to add a fee of \$13.75 to be collected when a cash bond is posted on a municipal bond traffic citation. The fee is to be collected once per citation, not charge. It should never be collected where a litigation tax is collected.

2011 PC 58

Effective July 1, 2011

Amends Tenn. Code Ann. § 55-8-187

This law eliminates the fine range of \$2 to \$50 for obscene or offensive bumper stickers, window signs, visible images of movies or programs played on media screens in a vehicle, etc. A set fine of \$50 is now applicable to such violations.

2011 PC 81

Effective April 14, 2011

Amends Tenn. Code Ann. § 55-50-502

This law creates an exception for the 6 month limitation for requesting a suspension for failure to appear or failure to satisfy. The law now requires that requests for suspension for failure to appear or satisfy occur within 6 months of the violation date, unless the driver is a CDL holder or the violation occurred in a commercial motor vehicle.

2011 PC 425

Effective July 1, 2011

Amends Tenn. Code Ann. § 55-8-198

This law enacts changes to Traffic Surveillance Camera usage and citation. Changes are as follows:

- Prior to implementation of a traffic surveillance camera, a traffic engineering study must be completed
 - A traffic surveillance camera vendor shall not conduct the study
 - A traffic surveillance camera vendor shall not participate in the selection of an engineer to conduct the study
- For red light violations, the video or photos must show the red light with the front wheels beyond the stop line and subsequently the rear wheels beyond the stop line while the light is red.
- RIGHT ON RED camera citations may ONLY be issued where a “NO TURN ON RED” sign prohibits the turn
- Requires 1 citation per separate offense
- The citation is invalid if the registration information difference from the evidence recorded. (E.g., if registration says the vehicle is a 2008 Red Ford F-150 and the video shows a 1972 Green Ford Pinto, the citation is invalid.)
- Speed enforcement cameras are not allowed to issue citations within 1 mile of a 10 mile per hour reduction of the speed limit. There is an exception for school zones.
- A citation must be sent within 20 business days of the occurrence. Notices must be sent with a Tennessee return address. Payments shall be made to a Tennessee address.
- The citation must include the amount of the fine and the amount of the court costs if the fine is not timely paid or the citation is contested and the defendant is found guilty.
- The requirements applicable to the local law enforcement officer who reviews the video/photos are changed from a “law enforcement officer” to a “POST certified or state commissioned officer.”
- Terminology is changed to refer to traffic surveillance cameras as “unmanned traffic enforcement cameras.”

2011 PC 454

Effective June 10, 2011

Amends Tenn. Code Ann. § 55-21-105

This law affects handicapped parking spaces. It requires businesses that did not have specially marked van accessible spaces in existing parking lots on or before April 24, 2006 to comply with the requirement when it is “readily achievable.” It also requires that if a parking lot has only 1 handicapped parking spot, that the spot should be converted to van accessible.

2011 PC 469

Effective June 10, 2011

Amends Tenn. Code Ann. § 39-17-1306

This law allows a judge to carry a firearm in court if:

- The judge has a handgun carry permit
- The judge completes a 16 hour POST court security training; and,
- The judge completes an 8 hour POST firearm training annually.

2011 PC 504

Effective July 1, 2011 and applies to offenses committed on or after July 2, 2011

Amends Tenn. Code Ann. § 40-24-105

Requires the revocation of a drivers license upon the nonpayment of any litigation tax, court costs and fines as a result of a disposition of any **criminal offense** within one year of disposition. The revocation is automatic upon notification of the Department of Safety by the court clerk. The defendant may apply once for an order staying the revocation. The stay is to be no longer than 180 days and may only be granted under extreme hardship.

THINGS THAT DID NOT PASS

Repeal of 2008 PC 441

The TMJC sought legislation that would repeal the requirement that a citation for violation of the financial responsibility law “shall not be dismissed” where the defendant did not have insurance in effect at the time of the citation. Two bills relating to this were unable to be passed, though both would be able to be moved during the 2012 legislative session.

Constitutional Amendment on the Fifty Dollar Clause

A resolution increasing the Fifty Dollar Clause of the Tennessee Constitution to Five Hundred Dollars is targeted for the 2012 legislative session.

ADVANCED BILL SEARCH

If you know the bill number that you're looking for, try search by bill number.

Search Keyword(s):

All Bills Resolutions

SEARCH RESULTS

You searched for: **sb288**

<u>SB0288</u> by Bell	Motor Vehicles - As enacted, revises provisions governing notice to be given to the registered owner of an abandoned or unattended motor vehicle.
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State of Tennessee
PUBLIC CHAPTER NO. 30

SENATE BILL NO. 288

By Bell

Substituted for: House Bill No. 38

By Dunn

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 16, relative to unclaimed or abandoned vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-16-105, is amended in subsection (a) by deleting in its entirety the first sentence of such subsection and by substituting instead the following:

A police department that takes into custody an abandoned, immobile, or unattended motor vehicle, shall, within three (3) business days after taking such motor vehicle into custody, verify ownership of such motor vehicle pursuant to subsection (e). The police department shall, within three (3) business days after receiving verification of ownership, notify by registered mail, return receipt requested, the last known registered owner of the motor vehicle and all lien holders of record that the vehicle has been taken into custody.

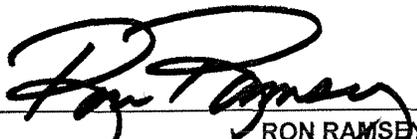
SECTION 2. Tennessee Code Annotated, Section 55-16-105, is further amended in subsection (f) by deleting the first sentence in its entirety and by substituting instead the following:

In addition to the notification requirements of subsection (a), any garagekeeper or towing firm, which has in its possession an abandoned, immobile or unattended motor vehicle taken into custody by a police department, and in whose possession the vehicle was lawfully placed by the police department, shall, within three (3) business days after such motor vehicle is taken into its possession, verify ownership of such motor vehicle pursuant to subsection (e). The garagekeeper or towing firm shall, within three (3) business days after receiving verification of ownership, provide notice to the last known registered owner of the motor vehicle and all lienholders of record.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 288

PASSED: March 17, 2011

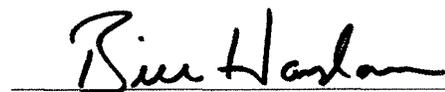


RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 31st day of March 2011



BILL HASLAM, GOVERNOR

ADVANCED BILL SEARCH

If you know the bill number that you're looking for, try search by bill number.

Search Keyword(s):

All Bills Resolutions

SEARCH RESULTS

You searched for: **hb1180**

<p><u>HB1180</u> by Watson</p>	<p>Tennessee Bureau of Investigation - As enacted, clarifies that \$13.75 court costs for TBI are imposed upon the forfeiture of any cash bond or other surety entered as a result of a municipal traffic citation.</p>
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State of Tennessee

PUBLIC CHAPTER NO. 49

SENATE BILL NO. 990

By McNally

Substituted for: House Bill No. 1180

By Watson

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 6, Part 1 and Title 40, Chapter 11, Part 1, relative to Tennessee Bureau of Investigation laboratory fees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-6-103(d)(1), is amended by deleting in subdivision (iv) the language "pursuant to § 40-11-118(c)" in its entirety.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.

SENATE BILL NO. 990

PASSED: March 24, 2011



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 6th day of April 2011



BILL HASLAM, GOVERNOR

ADVANCED BILL SEARCH

If you know the bill number that you're looking for, try search by bill number.

Search Keyword(s):

All Bills Resolutions

SEARCH RESULTS

You searched for: **hb18**

<u>HB0018</u> by Moore	Traffic Safety - As enacted, eliminates a minimum and maximum range of fines for obscene displays on motor vehicles and specifies that the fine is a flat \$50.00.
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State of Tennessee

PUBLIC CHAPTER NO. 58

HOUSE BILL NO. 18

By Representative Moore

Substituted for: Senate Bill No. 1142

By Senator Henry

AN ACT to amend Tennessee Code Annotated, Section 55-8-187, relative to obscene displays or markings on motor vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-8-187, is amended by deleting the language "not less than two dollars (\$2.00) nor more than."

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.

HOUSE BILL NO. 18

PASSED: MARCH 28, 2011

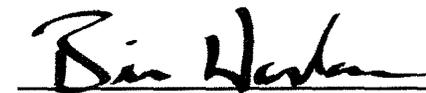


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 11th day of April 2011



BILL HASLAM, GOVERNOR

ADVANCED BILL SEARCH

If you know the bill number that you're looking for, try search by bill number.

Search Keyword(s):

All Bills Resolutions

SEARCH RESULTS

You searched for: **sb1531**

<p><u>SB1531</u> by Norris</p>	<p>Driver Licenses - As enacted, creates exception for commercial driver license holders and violations occurring in a commercial motor vehicle to the prohibition on the department of safety suspending a driver license for failing to appear in court on a traffic citation unless the request for suspension is made within six months of the violation.</p>
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State of Tennessee
PUBLIC CHAPTER NO. 81

SENATE BILL NO. 1531

By Norris, Yager

Substituted for: House Bill No. 1991

By McCormick, Marsh

AN ACT to amend Tennessee Code Annotated, Section 55-50-502(a)(1)(l), relative to suspension of driver licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-502(a)(1)(l), is amended by deleting the fourth sentence in its entirety and substituting the following:

No suspension action shall be taken by the department unless the request is made within six (6) months of the violation date except in the case where the driver is a commercial license holder, or the violation occurred in a commercial motor vehicle.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 1531

PASSED: March 28, 2011



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 14th day of April 2011



BILL HASLAM, GOVERNOR

ADVANCED BILL SEARCH

If you know the bill number that you're looking for, try search by bill number.

Search Keyword(s):

All Bills Resolutions

SEARCH RESULTS

You searched for: **sb1684**

<u>SB1684</u> by Tracy	Traffic Safety - As enacted, revises enforcement provisions of unmanned traffic surveillance cameras.
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State of Tennessee
PUBLIC CHAPTER NO. 425

SENATE BILL NO. 1684

By Tracy, Southerland, Beavers, Summerville, Johnson, Ketron, McNally, Bell, Campfield

Substituted for: House Bill No. 1500

By Dean, Todd, Harmon, Maggart, Haynes, Hall, Moore, Pitts, Stewart, Halford, Eldridge, Hurley, Shipley, McCormick, Watson, Coley, Ramsey, Sparks, Kent Williams, Phillip Johnson, Lundberg, Casada, Weaver, Carr, Don Miller, Hawk, Harry Brooks, Elam, Lollar, Alexander, Favors, Armstrong, Tindell, Hardaway, Curtis Johnson, Wirgau, Niceley, Montgomery, Johnnie Turner, Campbell, Ragan

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, relative to traffic surveillance cameras.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-8-198, is amended by adding the following new subsections thereto:

(g) Prior to implementation of any new unmanned traffic enforcement camera used to enforce or monitor traffic violations, the local governing body shall conduct a traffic engineering study for the area being considered. The study shall follow standard engineering practices as determined by the Institute of Transportation Engineers (ITE) and shall be stamped by a professional engineer specializing in traffic engineering and licensed to practice in this state. A vendor of traffic enforcement camera systems shall not be allowed to conduct the traffic engineering study, or to participate in the selection of such traffic engineer, to document the need for a traffic enforcement camera.

(h) No citation shall be issued based solely upon evidence obtained from a traffic enforcement camera that has been installed to enforce or monitor traffic violations of § 55-8-110(a)(3), or any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of § 55-8-110(a)(3), unless the evidence collected shows the target vehicle with its front tire or tires before the stop line when the signal is red, and subsequently shows the same vehicle with its rear tire or tires past the stop line while the signal is red.

(i) A traffic enforcement camera system may be used to issue a traffic citation for an unlawful right turn on a red signal at an intersection that is clearly marked by a "No Turn on Red" sign erected by the responsible municipal or county government in the interest of traffic safety in accordance with § 55-8-110(a)(3)(A). Any other traffic citation for failure to make a complete stop at a red signal before making a permitted right turn as provided by § 55-8-110(a)(3)(A) that is based solely upon evidence obtained from an unmanned traffic enforcement camera shall be deemed invalid.

(j) No more than one (1) citation shall be issued for each distinct and separate traffic offense in violation of a municipal ordinance or a traffic offense as provided in this Chapter 8.

(k) A traffic citation that is based solely upon evidence obtained from an unmanned traffic enforcement camera shall be deemed invalid if the registration information of the motor vehicle for which such traffic citation is issued is not consistent with the evidence recorded by such enforcement camera.

(l) Unmanned traffic enforcement cameras that monitor speed shall not be permitted on any public road or highway within one (1) mile of a reduction of speed limits on such public road or highway of ten miles per hour (10 mph) or greater. Provided, this subsection shall not apply to unmanned traffic enforcement cameras within the designated distance of a marked school zone when a warning flasher or flashers are in operation.

SECTION 2. Tennessee Code Annotated, Section 55-8-198, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Effective July 1, 2011, a political subdivision of the state that installs, owns, operates or maintains either a traffic-control signal light located in an intersection or any other unmanned traffic enforcement camera for the enforcement or monitoring of traffic violations shall ensure that:

(1) The traffic enforcement camera does not identify as a violation of § 55-8-110(a)(3), or any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of § 55-8-110(a)(3), any vehicle that legally entered the intersection during the green or yellow intervals in accordance with § 55-8-110(a)(1) and (2); and

(2) Appropriate signage is located not less than five hundred feet (500') but not more than one thousand feet (1,000') in advance of the enforcement area of the unmanned traffic enforcement camera informing drivers as to the presence of traffic enforcement cameras at the approaching location. All regulatory and warning signs relating to the intersection or enforcement area shall meet the conventional road size or larger requirements of the MUTCD. Minimum size signing shall not be allowed.

SECTION 3. Tennessee Code Annotated, Section 55-8-198(b), is amended by adding the following language between the second and third sentences:

A notice of violation or a citation shall be sent within twenty (20) business days after the occurrence of the violation, absent exigent circumstances arising from registration irregularities. All notices of violation or citations shall have a Tennessee return address and all responses and payments shall be made to an address in this state.

SECTION 4. Tennessee Code Annotated, Section 55-8-198(b), is further amended by designating the language of the subsection as subdivision (b)(1) and by adding the following new subdivisions thereto:

(2) The notice of violation or citation shall state the amount of the fine that is being assessed for the alleged violation. The notice of violation or citation shall state separately any additional fees or court costs that may be assessed if the fine is not paid timely or if the violation or citation is contested and the person is convicted or found guilty of the offense.

(3) The person cited may elect not to contest the charge and may, in lieu of appearance in court, submit a fine not more than fifty dollars (\$50.00) to the address provided on notice of violation or citation.

(4) If the person cited does not pay the traffic citation within the time specified by subdivision (b)(1), then additional fees or court costs may be assessed.

(5) If the person cited does not pay the traffic citation as provided in this section and the person cited appears in court at the time specified, or such later date as may be fixed by the court, and the person is convicted or found guilty of, or enters a plea of nolo contendere to the offense, then additional fees or court costs may be assessed.

SECTION 5. Tennessee Code Annotated, Section 55-8-198(b), is further amended by deleting in the first sentence the language "An employee of the applicable law enforcement office shall" and by substituting instead the language "Only P.O.S.T.-certified or state-commissioned law enforcement officers shall be authorized to".

SECTION 6. Tennessee Code Annotated, Section 55-8-101, is amended by adding the following language as a new, appropriately designated subdivision and redesignating the present language accordingly:

() "Stop line" means a white line placed generally in conformance with the *Manual on Uniform Traffic Control Devices* (MUTCD), as adopted by the Department of Transportation, denoting the point where an intersection begins;

SECTION 7. Tennessee Code Annotated, Section 55-8-110(a), is amended by deleting subdivision (3)(A) in its entirety and by substituting instead the following language:

(A) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or if there is a clearly marked stop line preceding the crosswalk, then before such stop line, but if there is neither a crosswalk nor a stop line, then before entering the intersection, and the vehicular traffic shall remain standing until green or "Go" is shown alone. A right turn on a red signal shall be permitted at all intersections within the state; provided, that the prospective turning car shall come to a full and complete stop before turning and that the turning car shall yield the right-of-way to pedestrians and cross traffic

traveling in accordance with their traffic signal; provided, further, such turn will not endanger other traffic lawfully using the intersection. A right turn on red shall be permitted at all intersections, except those that are clearly marked by a "No Turns On Red" sign, which may be erected by the responsible municipal or county governments at intersections which they decide require no right turns on red in the interest of traffic safety;

SECTION 8. Tennessee Code Annotated, Section 55-8-110, is further amended in subdivision (a)(5) by deleting the following language in its entirety:

Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any sign or marking the stop shall be made at the signal;

and by substituting instead the following language:

Any stop required shall be made at a sign or before the stop line, but in the absence of any sign or stop line the stop shall be made at the signal;

SECTION 9. Tennessee Code Annotated, Section 55-8-198, is amended by deleting the language "surveillance camera" and the language "surveillance cameras" and by substituting instead the language "unmanned traffic enforcement camera" or "unmanned traffic enforcement cameras", as appropriate.

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. This act shall take effect July 1, 2011, the public welfare requiring it.

SENATE BILL NO. 1684

PASSED: May 21, 2011

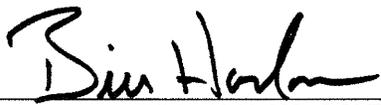


RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 6 day of June 2011



BILL HASLAM, GOVERNOR

ADVANCED BILL SEARCH

If you know the bill number that you're looking for, try search by bill number.

Search Keyword(s):

All Bills Resolutions

SEARCH RESULTS

You searched for: **hb1246**

<p><u>HB1246</u> by Matlock</p>	<p>Disabled Persons - As enacted, requires that each business that provided disabled parking spaces prior to April 25, 2006, provide van-accessible parking spaces as soon as such provision is readily achievable; specifies that each business that provides only one specially marked parking space must convert such specially marked parking space into a van-accessible parking space when such conversion is readily achievable.</p>
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State of Tennessee

PUBLIC CHAPTER NO. 454

HOUSE BILL NO. 1246

By Representatives Matlock, Hurley

Substituted for: Senate Bill No. 544

By Senator McNally

AN ACT to amend Tennessee Code Annotated, Section 55-21-105, relative to disabled driver parking.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-21-105, is amended by deleting subsection (e) in its entirety and by substituting instead the following:

(e)

(1) Any business, firm, or other person transacting business that provides specially marked parking spaces pursuant to this part shall also provide van-accessible parking spaces. Van-accessible parking spaces shall have an access aisle that is no less than ninety-six inches (96") to accommodate a wheelchair lift, have vertical clearance to accommodate van height at the van parking space and adjacent access aisle, and have an additional sign or marking identifying the parking space as van accessible.

(2) This subsection (e) shall apply to businesses, firms, or persons conducting business with the public from a permanent location who provide specially marked parking spaces after April 24, 2006. Businesses, firms, or persons conducting business with the public from a permanent location who provide specially marked parking spaces on or before April 24, 2006, shall comply with this subsection when it is readily achievable. For the purposes of this subsection, "readily achievable" means easily accomplishable and able to be carried out without considerable difficulty or expense.

(3) A business, firm or person conducting business with the public from a permanent location who provides only one (1) specially marked parking space shall convert such specially marked parking space into a van-accessible parking space when such conversion is readily achievable.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 1246

PASSED: May 20, 2011

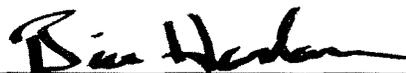


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 10th day of June 2011



BILL HASLAM, GOVERNOR

ADVANCED BILL SEARCH

If you know the bill number that you're looking for, try search by bill number.

Search Keyword(s):

All Bills Resolutions

SEARCH RESULTS

You searched for: **hb2039**

<p><u>HB2039</u> by Faison</p>	<p>Firearms and Ammunition - As enacted, authorizes any state court judge who possesses a valid handgun carry permit and who completes both 16 hours of POST court security training and eight hours per year of POST firearm training to possess a firearm in the courtroom.</p>
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State of Tennessee
PUBLIC CHAPTER NO. 469

HOUSE BILL NO. 2039

By Representatives Faison, Shaw, Eldridge, Parkinson, Don Miller, Ryan Williams, Butt, Weaver, Alexander, Kevin Brooks, Wirgau, Evans, Shipley, Gotto, Watson, Dean, White, Halford, Maggart, Rich, Powers, Coley, Roach, Sexton

Substituted for: Senate Bill No. 1775

By Senator Campfield

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, relative to judges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1306(c), is amended by deleting the word "or" at the end of subdivision (1), deleting the period "." at the end of subdivision (2) and substituting the language "; or", and adding the following as a new subdivision (3):

- (3) Is in the actual discharge of official duties as a judge, and:
 - (A) Is authorized to carry a handgun pursuant to § 39-17-1351;
 - (B) Successfully completes sixteen (16) hours of POST court security training;
 - (C) Successfully completes eight (8) hours of POST firearm training on an annual basis: and
 - (D) Is vested with judicial powers under § 16-1-101.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 2039

PASSED: May 20, 2011



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 10th day of June 2011



BILL HASLAM, GOVERNOR

ADVANCED BILL SEARCH

If you know the bill number that you're looking for, try search by bill number.

Search Keyword(s):

All Bills Resolutions

SEARCH RESULTS

You searched for: **hb1877**

<u>HB1877</u> by Gotto	Judgments - As enacted, provides for revocation of driver license for nonpayment of litigation taxes, court costs or fines in certain circumstances; provides payment plan option and hardship exemption.
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State of Tennessee

PUBLIC CHAPTER NO. 504

HOUSE BILL NO. 1877

By Representatives Gotto, Tindell, Bass, Holt

Substituted for: Senate Bill No. 1798

By Senator Johnson

AN ACT to amend Tennessee Code Annotated, Title 16; Title 40, Chapter 24, Part 1; Title 50 and Title 55, relative to litigation taxes, court costs, and fines.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-24-105, is amended by adding the following new subsection as subsection (b), and by redesignating the remaining subsections accordingly:

(b)

(1) A license issued under title 55 for any operator or chauffeur shall be revoked by the commissioner of safety if the licensee 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 disposition of the offense. The license shall remain revoked until such time as the person whose license has been revoked provides proof to the commissioner of safety that all litigation taxes, court costs, and fines have been paid.

(2) The clerk of the court ordering disposition of an offense shall notify the commissioner of safety when an offender has litigation taxes, court costs, and fines that remain unpaid after one (1) year from the disposition of the offense. Such notification shall take place within thirty (30) days of the expiration of the one-year period or as soon as practicable. The commissioner of safety shall not refuse to revoke a license issued under title 55 on grounds that notification was not received within the thirty-day period specified in this subdivision (b)(2).

(3)

(A) A person who is unable to pay any portion of assessed litigation taxes, court costs, and fines may apply one (1) time to the court having original jurisdiction over the offense for an order staying the revocation of the license issued under title 55. An order to stay the revocation of the license shall be granted if the court finds that the person would experience extreme hardship from the revocation of the license and that no other means of transportation are reasonably available to the person. Grounds for finding of extreme hardship are limited to travel necessary for:

(i) Employment; or

(ii) Serious illness of the person or an immediate family member.

(B) The offender seeking a hardship exception shall make application to the court in the form of a sworn affidavit stating with particularity the grounds and circumstances of hardship. The court may enter a one-time stay for a period of not longer than one hundred and eighty (180) days. The court clerk shall promptly notify the commissioner of safety of the issuance or termination of any stay of revocation. The

HB 1877

commissioner of safety shall not revoke any license under this section while the stay is in effect.

(4) A person who is unable to pay all of the assessed litigation taxes, court costs, and fines but is able to pay some of them on a monthly or weekly basis may apply to the court having original jurisdiction over the offense for an order setting up a payment plan for such taxes, costs and fines. If the person and court agree to such a weekly or monthly payment plan, the court shall so order and such order shall have the effect of staying the revocation of the license pursuant to this section. The order staying the revocation of license shall remain in effect for as long as the person is current and in compliance with the payment plan. If the person fails to make payments according to the plan for three (3) consecutive months without good cause, the court may revoke the order and notify the clerk. The court clerk shall promptly notify the commissioner of safety of the issuance or termination of any stay of revocation. The commissioner of safety shall not revoke pursuant to this section while the stay is in effect.

SECTION 2. The revocation provided in this act is cumulative and does not limit or otherwise affect any license revocation pursuant to title 39, title 55, or any other provision of law.

SECTION 3. Nothing in this act shall be construed to apply to any license issued pursuant to Tennessee Code Annotated, Title 55, Chapter 17.

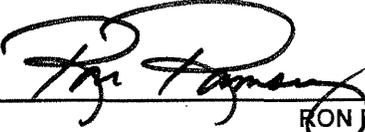
SECTION 4. This act shall take effect July 1, 2011, the public welfare requiring it, and shall apply to offenses committed on or after July 2, 2011.

HOUSE BILL NO. 1877

PASSED: May 20, 2011



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 16th day of June 2011



BILL HASLAM, GOVERNOR