

Drivers License Suspensions for Non-Payment of Costs

Traffic

Criminal

Presented by Amanda Hughes
Administrative Office of the Courts
February 2022 Associate Clerks of Court Conference

DL Suspensions for Non-Payment of Traffic Costs

TCA 55-50-502 (j)

✓ Robinson Suit Filed Sept 2017 - Halted
Suspensions

✓ Effective: 7/1/2019

✓ Implemented: 7/1/2021

DL Suspensions for Non-Payment of Criminal Costs

TCA 40-24-105(b)

- ✓ Thomas Suit Filed Jan 2017 - Halted Suspensions
- ✓ Effective: 7/1/2019
- ✓ Lawsuit Dismissal: 9/30/2019
- ✓ Implemented: October 2020

DL Suspensions for Non-Payment of Costs Requirement...

Requires payment plan on any that do not pay in full.

“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.”

Various ways courts are meeting this requirement:

1. Judge announces in open court a set amount per month (i.e. \$50.00/M)
2. Judge writes the pay plan on the judgment doc/citation
3. Clerk in court sets pay agreement with defendant (payment sheets)

DL Suspensions for Non-Payment of Costs Requirement...

Amount of payment must be what the defendant can pay.

“The clerk of any court that handles traffic citations 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 a driving offense.”

If the defendant requests a lower payment amount, the clerk must reset the amount due.

“A person may request, and the court clerk shall grant, modifications to a payment plan upon a change in the person's financial circumstances or upon good cause shown.”

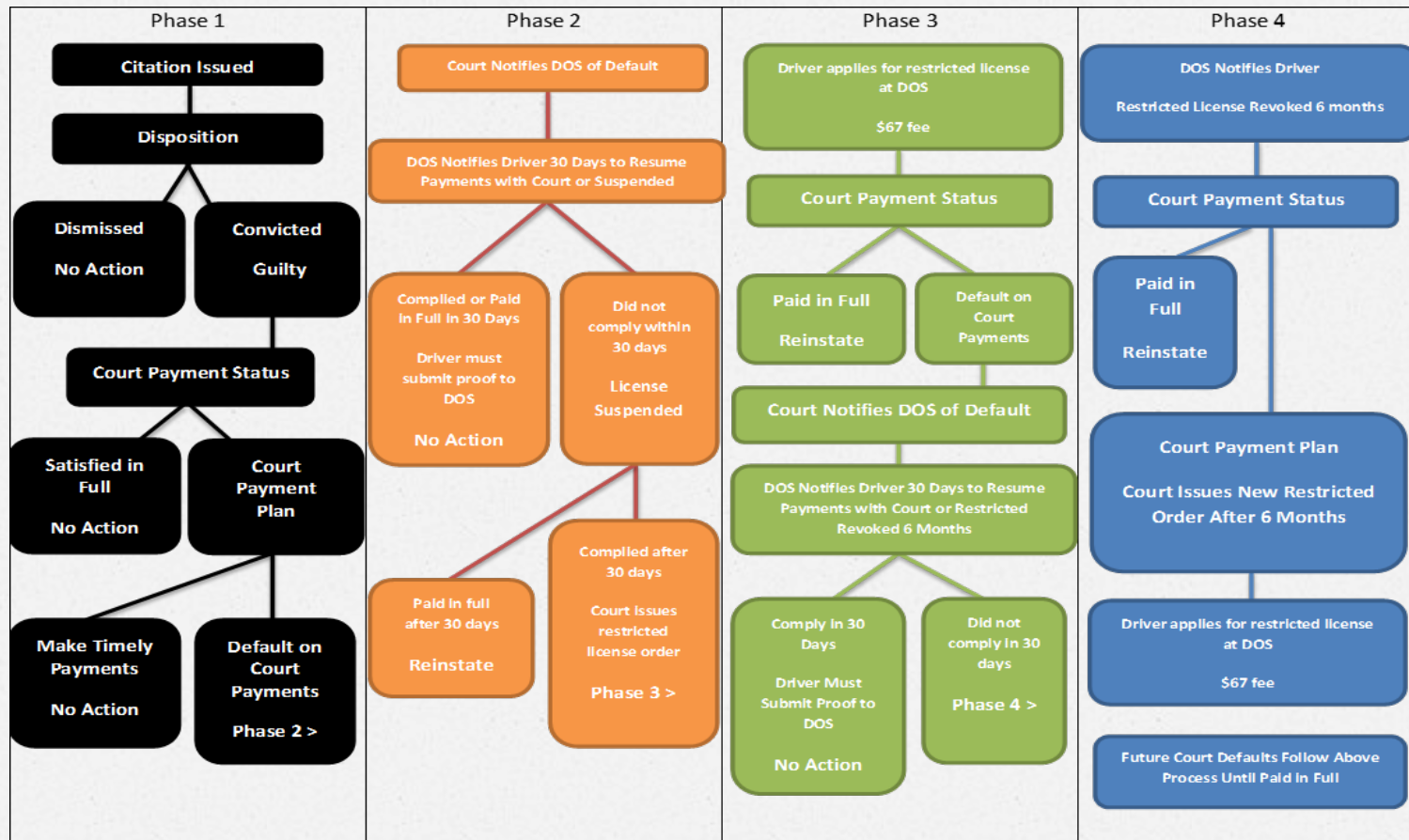
DL Suspensions for Non-Payment of Costs Requirement...

DIFFERENCE BETWEEN TRAFFIC AND CRIMINAL

- o Traffic – Suspends based on Next Due Date in Payment Agreement
- o Criminal – Can not be suspend until 1 year from the completion of the sentence

TnCIS – New Field on Payment Agreement ‘Suspension Date – DOS CC’ this field is required if Criminal Charges are on the case. Criminal Charges will NOT pick up until that date is missed.

Public Chapter 438 Timeline 111th Legislative Session



DL Suspensions for Non-Payment of Costs Requirements...

Defendant can be re-reported multiple times.

- o Missed payment - DOS issues 30-day notice to pay in full or re-establish the payment plan (make a payment).
 - o If done within the 30 days - NO ACTION
 - o Past 30 days - suspended

- o Once suspended, the Defendant may reestablish a payment plan by making a payment.

- o Fails to comply again and does not comply until after the 30-day DOS notice
 - o Required to obtain a court order for a restricted license and must apply for the restricted license at the drivers service center. The restricted license will maintain in effect until paid in full.

DL Suspensions for Non-Payment of Costs Requirement...

Defendant can be re-reported over and over again.(cont.)

- o If they default again on the payment plan, while on restricted, they again have 30 days to comply by paying in full or reestablishing the payment plan (i.e. make a payment).
- o If they do so within the 30 days - NO action - the restricted license is still good.
- o If after the 30 day window - their license is then revoked for 6 months.
- o If they pay in full and pay reinstatement fees, 6 month revocation can be lifted.
- o If not, after the 6 months, they can reapply for a restricted license.

DL Suspensions for Non-Payment of Costs Requirement...

Payment Plan Forms in TnCIS

- o Print Reports – DOS Withdrawal Request
- o 3 Options – (*important to choose correctly*)
 1. Criminal Cost
 2. Traffic FTP
 3. Traffic FTA
- o Case Number – Search for Case Number
- o Satisfied Date - Date Payment Received
- o Paid in Full Checkbox - Places label on bottom of report
 - o Checked = 'PAID IN FULL'
 - o Unchecked = 'PAYMENT PLAN ESTABLISHED'

DL Suspensions for Non-Payment of Costs Requirement...

TnCIS – Reporting – DOS Withdrawal Request

Report | _____

Selection Criteria _____

DOS Interface Type: Department of Safety

Reporting Type:

(Select one)

Criminal Cost

Case Number:


Traffic - Failure to Pay

Traffic - Failure to Appear

Satisfied Date:

Paid in full

DOS
Approved
Request for
Criminal Cost
Withdrawal
Form

Clerk Name Court Title Court Address Court Phone	Request for Criminal Cost Withdrawal Page 1 of 1	
Request Pursuant to Criminal Cost Suspension Only T.C.A. 40-24-105 (b)(1)		

Defendant's Name _____

Driver's License Number _____

Violation Date (must match violation date reported on suspension request) _____

Disposition Date (must match disposition date reported on suspension request) _____

Court Satisfied Date _____

3 Digit Reason Code _____

004 - Payment Plan Established with the Court

006 - Court Satisfied in Full

Reported Case Number (must match case number reported on suspension request) _____

****Please Note:** If this is a converted case, please report the converted reference number, which will be the number reported to DOS.


Courts 5-digit Court Code _____

Comments (Optional):

I certify the above to be true and accurate _____

Clerk/Deputy Clerk

DOS Approved Request for Traffic Cost Withdrawal Form

Clerk, Any County Circuit Crk Clerk Any County GS Court PO Box 488 Any City, TN 33333 (999)999-9999	Request for Traffic Cost Withdrawal	
Request Pursuant to Traffic Cost Suspension Only T.C.A. 55-50-502(j)		

Court Satisfied Date: 02/08/2022

3 Digit Reason Code: 004

004 - Payment Plan Established with the Court
 006 - Court Satisfied in Full

 Judge / Clerk Signature _____
 Date

VIOLATION INFORMATION		DEFENDANT INFORMATION	
LOCATION:	Any County	NAME / ADDRESS:	Defendant Name Address 1 Address 2 City, State, Zip
DATE (VIOLATION):		DL NUMBER:	12313139
COURT CASE #:		DL STATE:	TN
CITATION #:	2110048471	DATE OF BIRTH:	02/16/1976
OFFICER NAME:	Not Specified	RACE:	
OFFICER AGENCY:	Tn Highway Patrol	SEX:	M
TCA CODE:	55-8-152		
TCA DESC:	SPEEDING		
DATE (DISPOSITION):	02/07/2022		
TOTAL DUE:	\$0.00		

DATE: 02/09/2022
 COURT ID: 20011
 CLERK: Clerk, County Circuit Court Clerk
 COURT: County GS Court

PAYMENT PLAN ESTABLISHED

DL Suspensions for Non-Payment of Costs Requirement...

Law also provides for indigency affidavit being filed

“Court to determine if taxes, fines and cost should be suspended. After reevaluation, if the court finds the person cannot pay, cost can be waived by the court.”

DL Suspensions for Non-Payment of Costs Requirement...

TnCIS Don't's:

Never use the following checkboxes to force withdrawal or force something not to send without discussing with support.

Charge -- Webpage Dialog

Save and Close X Delete More Options

General Citation Disposition Classes Interfaces Audit

DOS Files

File Type	File ID	More Info
Driver School		More Info
Abstract Exception		More Info
Trooper Ticket FTA		More Info
Trooper Ticket Disposition		More Info
Paid In Full		More Info
Abstract		More Info

DOS Suspension / Withdrawal History

File ID	Date	Type
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TBI Batch Info

Batch ID	Record Type
11276	Initial Reporting

This charge will NOT have a DOS suspension sent

This charge will have a DOS withdrawal FORCIBLY sent

DOS Manual Filing Notes

Questions? Feedback?

Amanda Hughes – Application Support Manager and
Court Clerk Liaison

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