

DOS Drivers License Suspensions for Non-Payment of Costs

Criminal & Traffic
Suspensions/Withdrawals
& other related issues

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Administrative Office of the Courts
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2019 Public Chapter 438

2019 Public Chapter 438 was passed as a response to the federal lawsuits filed in 2017 halting suspensions due to Failure to Pay (FTP) court cost.

Thomas Suit Filed January 2017 - Criminal \ Robinson Suit
Filed Sept 2017

PC438 made changes in both TCA 55-50-502 (j) - Traffic &
TCA 40-24-105(b) - Criminal to reactivate processes

DL Suspensions for Non-Payment of Criminal & Traffic Costs

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

TCA 55-50-502 (j) - Traffic

"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."

TCA 40-24-105(b) - Criminal

"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."

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

Court Payment Plans

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.

Any court payment plan must be reasonable and based on a person's income and ability to pay.

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.

Party Name:	<input type="text" value="(Select one)"/>
Payment Schedule:	<input type="text" value="(Select one)"/>
<u>Begin Date:</u>	<input type="text"/>
<u>Next Due Date:</u>	<input type="text"/>
<u>Suspension Date (DOS CC):</u>	<input type="text"/>
<u>Agreement Date:</u>	<input type="text"/>
Agreement Number :	<input type="text"/>
Payment Amount:	<input type="text"/>

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

Defendant can be re-reported multiple times.

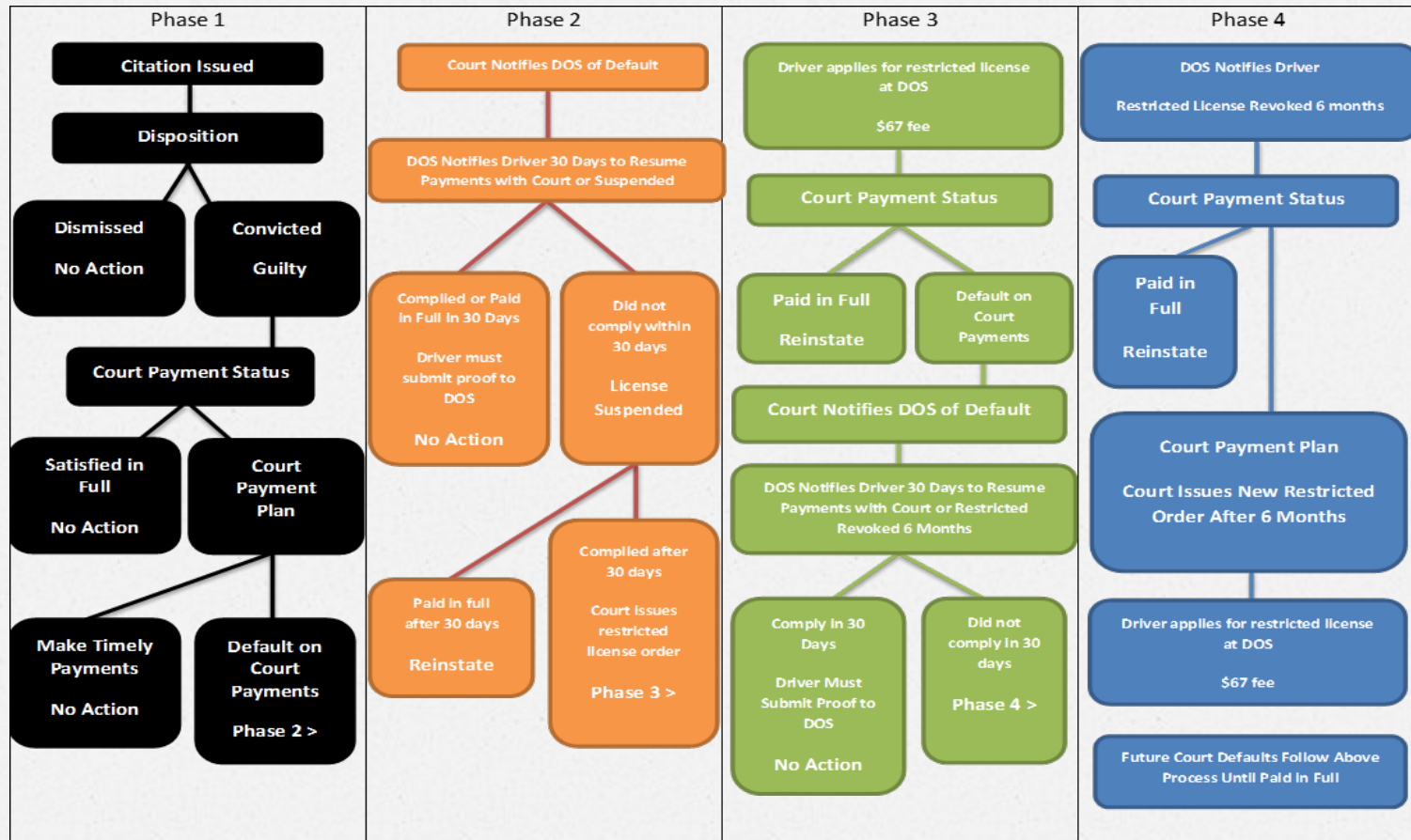
- o Missed payment - DOS issues 30-day notice to pay in full or re-establish the payment plan (make a payment).
 - o If done within the 30 days - NO ACTION
 - o Past 30 days - suspended
- o Once suspended, the Defendant may reestablish a payment plan by making a payment.
- o Fails to comply again and 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.

Public Chapter 438 Timeline 111th Legislative Session



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
DATE (VIOLATION):			Address 1
COURT CASE #:			Address 2
CITATION #:	2110048471	DL NUMBER:	12313139
OFFICER NAME:	Not Specified	DL STATE:	TN
OFFICER AGENCY:	Tn Highway Patrol	DATE OF BIRTH:	02/16/1976
TCA CODE:	55-8-152	RACE:	
TCA DESC:	SPEEDING	SEX:	M
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."

Mandatory Suspensions where payment plans are not allowed:

- ❖ DUI
- ❖ Implied Consent
- ❖ Hit and Run/Leaving the Scene of an Accident, Personal Injury or Property Damage with a CDL license and not insured on the date of the crash
- ❖ Fleeing/Evading Police Roadblock
- ❖ Reckless Endangerment by Vehicle (Felony)
- ❖ Vehicular Assault, Aggravated Vehicular Assault
- ❖ Vehicular Homicide/Manslaughter, Aggravated Vehicular Homicide/Manslaughter
- ❖ Human Trafficking
- ❖ Using Motor Vehicle in a Felony
- ❖ Two Reckless Driving Violations within a 12-month period
- ❖ Driving off without paying for fuel
- ❖ Driving While Possessing Meth
- ❖ Speed/Contest Racing
- ❖ Driving after Convicted of Habitual Offender (Only if violation occurred prior to 1/1/2019)
- ❖ Habitual Offender (Only if violation occurred prior to 1/1/2019)
- ❖ Altered/Counterfeit License
- ❖ Theft of a Vehicle or Part of a Vehicle
- ❖ Using Motor Vehicle in Felony

Questions Answered:

Restricted License and Multiple Cases

Defendant is only eligible for a restricted DL on one case. For example, if you have an FTP Citation and a criminal case. One must be cleared before a restricted can be allowed on the other.

TnCIS Corrections Filed

We no longer send any corrections to DOS including the following:

Driver Disposition
Driver's License Number
Driver's License State
Driver's License Type
Last Name
First Name
Address State
Date of Birth

Per DOS, Corrections must be sent and processed manually to email.court@tn.gov or faxed to [615-401-2523](tel:615-401-2523). Corrections are not processed electronically.

Most courts make copies of the court action report and email them to DOS.

Court Access to Driving Records - eServices Portal

- ❖ Allows access to view driver reinstatement statuses at Department of Safety
- ❖ To acquire access, contact Tiffanie.Morgan@tn.gov or (615)251-5248
- ❖ Each user must sign an Acceptable Use Policy
- ❖ ID and temporary password will be assigned to access the court portal
https://dl.safety.tn.gov/_/
- ❖ A Court Portal account will automatically close if 60 days of inactivity

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?

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Liaison

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