

TMJC 2023 SPRING CONFERENCE

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West's Tennessee Code Annotated

Title 7. Consolidated Governments and Local Governmental Functions and Entities

Local Government Functions

Chapter 63. Actions in Lieu of Arrest

Part 1. Traffic Citations in Lieu of Arrest

T. C. A. § 7-63-101

§ 7-63-101. Citations or complaints; issuance; copies; contents

Currentness

When any person violates any traffic, or other ordinance, law or regulation of any municipal, metropolitan or city government in the presence of a:

- (1) Law enforcement officer of such government;
- (2) Member of the fire department or building department who is designated as a special police officer of the municipality; or
- (3) Transit inspector employed by a public transportation system or transit authority organized pursuant to chapter 56, part 1 of this title;

such officer or inspector may issue, in lieu of arresting the offender and having a warrant issued for the offense, a citation or complaint for such offense. A copy of such citation, which shall contain the offense charged and the time and place when such offender is to appear in court, shall be given to the offender.

Credits

1969 Pub.Acts, c. 208, § 8; 1973 Pub.Acts, c. 101, § 1; 1993 Pub.Acts, c. 101, § 1, eff. March 29, 1993.

Formerly § 6-651.

Notes of Decisions (2)

T. C. A. § 7-63-101, TN ST § 7-63-101

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

West's Tennessee Code Annotated

Title 7. Consolidated Governments and Local Governmental Functions and Entities

Local Government Functions

Chapter 63. Actions in Lieu of Arrest

Part 1. Traffic Citations in Lieu of Arrest

T. C. A. § 7-63-102

§ 7-63-102. Agreements to appear; signature

Currentness

In order to prevent the offender's arrest and the issuance of the warrant against the offender, the offender must sign an agreement to appear at the time and place indicated, and to waive the issuance and service of a warrant upon the offender.

Credits

1969 Pub.Acts, c. 208, § 2.

Formerly § 6-652.

T. C. A. § 7-63-102, TN ST § 7-63-102

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Title 7. Consolidated Governments and Local Governmental Functions and Entities

Local Government Functions

Chapter 63. Actions in Lieu of Arrest

Part 1. Traffic Citations in Lieu of Arrest

T. C. A. § 7-63-104

§ 7-63-104. Agreements to appear; arrest for refusal to sign

Currentness

In the event the offender refuses to sign the agreement to appear in court and to waive the issuance and service upon the offender of a warrant, then it shall be the duty of the officer, in whose presence the offense is committed, forthwith to place the offender under arrest and take the offender before the proper authority, procure a warrant, serve the warrant upon the offender and book the offender as in other cases of violations. The authority issuing the warrant shall take bail from the accused for appearance in court for trial, or in lieu of bail, commit the offender to jail.

Credits

1969 Pub.Acts, c. 208, § 4.

Formerly § 6-654.

Notes of Decisions (1)

T. C. A. § 7-63-104, TN ST § 7-63-104

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West's Tennessee Code Annotated

Title 7. Consolidated Governments and Local Governmental Functions and Entities

Local Government Functions

Chapter 63. Actions in Lieu of Arrest

Part 2. Ordinance Summons

T. C. A. § 7-63-201

§ 7-63-201. Who may issue; copies; contents

Currentness

Notwithstanding § 7-63-101, any municipal, metropolitan or city government may designate by ordinance or resolution certain municipal enforcement officers in the areas of sanitation, litter control, and animal control who may not arrest or issue citations in lieu of arrests pursuant to part 1 of this chapter, but who, upon witnessing a violation of any ordinance, law or regulation of that municipal, metropolitan or city government, may issue an ordinance summons, leaving a copy with the offender, showing the offense charged and the time and place when such offender is to appear in court.

Credits

1986 Pub.Acts, c. 832, § 2.

T. C. A. § 7-63-201, TN ST § 7-63-201

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Title 7. Consolidated Governments and Local Governmental Functions and Entities

Local Government Functions

Chapter 63. Actions in Lieu of Arrest

Part 2. Ordinance Summons

T. C. A. § 7-63-203

§ 7-63-203. Agreements to appear; consequences of refusal to sign

Currentness

In the event the offender refuses to sign the ordinance summons agreement to appear in court, the municipal enforcement officer in whose presence the violation is committed may have a summons issued by the clerk of the municipal, metropolitan, or city court, or the municipal enforcement officer may seek the assistance of a police or peace officer to witness the violation, who may issue a citation in lieu of arrest for the violation or make arrest for failure to sign the citation in lieu of arrest, as provided in § 7-63-104.

Credits

1986 Pub.Acts, c. 832, § 4.

T. C. A. § 7-63-203, TN ST § 7-63-203

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Proposed Legislation

West's Tennessee Code Annotated

Title 55. Motor and Other Vehicles (Refs & Annos)

Chapter 8. Operation of Vehicles--Rules of the Road (Refs & Annos)

Part 1. Operation of Vehicles--Rules of the Road

T. C. A. § 55-8-198

§ 55-8-198. Traffic citations; unmanned traffic enforcement cameras

Effective: May 14, 2021

Currentness

(a) A traffic citation that is based solely upon evidence obtained from an unmanned traffic enforcement camera that has been installed to enforce or monitor traffic violations shall be considered a nonmoving traffic violation.

(b)(1) Only POST-certified or state-commissioned law enforcement officers shall be authorized to review video evidence from a traffic light signal monitoring system and make a determination as to whether a violation has occurred. If a determination is made that a violation has occurred, a notice of violation or a citation shall be sent by first class mail to the registered owner of the vehicle that was captured by the traffic light signal monitoring system. 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. A notice of violation or citation shall allow for payment of the traffic violation or citation within thirty (30) days of the mailing of the notice. No additional penalty or other costs shall be assessed for nonpayment of a traffic violation or citation that is based solely on evidence obtained from unmanned traffic enforcement cameras installed to enforce or monitor traffic violations, unless a second notice is sent by first class mail to the registered owner of the motor vehicle and the second notice provides for an additional thirty (30) days for payment of the violation or citation.

(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.

(6) Every notice of violation or citation issued that is based solely upon evidence obtained from any traffic enforcement camera used 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), shall have printed on the notice or citation the following disclaimer in bold-face type and a font that is the same size as the largest font used on the notice or citation: “Non-payment of this [‘notice’ or ‘citation’] cannot adversely affect your credit score or report, driver license, and/or automobile insurance rates.”

(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.

(d) The following vehicles are exempt from receiving a notice of violation:

(1) Emergency vehicles with active emergency lights;

(2) Vehicles moving through the intersection to avoid or clear the way for a marked emergency vehicle;

(3) Vehicles under police escort; and

(4) Vehicles in a funeral procession.

(e)(1) Except as otherwise provided in this subsection (e), the registered owner of the motor vehicle shall be responsible for payment of any notice of violation or citation issued as the result of a traffic light monitoring system.

(2) An owner of a vehicle shall not be responsible for the violation if, on or before the designated court date, the owner furnishes the court an affidavit stating the name and address of the person or entity that leased, rented or otherwise had care, custody or control of the motor vehicle at the time of the violation.

(3) If a motor vehicle or its plates were stolen at the time of the alleged violation, the registered owner must provide an affidavit denying the owner was an operator and provide a certified copy of the police report reflecting such theft.

(4) An affidavit alleging theft of a motor vehicle or its plates must be provided by the registered owner of a vehicle receiving a notice of violation within thirty (30) days of the mailing date of the notice of violation.

(f)(1) Surveillance cameras are not permitted on federal interstate highways except for:

(A) SmartWay cameras;

(B) Other intelligent transportation system cameras; or

(C) Surveillance cameras used to enforce or monitor traffic violations within work zones designated by the department of transportation when employees of the department or construction workers are present; provided, that the cameras are operated only by a state entity.

(2) Notwithstanding subdivision (f)(1), in accordance with applicable state and federal laws governing the use and management of highway rights-of-way and subject to the approval of the federal highway administration as required by federal law, the department of transportation is authorized, but not required, to permit the installation of surveillance cameras operated by law enforcement agencies on federal interstate highways and state roads as a non-highway use of the highway right-of-way for the purpose of aiding in criminal investigations or searches for missing or endangered persons to the extent that such use is consistent with the continued use, operations, maintenance, and safety of the highway facility and does not interfere with the free and safe flow of traffic; provided, that these cameras are not used to enforce or monitor state or local traffic violations or issue citations for such violations.

(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.

(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)(1) Notwithstanding any law to the contrary, an unmanned traffic enforcement camera that monitors speed shall not be used to issue a citation to any driver for violating the speed limit on any public road or highway; provided, that this subsection (l) shall not apply to an unmanned traffic enforcement camera:

(A) Within the designated distance of a marked school zone; or

(B) On any S-curve of a public road or highway.

(2) For purposes of this subsection (l), “S-curve” means a bend in a public road or highway in the shape of an “S” that inhibits a driver's full vision through the bend.

(m)(1) For the purposes of this subsection (m):

(A) “Consumer report” and “consumer reporting agency” have the same meanings ascribed to those terms by § 604 of the Fair Credit Reporting Act (15 U.S.C. § 1681(a)); and

(B) “Credit report” means any written, oral, or other communication of information, including a consumer report, by a consumer reporting agency bearing on a consumer's creditworthiness, credit standing or credit capacity, which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing a consumer's eligibility for credit to be used primarily for personal, family, or household purposes.

(2) No person having charge, custody of or control over any records or information regarding a violation of this section, including payments made pursuant to receipt of a notice of violation or a citation, whether timely or delinquent, shall disclose these records or information to a consumer reporting agency. In addition, no information regarding a violation shall be disclosed or identified in any credit report.

(n) A local government shall include in any contract involving unmanned traffic enforcement cameras that the contract must conform to any changes in state law. New and existing contracts, as well as contract renewals occurring after July 1, 2012, shall contain a provision that the contract shall comply with all applicable revisions of state law.

Credits

2008 Pub.Acts, c. 962, § 1, eff. July 1, 2008; 2009 Pub.Acts, c. 389, §§ 1, 2, eff. June 9, 2009; 2011 Pub.Acts, c. 425, §§ 1 to 5, 9, eff. July 1, 2011; 2012 Pub.Acts, c. 709, § 1, eff. April 11, 2012; 2012 Pub.Acts, c. 751, § 1, eff. July 1, 2012; 2015 Pub.Acts, c. 468, § 1, eff. July 1, 2015; 2016 Pub.Acts, c. 998, § 1, eff. April 27, 2016; 2021 Pub.Acts, c. 450, § 2, eff. May 14, 2021.


[Notes of Decisions \(7\)](#)

T. C. A. § 55-8-198, TN ST § 55-8-198

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Proposed Legislation

West's Tennessee Code Annotated
Title 16. Courts
Chapter 15. Courts of General Sessions
Part 5. Jurisdiction

T. C. A. § 16-15-501

§ 16-15-501. Jurisdiction

Effective: August 11, 2009

[Currentness](#)

(a) The court of general sessions is vested with all of the jurisdiction and shall exercise the authority formerly conferred by law upon justices of the peace in civil and criminal cases, suits and actions. The jurisdiction, power and authority of the court shall be coextensive with the county.

(b)(1) Notwithstanding any law to the contrary, judges of courts of general sessions have jurisdiction to try and dispose of violations of municipal ordinances where the sheriff of the county is acting under the authority of §§ 8-8-201 and 12-9-104; provided, that a certified copy of the ordinances of the municipality have been filed with the court. Judges of courts of general sessions shall direct the clerk of the court that all fines collected shall be paid over to the municipality and all court costs collected shall be paid and accounted for according to [former] § 16-15-703(d) [repealed], to help administer the cost of enforcement; provided, that reasonable costs have been set by ordinance of the municipality.

(2) The judges of courts of general sessions of counties having a population of not less than fourteen thousand six hundred fifty (14,650) nor more than fourteen thousand six hundred seventy (14,670), according to the 1960 federal census or any subsequent federal census, have, in addition to the jurisdiction and powers conferred above, concurrent jurisdiction with the circuit court judge and chancellor in that county or counties in workers' compensation cases, divorce cases and those powers specifically conferred upon both those courts of record under [§ 29-31-101](#).

(3) The judges of courts of general sessions of counties having a population of not less than nine thousand two hundred thirty (9,230) nor more than nine thousand two hundred fifty (9,250), according to the 1960 federal census or any subsequent federal census, have, in addition to the jurisdiction and powers conferred above, concurrent jurisdiction with the circuit judge and chancellor in that county or counties in divorce cases.

(4) Judges of courts of general sessions in any county having a population of not less than seventy-seven thousand seven hundred (77,700) nor more than seventy-seven thousand eight hundred (77,800), according to the 1980 federal census or any subsequent federal census, in addition to the jurisdiction and powers conferred above, have concurrent jurisdiction with the circuit judge and chancellor in that county in domestic relations cases.

(c)(1) All courts of general sessions in this state created by private act have the powers and jurisdiction conferred by this chapter and §§ [18-4-201](#) -- [18-4-203](#), [20-12-143](#), [27-5-108](#), [40-1-109](#), [40-4-117](#) and [former] [40-4-118](#) [repealed], and in addition, have

such further powers and jurisdiction as may be conferred by the private act creating that court. It is not the intention of this chapter to divest any court of general sessions of any jurisdiction conferred by any private act.

(2) This chapter shall not diminish the powers, jurisdiction or provisions governing the operation of any court of general sessions created by private act. It is the intent of the general assembly that each court of general sessions of this state has all the powers and jurisdiction granted by the public acts and applicable private acts.

(d)(1) The jurisdiction of courts of general sessions, where they have been created, shall extend to the sum of twenty-five thousand dollars (\$25,000) in all civil cases, both law and equity; provided, that this section shall not apply to cases of forcible entry and detainer, in which the court shall have unlimited original jurisdiction; and provided further, that this section shall not apply to actions to recover personal property, in which the court shall have unlimited original jurisdiction, including jurisdiction to award an alternative money judgment; and general sessions judges shall have jurisdiction to issue restraining orders and to enforce the penalty provisions for violation of those restraining orders.

(2) For the purpose of calculating whether a judgment entered by a court of general sessions is within or exceeds the monetary jurisdictional limits established for the courts by subdivision (d)(1), the following amounts shall not be included:

- (A) Any amount awarded for attorney fees;
- (B) Any court costs assessed by the court; and
- (C) Any discretionary costs assessed by the court.

Credits

1827 Acts, c. 51, § 1; 1841-1842 Acts, c. 186, § 1; 1849-1850 Acts, c. 269, § 1; 1853-1854 Acts, c. 58, §§ 1, 2; 1857-1858 Acts, c. 56, § 3; 1857-1858 Acts, c. 62, § 1; 1865-1866 Acts, c. 51, § 1; 1875 Acts, c. 11, §§ 1 to 3; 1853 Acts, c. 39, § 1; 1959 Pub.Acts, c. 109, §§ 2, 22; 1961 Pub.Acts, c. 138, § 1; 1965 Pub.Acts, c. 114, § 1; 1967 Pub.Acts, c. 276, § 1; 1968 Pub.Acts, c. 635, § 2; 1969 Pub.Acts, c. 44, § 2; 1969 Pub.Acts, c. 133, § 1; 1970 Pub.Acts, c. 341, § 1; 1973 Pub.Acts, c. 88, § 2; 1973 Pub.Acts, c. 355, § 2; 1973 Pub.Acts, c. 365, § 10; 1974 Pub.Acts, c. 432, § 2; 1974 Pub.Acts, c. 659, § 1; 1977 Pub.Acts, c. 295, §§ 1, 2; 1978 Pub.Acts, c. 560, § 1; 1979 Pub.Acts, c. 68, § 2; impl. am. by 1979 Pub.Acts, c. 68, § 3; 1981 Pub.Acts, c. 289, § 4; 1982 Pub.Acts, c. 655, §§ 1 to 3; 1982 Pub.Acts, c. 930, § 3; 1982 Pub.Acts, c. 945, § 2; 1983 Pub.Acts, c. 231, § 1; 1983 Pub.Acts, c. 283, §§ 1, 2; 1985 Pub.Acts, c. 368, § 1; 1986 Pub.Acts, c. 698, § 3; 1988 Pub.Acts, c. 698, § 10; 1993 Pub.Acts, c. 241, §§ 13 to 15, eff. July 1, 1993; 1997 Pub.Acts, c. 472, §§ 1 to 3, eff. June 13, 1997; 1999 Pub.Acts, c. 259, § 1, eff. May 26, 1999; 2000 Pub.Acts, c. 743, § 1, eff. May 17, 2000; 2000 Pub.Acts, c. 764, § 1, eff. July 1, 2000; 2006 Pub.Acts, c. 722, § 1, eff. Sept. 1, 2006.

Formerly 1858 Code, § 4123; Shannon's Code, § 5935; mod. 1932 Code, § 10136; § 16-1104; § 16-1124; § 19-301.

Notes of Decisions (5)

T. C. A. § 16-15-501, TN ST § 16-15-501

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Proposed Legislation

West's Tennessee Code Annotated

Title 55. Motor and Other Vehicles (Refs & Annos)

Chapter 10. Accidents, Crimes and Penalties (Refs & Annos)

Part 2. Crimes

T. C. A. § 55-10-207

§ 55-10-207. Citations

Effective: July 15, 2020

Currentness

(a) As used in this section, “traffic citation” means a written citation or an electronic citation prepared by a law enforcement officer on paper or on an electronic data device with the intent the citation shall be filed, electronically or otherwise, with a court having jurisdiction over the alleged offense.

(b)(1) Whenever a person is arrested for a violation of any provision of chapter 8, 9, 10 or 50 of this title or § 55-12-139, or chapter 52, part 2 of this title, punishable as a misdemeanor, and the person is not required to be taken before a magistrate or judge as provided in § 55-10-203, the arresting officer shall issue a traffic citation to the person in lieu of arrest, continued custody and the taking of the arrested person before a magistrate, except as provided in subsection (h).

(2) A law enforcement officer at the scene of a traffic accident may issue a traffic citation to the driver or drivers of any vehicles involved in the accident when, based on personal investigation, the officer has reasonable and probable grounds to believe that the person or persons have committed an offense under chapter 8, 9, 10 or 50 of this title.

(3) Whenever a person is arrested for a violation of any provision of chapter 4, part 4 of this title that is punishable as a misdemeanor, the arresting officer may issue a traffic citation to the person in lieu of arrest, continued custody and the taking of the arrested person before a magistrate.

(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.

(2) Any traffic citation prepared as a paper copy shall be executed in triplicate, the original to be delivered to the court specified therein, one (1) copy to be given to the person cited, and one (1) copy to be retained by the officer issuing the citation.

(3) Replicas of traffic citation data sent by electronic transmission shall be sent within three (3) days of the issuance of the citation to the court having jurisdiction over the alleged offense. Any person issued a traffic citation prepared by a law enforcement officer electronically shall be provided with a paper copy of the traffic citation. A law enforcement officer who files a citation electronically shall be considered to have certified the citation and has the same rights, responsibilities, and liabilities as other citations issued pursuant to this section.

(d) Whenever a traffic citation has been prepared, accepted, and the original citation delivered to the court as provided herein, the original citation delivered to the court shall constitute a complaint to which the person cited must answer and the officer issuing the citation shall not be required to file any other affidavit of complaint with the court.

(e)(1) Each court clerk shall charge and collect an electronic traffic citation fee of five dollars (\$5.00) for each traffic citation resulting in a conviction. Such fee shall be assessable as court costs and paid by the defendant for any offense cited in a traffic citation delivered that results in a plea of guilty or nolo contendere, or a judgment of guilty. This fee shall be in addition to all other fees, taxes and charges. One dollar (\$1.00) of such fee shall be retained by the court clerk. The remaining four dollars (\$4.00) of the fee shall be transmitted monthly by the court clerk to the law enforcement agency that prepared the traffic citation that resulted in a plea of guilty or nolo contendere, or a judgment of guilty.

(2) All funds derived from the electronic traffic citation fee that are transmitted to the law enforcement agency that prepared the traffic citation pursuant to subdivision (e)(1) shall be accounted for in a special revenue fund of such law enforcement agency and may only be used for the following purposes:

(A) Electronic citation system and program related expenditures; and

(B) Related expenditures by such local law enforcement agency for technology, equipment, repairs, replacement and training to maintain electronic citation programs.

(3) All funds derived from the electronic citation fee set aside for court clerks pursuant to subdivision (e)(1) shall be used for computer hardware purchases, usual and necessary computer related expenses, or replacement. Such funds shall be preserved for those purposes and shall not revert to the general fund at the end of a budget year if unexpended.

(4) The local legislative body of any county or municipality may, by majority vote, adopt a resolution or ordinance to authorize a county or municipal court clerk to charge and collect electronic traffic citation fees pursuant to this subsection (e). Any electronic traffic citation fee imposed pursuant to an ordinance or resolution under this subdivision (e)(4) shall terminate five (5) years from the date on which the ordinance or resolution is adopted.

(f) Prior to the time set for the person to appear in court to answer the charge, the person cited may elect not to contest the charge and may, in lieu of appearance in court, submit the fine and costs to the clerk of the court. The submission to fine must be with the approval of the court that has jurisdiction of the offense within the county in which the offense charged is alleged to have been committed. The submission to fine shall not otherwise be exclusive of any other method or procedure prescribed by law for disposition of a traffic citation that may be issued for a violation of any provision of this chapter or chapter 8, 9, or 50 of this title or § 55-12-139 or chapter 4, part 4 of this title.

(g) If the person cited has not paid the traffic citation upon submission to fine as provided in this section and the person cited fails to appear in court at the time specified, or such later date as may be fixed by the court, the court may issue a warrant for the person's arrest or may declare a judgment of forfeiture for the offense charged. The judgment of forfeiture shall in no case be more than the total amount of fine and costs prescribed by law for the offense and may be collected in the manner provided in § 40-24-105.

(h)(1) This section shall not be applicable to any person arrested for a violation of any of the offenses enumerated in § 55-10-203, or to any person arrested for a violation of any provision of this chapter or chapter 8, 9 or 50 of this title that is punishable by a fine of more than fifty dollars (\$50.00) or by imprisonment for more than thirty (30) days. This section shall not supersede § 40-7-118, nor shall it require the use of a traffic citation in lieu of arrest in any of the circumstances specified in § 40-7-118(d).

(2) This section shall not be applicable to a person who is subject to arrest pursuant to § 55-10-119.

(i) Notwithstanding any other law to the contrary, all traffic citations used in Tennessee shall contain, as a minimum, the following information:

(1) Citation number;

(2) Violator's first name, middle name or middle initial, last name and date of birth;

(3) Violator's driver license number, state of issuance and class of the license;

(4) Whether or not the license is a commercial driver license;

(5) The vehicle make, model, year, color, and owner;

(6) The license plate number, year, and state of issuance;

(7) Whether or not the vehicle is a commercial motor vehicle;

(8) Whether or not the vehicle is transporting hazardous materials requiring placards;

(9) Whether or not the vehicle can transport sixteen (16) or more passengers;

(10) The offense committed, including the date and time, if applicable;

(11) The location of the offense;

(12) The issuing officer's name, rank, badge/ID number, and employing agency; and

(13) The time, date, location, and court where the offense will be heard.

Credits

1984 Pub.Acts, c. 777, § 1; 1985 Pub.Acts, c. 334, § 1; 1986 Pub.Acts, c. 619, §§ 1, 2; 2002 Pub.Acts, c. 648, §§ 2, 3, eff. April 24, 2002; 2002 Pub.Acts, c. 803, §§ 15, 16; 2007 Pub.Acts, c. 481, § 4, eff. July 1, 2007; 2010 Pub.Acts, c. 1037, § 1; 2012 Pub.Acts, c. 737, § 4, eff. July 1, 2012; 2014 Pub.Acts, c. 750, §§ 1 to 4, eff. July 1, 2014; 2020 Pub.Acts, c. 781, § 3, eff. July 15, 2020.

Notes of Decisions (10)

T. C. A. § 55-10-207, TN ST § 55-10-207

Current with laws from the 2023 Regular Sess. of the 113th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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2011 WL 856923

Only the Westlaw citation is currently available.

SEE COURT OF APPEALS RULES 11 AND 12

Court of Appeals of Tennessee.

Frank BARRETT and Jodi Lynn Cheatham

v.

TOWN OF NOLENSVILLE.

No. M2010-01173-COA-R3-CV.

|

Feb. 18, 2011 Session.

|

March 10, 2011.

West KeySummary

1 Automobiles ➞ Costs

Court **costs** incurred irrespective of whether or not the case was contested were properly assessed against offenders. The offenders were charged with violating the speed limit in the town and alleged that charging them for administrative fees was punitive. However, the **costs** were assessed together by the ordinance because they were present in every city court contested case. Those **costs** that were required regardless of whether or not a case was contested were properly assessed against offenders who did not contest their cases. *West's T.C.A. Const. Art. 6, § 14; West's T.C.A. § 6-2-201(28)(B).*

Appeal from the Circuit Court for Williamson County, No. 04510; [Robbie T. Beal](#), Judge.

Attorneys and Law Firms

[John Edward Herbison](#), Nashville, Tennessee, for the appellants, Frank Barrett and Jodi Lynn Cheatham.

[Robert John Notestine, III](#), Nashville, Tennessee, for the appellee, Town of Nolensville.

[ANDY D. BENNETT](#), J., delivered the opinion of the Court, in which [FRANK G. CLEMENT, JR.](#) and [RICHARD H. DINKINS, JJ.](#), joined.

OPINION

[ANDY D. BENNETT](#), J.

*1 Parties who pled guilty to violation of a Nolensville ordinance argued that the **costs** assessed in their cases violated [Article VI, Section 14 of the Tennessee Constitution](#). The Nolensville **municipal court** found against the parties. On appeal, the circuit court also found against the parties. On further appeal, we affirm the lower courts' decisions against one party and affirm in part and reverse in part the lower courts' decisions against the other party.

Frank Barrett and Jodi Lynn Cheatham were charged with violating the speed limit in the town of Nolensville. Ms. Cheatham tendered payment of the fifty-dollar fine, seeking to avoid an assessment of court **costs**. She was informed, however, that:

any assessment of a fine, **costs** and litigation taxed must be dealt with on [the scheduled **municipal court**] date by the Court in open session, unless you are truly waiving an appearance in open court by paying the maximum \$50.00 fine and the **costs** as specified in [municipal code] Section 3-302.



The **municipal court** assessed a \$50.00 fine and court **costs** of \$75.00 against Ms. Cheatham.

Mr. Barrett's counsel admitted the violation in court. Mr. Barrett did not tender the payment of a fine in advance of the hearing. At the hearing in the **municipal court**, he was also assessed a \$50.00 fine and court **costs** of \$75.00.

Both Ms. Cheatham and Mr. Barrett sought review of the **municipal court's** assessment of **costs** by petitions for writs of certiorari, claiming that the assessment of **costs** was a violation of [Article VI, Section 14 of the Tennessee Constitution](#). The Williamson County Circuit Court said that

no violation occurred. Both Ms. Cheatham and Mr. Barrett appealed to this court.

STANDARD OF REVIEW

The scope of review with respect to a common law writ of certiorari is limited.  *Watts v. Civil Serv. Bd.*, 606 S.W.2d 274, 276 (Tenn.1980); *Leonard Plating Co. v. Metro. Gov't of Nashville & Davidson County*, 213 S.W.3d 898, 903 (Tenn.Ct.App.2006). A reviewing court may grant relief only when the board or agency has exceeded its jurisdiction or acted illegally, arbitrarily, or fraudulently.  *McCallen v. City of Memphis*, 786 S.W.2d 633, 638 (Tenn.1990). Ms. Cheatham and Mr. Barrett argue that Nolensville acted illegally by violating Article VI, Section 14 of the Tennessee Constitution.

ANALYSIS

Authority of the Town of Nolensville

The Town of Nolensville operates under the mayor-aldermanic charter of *Tenn.Code Ann. § 6-1-101 et seq.* *Tenn.Code Ann.*, Vol. 13, 1324 (Chart of Municipal Incorporation, County, Charter and Population). The town can enforce any ordinance by fines, forfeitures and penalties. *Tenn.Code Ann. § 6-2-201(28)(A)*. It can also provide by ordinance for court **costs**. *Tenn.Code Ann. § 6-2-201(28)(B)*. The **municipal court** is established by *Tenn.Code Ann. § 6-4-301(a)*. At the time the citations were issued to Ms. Cheatham and Mr. Barrett, the municipal ordinance governing **costs** stated:








*2 All fines, penalties and **costs** shall be imposed and recorded by the **municipal court** clerk on the **municipal court** docket in open court. In all cases heard or determined by the municipal judge, the judge shall tax in the bill of **costs** court **costs** in the **amount** of \$75.00 per case, plus any litigation taxes authorized by the law of the State of Tennessee.

Nolensville Ordinance No. 01-07 (2002).

Fines and Costs

Article VI, Section 14 of the Tennessee Constitution states that:


[n]o fine shall be laid on any citizen of this State that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine should be more than fifty dollars.


A “fine” is “a payment to a sovereign as punishment for some offense.”  *City of Chattanooga v. Davis*, 54 S.W.3d 248, 259 (Tenn.2001) (quoting   *Browning-Ferris Indus. of Vt., Inc. v. Kelco Disposal*, 492 U.S. 257, 265, 109 S.Ct. 2909, 106 L.Ed.2d 219 (1989)). “Article VI, section 14 applies to proceedings involving the violation of a municipal ordinance when the monetary sanction serves punitive goals.”   *Id.* at 262. It does not apply, however, when a monetary assessment of greater than fifty dollars “is not punitive in nature.”   *Id.* at 259.

Costs include the fees charged by the court clerk and other discretionary expenses. *Tenn. R. Civ. P. 54.04*. Roman Emperor Justinian established the rule that a victorious party should be reimbursed by the loser for expenses.¹ Comment, *Distribution of Legal Expense Among Litigants*, 49 YALE L.J. 699, 704 (1940) (citing Code of Justinian: C. 3. I. 13.6). In English law, this rule was adopted for successful plaintiffs in the 1275 Statute of Gloucester, 6 Edw. I, c. 1. *Id.* at 700. “In 1607 defendants were allowed to recover **costs** in all actions in which the plaintiff was entitled to **costs**.” *Id.* at 700 n. 15 (citing 4 James I, c. 3).² Thus, “the rule became established in England long before the American Revolution that, except in some cases where the plaintiff recovers only trivial damages, the party who wins a lawsuit is entitled to recover from the losing adversary the ‘**costs**’ of the litigation.” G. Robert Blakey, *Of Characterization and Other Matters: Thoughts About Multiple Damages*, 60 LAW & CONTEMP.

PROB. 97, 105 n. 45 (1997). The English rule included fees for solicitors and counsel as **costs**. Comment, 49 YALE L.J. at 700. This aspect of the rule of **costs** was not retained by the newly independent states, apparently because there was a “post-Revolution antipathy to lawyers.” *Id.* at 701. In Tennessee, attorneys fees are not part of **costs**. *Marshall v. Sevier County*, 639 S.W.2d 440, 443 (Tenn.Ct.App.1982).

At least as early as 1794, the Legislature of the Southwest Territory determined that “**costs** should follow the result of the suit.” *Senaker v. Justices of Sullivan County*, 36 Tenn. 116, 117 (1856). “In all actions the party in whose favor judgment shall be given, or in case of a non-suit, dismissal or discontinuance, the defendant, shall be entitled to full **costs**, unless where it is or may be otherwise directed by law.” 1794 Acts, Ch. 1, § 74. This rule is carried forward in Tennessee statutory law to this day with a modification that allows a court of record to depart from the general rule as the equities of the case require. See Tenn.Code Ann. §§ 20–12–101, 119.

*3 **Costs** are statutory. *Mooneys v. State*, 10 Tenn. 578, 578 (1831). Tennessee statutes establish various **costs** that may be assessed by the courts. See  Tenn.Code Ann. §§ 8–21–401, 501.³ As previously noted, Tennessee law allows Nolensville to establish the court **costs** for its **municipal court**. Tenn.Code Ann. § 6–2–201(28)(B).

“The law of **costs** shall be construed remedially and not as the penal law.” Tenn.Code Ann. § 20–12–142.⁴ Yet, the Tennessee Supreme Court and common sense dictate that the labels used on particular assessments cannot fully govern our analysis. “[W]hen analyzing issues touching upon the protections of Article VI, section 14, we will favor the substance of the sanction over its form, and we will not permit the language used to describe the particular sanction to govern the constitutional analysis.”  *Davis*, 54 S.W.3d at 261.

In *Davis*, the City of Chattanooga attempted to justify a city court fine of \$300 by arguing that it was a valid assessment of administrative expenses. *Id.* at 274. The Supreme Court rejected the city's argument, stating that “any assessment that imposes **costs** for something for which the defendant is not personally responsible will be subject to constitutional limitations.” *Id.* The court outlined the following requirement as to **costs**:

[I]f the City of Chattanooga desires to recover its reasonable administrative expenses incurred in enforcing its municipal ordinances, it will be required to provide a detailed statement of these expenses to the defendant as they were incurred in the *individual* case. A detailed and individualized statement of administrative **costs** will serve to assure the individual that he or she is not being assessed for the **costs** of enforcing offenses for which others are responsible, and it will enhance appellate review of these expenses to ensure that **municipal courts** do not assess punitive sanctions under the guise of recovering “administrative expenses.”

Id. at 274–75.

The Nolensville ordinance requires assessment in open court of \$75 in **costs** in every case.⁵ The record indicates that the **costs** are broken down as follows:

The cases of Cheatham and Barrett

Ms. Cheatham and Mr. Barrett maintain that the \$75.00 **costs** are punitive because the assessment is “automatic ... irrespective of the actual **costs** incurred” and, therefore, in violation of the Supreme Court's instructions in *Davis*.⁶

In light of the lengthy dialogue about these **costs** between the court and both counsel during oral argument, we are of the opinion that these **costs** are assessed together by ordinance because they are present in every city court contested case. The problem is Ms. Cheatham and Mr. Barrett did not contest their guilt. Therefore, we must examine these **costs** in light of each defendant's individual actions.

*4 Ms. Cheatham admitted her violation and tendered the fine in advance of the scheduled hearing date. The town knew this, so it was not necessary for the police officer who issued

the citation to appear at her hearing to testify. The \$26.50 assessment for the police officer was not necessary and did not need to be incurred in Ms. Cheatham's individual case. The remaining items of court **costs** would be incurred in any case irrespective of whether or not the case was contested. Therefore, they were proper to assess.

Mr. Barrett also admitted his violation, but nothing in the record indicates that he did so before the hearing. At the hearing, his attorney stipulated to the violation. Since Mr. Barrett did not admit guilt beforehand, the town had no choice but to have the police officer who issued Mr. Barrett's citation appear. 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.

CONCLUSION

We affirm the assessment of \$75.00 in court **costs** against Mr. Barrett. We affirm the assessment of court **costs** against Ms. Cheatham, except for the police officer fee of \$26.50. The portion of the **costs** assessment against Ms. Cheatham related to the police officer fee is reversed.

One half of the **costs** of appeal are assessed against Mr. Barrett and the other half of the **costs** of appeal are assessed against the Town of Nolensville.

All Citations

Slip Copy, 2011 WL 856923

Footnotes

- 1 Sir William Blackstone cites the civil law maxim “victus victori in expensis condemnandus est” (“He who loses the suit pays the **costs** thereof to the successful party.”). 3 William Blackstone, COMMENTARIES *399 n. 54 (William Draper Lewis ed.1900).
- 2 Blackstone suggests a prevailing defendant's recovery of **costs** in the same fashion as a prevailing plaintiff was not fully accomplished until the reign of Queen Anne 100 years later. 3 Blackstone, *supra* *400. See also G. Robert Blakey, *Of Characterization and Other Matters: Thoughts About Multiple Damages*, 60 LAW & CONTEMP. PROBS. 97, 105 n. 45 (1997) (“A series of statutes, beginning in the reign of Henry VIII and ending in that of Anne, extended finally the same advantage to successful defendants.”). In any event, the principle came to English law slowly. 2 Frederick Pollock & Frederic W. Maitland, THE HISTORY OF ENGLISH LAW 597 (2nd ed. 1899).
- 3 Also, *Tenn. R. Civ. P. 54.04(1)* addresses clerk **costs** and (2) addresses discretionary **costs**.
- 4 This has been the law in Tennessee since at least 1801. See 1801 Tenn. Pub. Acts, Ch. 6, § 65.
- 5 Nolensville Ordinance No. 01–07 requires that “the judge shall tax in the bill of **costs** court **costs** in the **amount** of \$75.00 per case.”

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

- 6 Appellate counsel also made allusions to an argument that the **costs** do not reflect the actual **costs** to the court. This argument is not presented as an issue by the appellants' brief and is not being considered by this court. We note, however, that no court **cost** established by the Tennessee law or municipal ordinance will reflect the exact **cost** of any particular service.

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West's Tennessee Code Annotated

Title 55. Motor and Other Vehicles (Refs & Annos)

Chapter 8. Operation of Vehicles--Rules of the Road (Refs & Annos)

Part 2. Operation of Vehicles--Rules of the Road--Continued

T. C. A. § 55-8-207

§ 55-8-207. Defensive driving course; removal of points

Effective: July 1, 2022

[Currentness](#)

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.

Credits

2022 Pub.Acts, c. 710, § 1, eff. July 1, 2022.

T. C. A. § 55-8-207, TN ST § 55-8-207

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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Financial Responsibility Section
P.O. Box 945
Nashville, TN 37202-0945
Fax: (615) 242-3480
Phone: (866) 903-7357

4 Hour Traffic School Notice

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



Only the courses on this list will be accepted. You must complete the course by 24-Mar-2024, and immediately return your certificate of completion to the address listed above. No extensions (in time) to complete the course will be granted. The certificate of completion should be mailed to the address on this letter.

Any questions or concerns should be directed to the contact information printed on top right of this letter. Please refer to the Letter ID located underneath the contact information. TTY or TB users should have the Relay Service call (615) 532-2281.

Authority for this is provided in Tennessee Code Annotated Title 55, Chapter 8, Part 2.

Financial Responsibility

<http://www.tn.gov/safety/>

Department's Mission: *"To serve, secure, and protect the people of Tennessee."*

dNR0072

2022 WL 3709387

Only the Westlaw citation is currently available.

SEE COURT OF APPEALS RULES 11 AND 12

Court of Appeals of Tennessee,
AT NASHVILLE.

CITY OF LAVERGNE

v.

Abass I. GURE

No. M2020-00148-COA-R3-CV

|

October 5, 2021 Session

|

FILED August 29, 2022

**Appeal from the Circuit Court for Rutherford County,
No. 76211, J. Mark Rogers, Judge****Attorneys and Law Firms**Stanley F. LaDuke, Knoxville, Tennessee, for the appellant,
Abass I. Gure.Phillip Dodd and E. Evan Cope, Murfreesboro, Tennessee, for
the appellee, City of LaVergne, Tennessee.W. Neal McBrayer, J., delivered the opinion of the court, in
which Frank G. Clement, Jr., P.J., M.S., and Andy D. Bennett,
J., joined.**OPINION**

W. Neal McBrayer, J.

*1 A circuit court found that a motorist violated the city's ordinance prohibiting speeding. On appeal, the motorist argues that the circuit court should have granted his motion to dismiss. He also argues that the court improperly excluded evidence from Google Maps showing his speed and that the evidence preponderates against the finding that he was speeding. Although the court erred in excluding the Google Maps evidence, we affirm.

I.

Erich Wilson, a patrol officer for the LaVergne Police Department, was patrolling New Paul Road, a two-lane road with a 30-mile-per-hour speed limit. As Officer Wilson crested a hill, he saw a car approaching at a high rate of speed from the opposite direction. After checking his dash-mounted radar, Officer Wilson made a U-turn and stopped the car, which was driven by Abass Gure. Officer Wilson recorded the incident with a camera in his patrol vehicle.

Officer Wilson issued Mr. Gure a citation for speeding. According to the citation, Mr. Gure was going 57 miles per hour. The Municipal Court for the City of LaVergne found him in violation of the ordinance prohibiting speeding. Mr. Gure then appealed to circuit court.

In circuit court, the City of LaVergne filed an amended complaint. The City alleged that “Officer E. Wilson observed a vehicle driven by [Mr. Gure] travelling in a high rate of speed on New Paul Road in La Vergne, Tennessee.” And Mr. Gure's actions “violated City of La Vergne Municipal Code 15-301,” which prohibits speeding.¹ In a footnote, the amended complaint provided the text of the ordinance. The complaint also alleged that any violation of the ordinance was “a civil offense punishable by a civil penalty up to fifty dollars (\$50.00).”

Mr. Gure moved to dismiss the amended complaint for failure to state a claim. See [TENN. R. CIV. P. 12.02\(6\)](#). Specifically, Mr. Gure argued that the amended complaint lacked sufficient factual allegations to support a claim that he violated the ordinance. The court denied the motion, reasoning that Mr. Gure had sufficient notice of the allegations. The complaint identified the code section that Mr. Gure allegedly violated. And it informed him of the penalty he was facing.

At trial, Officer Wilson testified for the City. He narrated his version of events while playing the video recording of the incident. Officer Wilson testified that, as he went over the hill, he “ha[d] a view” of Mr. Gure's oncoming vehicle “traveling at a high rate of speed.” He checked his dashboard radar, which had a reading of 57 miles per hour. Officer Wilson was certified to use the radar. To receive his certification, he had to be able to estimate a vehicle's speed within five miles per hour of a radar's reading. So the radar served only “to confirm” his observation of speeding. Officer Wilson calibrated the radar the morning of the stop.


In his defense, Mr. Gure insisted that he was only going 27 miles per hour. He explained that he was trained as a

commercial truck driver to always go 5 miles per hour under the speed limit. And there was a curve in the road that made it impossible for him to drive at the speed claimed by Officer Wilson.



Mr. Gure testified that his speedometer “was going up and coming down.” It was “shaking.” Although he did not believe the speedometer was “work[ing] right,” Mr. Gure claimed that he relied on the speedometer to determine his speed. During his testimony, Mr. Gure sought to introduce evidence of his speed from Google Maps. But the trial court excluded the evidence based on the City's hearsay objection.


*2 The trial court found that Mr. Gure violated the ordinance prohibiting speeding. Mr. Gure was “pretty positive” he was only going 27 miles per hour. Yet he based his testimony on the speedometer, which he testified was not working. Mr. Gure could “believe” and “state” that he was only going 27 miles per hour. But the evidence showed otherwise.

II.



Municipal ordinance violations “are civil in nature, at least in terms of technical application of procedure and for pursuing avenues of appeal.”  *City of Chattanooga v. Davis*, 54 S.W.3d 248, 259 (Tenn. 2001). On appeal, Mr. Gure argues that the trial court should have granted his motion to dismiss. He also contends that the court erred in excluding evidence from Google Maps. And he claims that the facts did not support a finding that he violated the city ordinance by speeding.




A.

A Rule 12.02(6) motion “challenges only the legal sufficiency of the complaint, not the strength of the plaintiff's proof or evidence.”  *Webb v. Nashville Area Habitat for Human., Inc.*, 346 S.W.3d 422, 426 (Tenn. 2011). In ruling on a 12.02(6) motion, courts examine only the pleadings. *Id.* They “‘must construe the complaint liberally, presuming all factual allegations to be true and giving the plaintiff the benefit of all reasonable inferences.’”  *Tigg v. Pirelli Tire Corp.*, 232 S.W.3d 28, 31 (Tenn. 2007) (citation omitted). A 12.02(6) motion should be granted “only when it appears that the plaintiff can prove no set of facts in support of the claim that



would entitle the plaintiff to relief.”  *Crews v. Buckman Lab'ys Int'l, Inc.*, 78 S.W.3d 852, 857 (Tenn. 2002). A trial court's decision on a 12.02(6) motion presents a question of law, which we review de novo. *See Doe v. Sundquist*, 2 S.W.3d 919, 922 (Tenn. 1999).

Mr. Gure argues that the City's amended complaint neither alleged “a precise speed” nor “a precise speed zone.” But Tennessee “follows a liberal notice pleading standard.”

 *Webb*, 346 S.W.3d at 426. The “essential purpose of a pleading is to give notice of the issues to be tried so that the opposing party will be able to prepare for trial.”  *Abshire v. Methodist Healthcare-Memphis Hosps.*, 325 S.W.3d 98, 103 (Tenn. 2010).

The trial court properly denied Mr. Gure's motion to dismiss. The City's amended complaint alleged that Officer Wilson observed Mr. Gure “travelling in a high rate of speed on New Paul Road in La Vergne, Tennessee.” It provided the text of the relevant municipal code section at issue, which states that it is “unlawful to ... drive ... in excess of thirty (30) miles per hour” or an otherwise-posted speed limit. And the amended complaint apprised Mr. Gure that he was facing a \$50 fine. It was unnecessary to include allegations of New Paul Road's speed limit and Mr. Gure's exact speed. “Great specificity in the pleadings is ordinarily not required.”  *Trau-Med of Am., Inc. v. Allstate Ins. Co.*, 71 S.W.3d 691, 696 (Tenn. 2002); *see*  *Abshire*, 325 S.W.3d at 103 (“[A] complaint need not contain detailed allegations of all the facts giving rise to the claim.”). Mr. Gure had notice of the City's claim of a particular instance of speeding. So he had sufficient information to prepare a defense. *See*  *Abshire*, 325 S.W.3d at 103.

B.

We generally review a trial court's evidentiary decisions for an abuse of discretion. *State v. Davis*, 466 S.W.3d 49, 61 (Tenn. 2015). But whether a statement is hearsay is a question of law, which we review de novo.  *Keisling v. Keisling*, 196 S.W.3d 703, 721 (Tenn. Ct. App. 2005); *see*  *State v. Gilley*, 297 S.W.3d 739, 760 (Tenn. Crim. App. 2008). Whether the Google Maps evidence is hearsay requires looking to the definitions of “hearsay,” “declarant,” and “statement” in our rules of evidence. *See* TENN. R. EVID. 801. Interpretation of the rules of evidence is also a question

of law. *Holder v. Westgate Resorts Ltd.*, 356 S.W.3d 373, 379 (Tenn. 2011). The “same rules of statutory construction apply in the interpretation of rules.” *Thomas v. Oldfield*, 279 S.W.3d 259, 261 (Tenn. 2009). Our “goal is to ascertain and give effect to [the Tennessee Supreme] Court’s intent in adopting its rules.” *Id.*

*3 Under the Tennessee Rules of Evidence, hearsay “is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” TENN. R. EVID. 801(c). A “declarant” is defined as “a person who makes a statement.” *Id.* 801(b). And a “statement” is defined as “(1) an oral or written assertion or (2) nonverbal conduct of a person if it is intended by the person as an assertion.” *Id.* 801(a) (emphasis added). So, for hearsay purposes, a “statement” can only be made by a person. *United States v. Washington*, 498 F.3d 225, 231 (4th Cir. 2007); see also Jess Hutto-Schultz, *Dicitur Ex Machina: Artificial Intelligence and the Hearsay Rule*, 27 GEO. MASON L. REV. 683, 696-97 (2020) (recognizing that the hearsay rule was “designed for human witnesses”).

Google Maps is not a person. So it is not a “declarant.” See TENN. R. EVID. 801(b); *Washington*, 498 F.3d at 231. According to Mr. Gure, Google Maps can measure speed. Assuming it can, it functions as a tool. When a tool is “‘employed to measure something,’ ” such as “‘distance, ... weight, volume, [or] speed,’ ” the tool does not make a “‘statement.’ ” *State v. Thompson*, 167 N.E.3d 1072, 1083 (Ohio Ct. App. 2021) (citations omitted); see *United States v. Moon*, 512 F.3d 359, 362 (7th Cir. 2008) (reasoning that “instruments’ readouts are not ‘statements’ ”); *United States v. Hamilton*, 413 F.3d 1138, 1142 (10th Cir. 2005) (reasoning that “header information ... automatically generated by [a] computer” involved “neither a ‘statement’ nor a ‘declarant’ ”). Thus, any reading from Google Maps showing speed is also not a “statement.”² See *Moon*, 512 F.3d at 362; *Thompson*, 167 N.E.3d at 1083.

The Google Maps evidence was not hearsay. Cf. *United States v. Lizarraga-Tirado*, 789 F.3d 1107, 1110 (9th Cir. 2015) (rejecting the argument that evidence of GPS coordinates was hearsay because “the relevant assertion [was not] made by a person; it [was] made by the Google Earth program”). So the court erred in excluding the evidence on that basis.

*4 Even so, an evidentiary error is not reversible unless “the substance of the evidence and the specific evidentiary basis supporting admission were made known to the court by offer or were apparent from the context.” TENN. R. EVID. 103(a)(2). Reversal is also not warranted unless “a substantial right of the party [wa]s affected.” *Id.* 103(a); see TENN. R. APP. P. 36(b). In other words, we will not reverse a trial court’s judgment if an evidentiary error is harmless. See *State v. Rodriguez*, 254 S.W.3d 361, 370 (Tenn. 2008).


Here, Mr. Gure made no offer of proof. Although the context indicates the evidence relates to the speed of Mr. Gure’s car at some point in time, the substance of the evidence is unclear. The parties’ briefs reflect as much. Mr. Gure claims that he would have testified as to what Google Maps said his speed was. But the City believes Mr. Gure “attempt[ed] ... to admit a ‘Google Speedometer’ document.” On this record, we cannot properly discern the substance of the Google Maps evidence. So we cannot determine whether the trial court’s error entitles Mr. Gure to relief. See *State v. Lowe*, 552 S.W.3d 842, 864 (Tenn. 2018).

Although the Google Maps evidence was admissible, the record does not sufficiently reflect the substance of the evidence. Thus, the trial court’s exclusion of the evidence is not reversible error.

C.

In considering Mr. Gure’s final issue, we review the trial court’s factual findings with a presumption of correctness, unless the evidence preponderates otherwise. TENN. R. APP. P. 13(d). Evidence preponderates against a finding of fact if the evidence “support[s] another finding of fact with greater convincing effect.” *Rawlings v. John Hancock Mut. Life Ins. Co.*, 78 S.W.3d 291, 296 (Tenn. Ct. App. 2001). We give great weight to the trial court’s credibility assessments. See *Watson v. Watson*, 309 S.W.3d 483, 490 (Tenn. Ct. App. 2009). Findings based on witness credibility assessments are not disturbed unless “clear and convincing evidence supports a different finding.” *Coleman Mgmt., Inc. v. Meyer*, 304 S.W.3d 340, 348 (Tenn. Ct. App. 2009).

Here, the evidence does not preponderate against the trial court’s finding that Mr. Gure was speeding. Officer Wilson

testified that, based on his training, he visually determined that Mr. Gure was speeding. His radar—which he was certified to use and calibrated that morning—confirmed his suspicion. Mr. Gure insisted that he was not speeding and suggested that Officer Wilson's radar picked up the speed of a different vehicle. But the trial court “closely” watched the video and considered the witnesses’ testimony. In finding that Mr. Gure was speeding, the court, at least impliedly, credited Officer Wilson's testimony over Mr. Gure's testimony. *See*  *Edmunds v. Delta Partners, L.L.C.*, 403 S.W.3d 812, 824-25 (Tenn. Ct. App. 2012) (“[A] trial court's finding on credibility may be implied from the manner in which the trial court decided the case.”). We find no basis to disturb that credibility assessment.

III.








The trial court correctly denied Mr. Gure's motion to dismiss. And although it was error to exclude the Google Maps evidence on hearsay grounds, Mr. Gure failed to make an offer of proof. So we cannot determine whether the error entitles him to relief. As the record stands, the evidence does not preponderate against the court's finding that he was speeding. Thus, we affirm the judgment.

All Citations

Slip Copy, 2022 WL 3709387

Footnotes

¹ The City also alleged a violation of Municipal Code 15-103, which prohibits careless driving. But, at trial, the City chose to only proceed with the speeding charge.

² Generally speaking, “machines are not ‘declarants.’”  *Washington*, 498 F.3d at 231; *see State v. Van Sickle*, 813 P.2d 910, 913 (Idaho Ct. App. 1991) (holding that a “printout [of] a test result produced by a machine” was not hearsay because the “machine [wa]s not a ‘declarant’ ”); *People v. Dinardo*, 801 N.W.2d 73, 79 (Mich. Ct. App. 2010) (“[A] machine is not a person and therefore not a declarant capable of making a statement.”). And “data generated by ... machines do not constitute ‘statements.’”  *Washington*, 498 F.3d at 231; *see United States v. Lamons*, 532 F.3d 1251, 1263-64 (11th Cir. 2008) (reasoning that “raw billing data ... recorded onto ... data reels” by a machine was “not [the] statement[] of [a] person[]”). So “computer generated records are not hearsay.” *State v. Hall*, 976 S.W.2d 121, 147 (Tenn. 1998); *accord*  *Washington*, 498 F.3d at 231;   *United States v. Khorozian*, 333 F.3d 498, 506 (3d Cir. 2003);  *People v. Rodriguez*, 224 Cal. Rptr. 3d 295, 314 (Cal. Ct. App. 2017) (holding that a “computer-generated report of ... GPS data ... did not consist of statements of a person ... and did not constitute hearsay”);  *State v. Dunn*, 7 S.W.3d 427, 431 (Mo. Ct. App. 1999) (concluding that a “trace report,” which “[wa]s generated by a telephone company's computer, [wa]s not hearsay”); *State v. Weber*, 19 P.3d 378, 381 (Or. Ct. App. 2001) (reasoning that “an assertion not made by a person but by a machine ... is not hearsay”).

But there is a distinction between “computer-stored evidence”—which is a “collection of statements by humans”—and “computer-generated evidence.” *See* Jess Hutto-Schultz, *supra*, at 697 (citations omitted). The former is hearsay while the latter is not. *See id.*; *see also State v. Armstead*, 432 So. 2d 837, 839-40 (La. 1983).

West's Tennessee Code Annotated
State Rules of Court
Rules of the Supreme Court of the State of Tennessee
Rule 42. Standards for Court Interpreters

Sup.Ct.Rules, Rule 42, § 1

Section 1. Scope

[Currentness](#)

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 the appellate courts.

Credits

[Adopted effective April 25, 2002. Amended effective April 27, 2005. Amended June 27, 2012, effective July 1, 2012.]

Editors' Notes

COMMENTARY

This rule recognizes that for most people living in the United States, English is their native language, or they have learned to read, speak, and understand English. There are others for whom English is not their primary language. For them language can be a barrier to understanding and exercising their legal rights, and to securing meaningful access to the judicial system.

This rule is promulgated to assist the courts in this state in providing equal access to the courts to participants who have a limited ability to speak or understand the English language.

Sup. Ct. Rules, Rule 42, § 1, TN R S CT Rule 42, § 1

State court rules are current with amendments received through February 1, 2023. Some rules may be more current; see credits for details.

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West's Tennessee Code Annotated
State Rules of Court
Rules of the Supreme Court of the State of Tennessee
Rule 42. Standards for Court Interpreters

Sup.Ct.Rules, Rule 42, § 2

Section 2. Definitions

Currentness

- (1) **State Certified Court Interpreter**--an interpreter who possesses the qualifications outlined in [Section 5\(b\)](#) of this rule.
- (2) **State Registered Court Interpreter**--an interpreter who possesses the qualifications outlined in [Section 5\(a\)](#) of this rule.
- (3) **Interpretation**--the unrehearsed transmission of a spoken message from one language to another.
- (4) **Limited English Proficient (“LEP”) Person**--a participant in a legal proceeding who has limited ability to speak or understand the English language.
- (5) **Non-Credentialed Interpreter**--a court interpreter who is not certified or registered as provided in this rule.
- (6) **Participant**--a party, witness, or other person in a legal proceeding.
- (7) **Sight Translation**--oral translation of a written text.
- (8) **Written Translation**--the rendering of a written document from one language into a written document in another language.
- (9) **Audio or Video Transcription and Translation**--written transcription of the entire verbal content and translation of the non-English verbal content of an audio or video recording.
- (10) **Court Proceedings**--any hearing, trial, or other appearance before any Tennessee general sessions court, or municipal court exercising general sessions jurisdiction, or any juvenile, probate, circuit, chancery, criminal, or appellate court, in an action, appeal, or other proceeding, including any matter conducted by a judicial magistrate.
- (11) **Indigent Party**--a party found by a court to be indigent pursuant to the provisions of [Tennessee Code Annotated section 40-14-202](#) or other applicable statute, which finding shall be evidenced by a court order.

Credits

[Adopted effective April 25, 2002. Amended effective April 27, 2005. Amended June 27, 2012, effective July 1, 2012.]

Sup. Ct. Rules, Rule 42, § 2, TN R S CT Rule 42, § 2

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Sup.Ct.Rules, Rule 42, § 3

Section 3. Determining Need for Interpretation

Currentness

(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.

(b) Recognition of the need for an interpreter may arise from a request by a party or counsel, the court's own voir dire of a party or witness, or disclosures made to the court by parties, counsel, court employees or other persons familiar with the ability of the person to understand and communicate in English.

(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.

(d) The court may appoint an interpreter of lesser preference (i.e., registered instead of certified or non-credentialed instead of registered) only upon a finding that diligent, good faith efforts to obtain the certified or registered interpreter, as the case may be, have been made and none has been found to be reasonably available. A non-credentialed interpreter may be appointed only after the court has evaluated the totality of the circumstances including the gravity of the judicial proceeding and the potential penalty or consequence involved.

(e) Before appointing a non-credentialed interpreter, the court shall make the following findings:

- (i) that the proposed interpreter appears to have adequate language skills, knowledge of interpreting techniques, familiarity with interpreting in a court setting; and
- (ii) that the proposed interpreter has read, understands, and will abide by the Rules of Ethics for Spoken Foreign Language Interpreters in Tennessee Courts.

(f) A summary of the efforts made to obtain a certified or registered interpreter and to determine the capabilities of the proposed non-credentialed interpreter should be made in open court.

(g) The court shall use the services of multiple interpreters where necessary to aid interpretation of court proceedings.

Credits

[Adopted effective April 25, 2002. Amended effective April 27, 2005. Amended December 16, 2011, effective July 1, 2012.]

Editors' Notes

COMMENTARY

The Administrative Office of the Courts distributes photo identification cards to all state certified and registered interpreters. A court can determine an interpreter's credentialing status by viewing this card, which differentiates between registered and certified interpreters, and by consulting the credentialed interpreter roster, which can be found on the AOC's website (www.tsc.state.tn.us).

Section 3(g). The court may wish to consider using multiple interpreters in legal proceedings where one or more of the following situations exist:

(1) Legal proceedings lasting more than 2 hours--Generally, in legal proceedings lasting more than two hours a team of two interpreters should be designated to ensure the accuracy and completeness of the record by allowing interpreters to alternate work and rest in short shifts, thus avoiding fatigue. Although it may not be necessary to use multiple interpreters for short hearings, studies have shown that interpreters' accuracy rates greatly decrease after 20-30 minutes of continuous interpretation. Therefore, courts should be aware that interpreters may need breaks during relatively short hearings.

(2) Multiple defendants--One or more interpreters may be appointed (apart from the interpreter(s) who are interpreting the legal proceedings) in order to provide interpreting services for attorney-client communications during the proceeding. However, courts should be aware that ethical considerations do not preclude interpreters from facilitating in-court and out-of-court communication for both the court and one or more parties in the same proceeding. Moreover, the Administrative Office of the Courts has provided many courts with simultaneous interpreting equipment, which will allow one interpreter to interpret for multiple defendants during a single proceeding.

See the commentary to Canon 8 of Tennessee Supreme Court Rule 41 for additional information regarding circumstances in which it may be advisable to use multiple interpreters.

Notes of Decisions (3)

Sup. Ct. Rules, Rule 42, § 3, TN R S CT Rule 42, § 3

State court rules are current with amendments received through February 1, 2023. Some rules may be more current; see credits for details.

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Sup.Ct.Rules, Rule 42, § 4

Section 4. Procedures

Currentness

(a) Scheduling Interpreter Services. Interpreter services will be scheduled as determined by local rules or at the direction of the court.

(b) Waiver of Interpreter. The LEP participant may at any point in the proceeding waive the services of an interpreter. The waiver of the interpreter's services must be knowing and voluntary, and with the approval of the court. Granting such waiver is a matter of judicial discretion, subject to the procedural requirements of section 4(b)(1).

(1) *Waiver Procedure.*

(i) Before approving a waiver, the judge, in open court, must first explain to the LEP person through an interpreter the nature and effect of the waiver; and

(ii) the judge must determine in open court that the waiver has been made knowingly, intelligently, and voluntarily.

(iii) If the LEP person is the defendant in a criminal matter, the court must further determine that the defendant has been afforded the opportunity to consult with his or her attorney.

(2) At any point in any proceeding, for good cause shown, the LEP person may retract his or her waiver and request an interpreter.

(c) Interpreter Oath. All interpreters, before commencing their duties, shall take an oath that they will make a true and impartial interpretation using their best skills and judgment in accordance with the standards and ethics of the interpreter profession. The court shall use the following oath:

“Do you solemnly swear or affirm that you will interpret accurately, completely and impartially, using your best skill and judgment in accordance with the standards prescribed by law and the Rules of Ethics for Spoken Foreign Language Interpreters in Tennessee Courts; that you will follow all official guidelines established by this court for legal interpreting or translating, and discharge all of the solemn duties and obligations of legal interpretation and translation?”

Credits

[Adopted effective April 25, 2002. Amended effective April 27, 2005. Amended June 27, 2012, effective July 1, 2012.]

Editors' Notes

COMMENTARY

Section 4(a). Comment. The person(s) responsible for arranging for the services of the interpreter and making sure the interpreter is available for appointment to provide services for the court hearing(s) shall be left to the local courts to decide. It is recommended that local rules reflect the arrangement process to assist those appearing before the courts.

Section 4(c). Comment 1. It is common practice for interpreter oaths to be sworn to and maintained on file for all interpreters who are regularly employed by a court. This simplifies the court's inquiries in open court during procedural hearings. It is recommended, however, that an oath be read and sworn to in open court in all proceedings conducted before a jury.

Section 4(c). Comment 2. The Rules of Ethics for Spoken Foreign Language Interpreters in Tennessee Courts address the various ethical responsibilities of interpreters for accuracy and completeness, impartiality, confidentiality, and other matters relating to the professional conduct of interpreters. The court should be alerted to potential conflicts of interest or other violations of the Rules of Ethics. The sanction of removal from the case is justified for any violations of the Rules of Ethics. See Tennessee Supreme Court Rule 41 for additional information.

Sup. Ct. Rules, Rule 42, § 4, TN R S CT Rule 42, § 4

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Sup.Ct.Rules, Rule 42, § 5

Section 5. State Certified and Registered Court Interpreters

Currentness

(a) To receive designation as a state registered court interpreter, the candidate shall:

(1) Submit to a criminal background check. Convictions for any felony or for a misdemeanor involving dishonesty or false statement shall disqualify a candidate from certification if such conviction is ten years old or less as provided in [Tennessee Rule of Evidence 609](#);

(2) Attend an approved ethics and skill building workshop;

(3) Pass an approved criterion-referenced written examination;

(4) Provide verification of United States citizenship or the legal right to work and remain in the United States;

(5) Complete any required forms and pay any required fees; and

(6) Complete any additional requirements established by the Administrative Director of the Courts pursuant to subsection (d).

If an oral performance examination is available, a registered court interpreter must sit for the examination at least once every twelve months from the date he/she is designated as a registered court interpreter until he/she receives a passing grade to become a certified court interpreter. Failure to sit for the oral examination as required by this section shall result in the loss of designation as a registered court interpreter and the interpreter shall be required to begin the credentialing process anew.

(b)(1) To receive designation as a state certified court interpreter, the candidate shall:

(i) Successfully meet the requirements to be designated as a state registered court interpreter;

(ii) Pass an approved criterion-referenced oral performance examination; and

(iii) Complete any additional requirements established by the Administrative Director of the Courts pursuant to subsection (d).

(2) Interpreters with certification as a federal court interpreter shall be granted reciprocity as a state certified court interpreter after successfully meeting the requirements of (a)(1), (a)(2), (a)(4), (a)(5), and (a)(6) above. Interpreters with any other type of certification will be reviewed on a case-by-case basis to determine what steps the interpreters must take to be granted state court interpreter certification.

(c)(1) Once credentialed, certified and registered court interpreters shall be required to renew their credentials every three years. The three-year effective period begins on July 1 following the date of credentialing. Renewals are from July 1 of one year to June 30 of the third year for three-year periods.

(2) Renewing credentials requires the following:

(i) Providing documentation of 18 hours of approved continuing education (CE) credits received during the three-year period. A CE credit is equal to one contact hour in the classroom. A minimum of 12 of the 18 hours must consist of foreign language or interpreting skills training. The Administrative Director of the Courts is authorized to adopt policies and procedures necessary to implement this provision of the rule; and

(ii) Completing any required forms and paying any required fees.

(d) The Administrative Director of the Courts shall determine appropriate examination registration fees as well as examination eligibility requirements, requirements for successful completion of examinations, and penalties for unsuccessful completion of examinations. The Administrative Director of the Courts also has the authority to impose additional requirements for an interpreter to earn, retain, or reinstate status as a registered or certified interpreter. The director is authorized to adopt policies and procedures necessary to implement this provision of the rule.

Credits

[Adopted effective April 25, 2002. Amended effective April 27, 2005.]

Editors' Notes

COMMENTARY

Comment 1. Court interpretation is a specialized and highly demanding form of interpreting. It requires skills that few bilingual individuals possess, including language instructors. The knowledge and skills of a court interpreter differ substantially from or exceed those required in other interpretation settings, including social service, medical, diplomatic, and conference interpreting. Due to the highly specialized knowledge and skills required in this profession, the Court has promulgated this rule to adopt uniform qualifications for interpreters serving in Tennessee's courts.

Comment 2. A “criterion-referenced” performance examination is one in which the required score is based on an absolute standard rather than one on the relative performance of examinees as measured against one another.

Comment 3. Interpreters are responsible for familiarizing themselves with the credentialing and renewal requirements. For additional information, interpreters should consult the interpreter page of the Administrative Office of the Court's website, which can be accessed at www.tsc.state.tn.us, or contact the Administrative Office of the Courts.

Sup. Ct. Rules, Rule 42, § 5, TN R S CT Rule 42, § 5

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Sup.Ct.Rules, Rule 42, § 6

Section 6. Removal of an Interpreter in Individual Cases

Currentness

Any of the following actions shall be good cause for a judge to remove an interpreter from a case:

- (1) Incompetence;
- (2) Being unable to interpret adequately, including where the interpreter self-reports such inability;
- (3) Knowingly and willfully making false, misleading, or incomplete interpretation while serving in an official capacity;
- (4) Knowingly and willfully disclosing confidential or privileged information obtained while serving in an official capacity;
- (5) Misrepresentation of credentials;
- (6) Failure to reveal potential conflicts of interest; or
- (7) Failing to follow other standards prescribed by law and the Rules of Ethics for Spoken Foreign Language Interpreters in Tennessee Courts.

Credits

[Adopted effective April 25, 2002. Amended effective April 27, 2005.]

Editors' Notes

COMMENTARY

It is important to recognize that interpreters are sometimes called to court to interpret for someone who speaks a different language or dialect from that spoken by the interpreter. This section authorizes the court to remove interpreters who are not competent to interpret for this or any other reason, or who violate the Rules of Ethics for Spoken Foreign Language Interpreters in Tennessee Courts.

Sup. Ct. Rules, Rule 42, § 6, TN R S CT Rule 42, § 6

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West's Tennessee Code Annotated
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Sup.Ct.Rules, Rule 42, § 7

Section 7. Cost of Interpreter/Translator Services

Currentness

The reasonable costs associated with an interpreter's and/or translator's services will be compensated when a court finds, upon motion of counsel or on the court's own initiative, that a participant has limited English proficiency ("LEP") The term "interpret" refers to the process of transmitting the spoken word from one language to another. The term "translate" refers to the process of transmitting the written word from one language to another. 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.

(a) Rates of Compensation. Compensation rates for services provided by spoken Spanish foreign language interpreters shall not exceed the following: Certified Interpreter--\$50 per hour; Registered Interpreter--\$40 per hour; Non-Credentialed Interpreter--\$25 per hour. Compensation rates for services provided by spoken foreign language interpreters for languages other than Spanish shall not exceed \$75 per hour. Compensation for interpreters or translators shall not exceed the following: Certified Interpreter--\$500 per day; Registered Interpreter--\$400 per day; Non-Credentialed Interpreter--\$250 per day. If the court finds that these maximum rates are inadequate to secure the services of a qualified interpreter in a language other than Spanish, the court shall make written findings regarding such inadequacy and determine a reasonable maximum rate for a qualified interpreter. Interpreters shall be compensated for in-court interpretation time and travel time at the compensation rate approved by the court. If the in-court interpretation time and travel time total less than two (2) hours, a minimum of two (2) hours will be compensated for the day.

(b) Translation of Documents. The court shall determine if it is reasonably necessary for documents to be translated as part of assuring adequate representation of an indigent party with LEP. Document translation shall be compensated at a rate of twenty cents (\$0.20) per word. If the court finds that this rate is inadequate to secure the services of a qualified translator, the court shall make written findings regarding such inadequacy and determine a reasonable per-word translation rate.

(c) Translation of Audio or Video Media. Services associated with the review or transcription/translation of audio or video tapes that include languages other than English shall be compensated at the same rate provided for spoken foreign language interpreters in section 7(a) of this rule.

(d) Expenses. The following expenses shall be paid as indicated:

(1) Mileage for travel within the state in accordance with Judicial Department travel regulations, if supported by a log showing the mileage, the purpose of the travel, and the origination and destination cities; however mileage will not be paid for travel from residence/office to courthouse within the same county;

(2) Lodging where an overnight stay is required, at actual costs, if supported by a receipt, not to exceed the current authorized executive branch rates;

(3) Meals in accordance with the Judicial Department travel regulations, if supported by a receipt, where an overnight stay is required;

(4) Parking at actual costs up to ten dollars per day, if supported by a receipt.

(5) Time spent traveling shall be compensated at the same rates provided for spoken language interpreters in Section 7(a), except that interpreters compensated at a rate of one hundred dollars (\$100) per hour or more shall be compensated for travel time at no greater than fifty percent (50%) of the interpreter's approved hourly rate.

(6) Other expenses not listed in section (d) above, including travel outside the state, will be reimbursed only if prior authorization is obtained from the court.

(e) Prior Approval Required for Services Exceeding \$5,000. If the court approves an amount in excess of five thousand dollars (\$5,000) for interpreter/translator services, the order(s) and any attachments must be submitted to the director for prior approval. If the director denies prior approval of the request, the claim shall be transmitted to the chief justice for disposition. The determination of the chief justice shall be final.

(f) Claims Procedures. Claims for compensation of interpreters and translators shall be submitted utilizing the system established by the AOC for electronic submission. The interpreter/translator's submission to the AOC must also include a copy of the court's order appointing the interpreter/translator.

(1) Claims that total \$200 or more for compensation and expenses shall be reviewed and approved by the judge who presided over the final disposition of the case prior to payment of the claim by the AOC;

(2) Claims that total less than two hundred dollars (\$200.00) shall be exempt from the judicial review and approval requirement. Such claims, however, shall be subject to the AOC's examination and audit pursuant to section 7(f)(4).

(3) *Time for Submitting Claims.* Claims for compensation under this rule shall be submitted within 180 days of the day the services were rendered. Claims submitted more than 180 days after the services were rendered shall be deemed waived and shall not be paid.

(4) *Examination and Audit by AOC.*

- (i) The AOC shall examine and audit all claims for compensation and reimbursement to insure compliance with this rule and any other applicable rule or statute(s). The AOC may decline to make any payment should there be a failure to comply with the requirements of this Rule or any other Rule or statutory requirements.
- (ii) After such examination and audit, and giving due consideration to state revenues, the director shall make a determination as to the compensation and/or reimbursement to be paid and cause payment to be issued in satisfaction thereof.
- (iii) Payment may be made directly to the person, agency, or entity providing the services.
- (iv) The determination by the director shall be final, except where review by the chief justice also is required. In those instances, the determination of the chief justice shall be final. The chief justice may designate another justice to perform this function if the chief justice determines that a designation is appropriate or necessary.
- (v) If the director denies a fee claim in whole or substantial part, such denial shall be forwarded to the chief justice for review. The determination of the chief justice shall be final. Reductions made during the process of auditing a fee claim which are due to mathematical miscalculations or result from requests for payments not permitted by this rule shall not be forwarded to the chief justice for review.
- (vi) The payment of a claim by the AOC shall not prejudice the AOC's right to object to or question any claim or matter in relation thereto. Claims shall be subject to reduction for amounts included in any claim or payment previously made which are determined by the AOC not to constitute proper remuneration for compensable services. The AOC reserves the right to deduct from claims which are or shall become due and payable any amounts which are or shall become due and payable to the AOC.
- (g) Contract Services and Pilot Projects.** To facilitate the prompt and efficient disposition of proceedings which involve individuals with LEP, the AOC director may contract with interpreters that are credentialed pursuant to this Rule. Courts shall use the contracted interpreters unless they are unavailable. Counties may wish to utilize credentialed interpreters on a full-time or part-time basis with reimbursement for those services from the AOC. The rate of compensation shall not exceed, under any circumstances, the rates provided for in this rule. Counties wishing to be reimbursed for these expenses shall contact the AOC, which will determine in what amounts and by what method said reimbursement shall be made. In addition, the AOC is authorized to establish pilot projects that may include, but are not limited to, video or audio remote interpretation and regional interpretation centers.
- (h) Eligible Cases and Covered Proceedings.** The following provisions govern the payment of interpreter/translator costs pursuant to this rule.
 - (1) In cases in which an indigent party has a statutory or constitutional right to appointed counsel as outlined in Supreme Court Rule 13, Section 1(d)(1) and (2), interpreter costs will be paid for the following proceedings:
 - (i) All court hearings;

- (ii) Pre-trial conferences between defendants and district attorneys in order to relay a plea offer immediately prior to a court appearance or to discuss a continuance;
 - (iii) Communication between client and state funded counsel appointed pursuant to [Supreme Court Rule 13](#); and communication between client, state funded counsel and others for the purpose of gathering background information, investigation, trial preparations, and witness interviews.
- (2) In cases where a party has a statutory or constitutional right to appointed counsel, as defined in section 7(h)(1), and is not found to be indigent, interpreter costs will only be paid for “court proceedings,” as defined in [section 2](#).
- (3) If a party does not have a statutory or constitutional right to appointed counsel, interpreter costs will only be paid for “court proceedings,” as defined in [section 2](#), and at no time will the AOC pay for the costs of interpreters in the following situations:
- (i) Communication with attorneys, prosecutors, or other parties related to a case involving LEP individuals for the purpose of gathering background information, investigation, trial preparation, witness interviews, or client representation at a future proceeding unless pursuant to section 7(h)(1) above;
 - (ii) Communications relating to probation treatment services;
 - (iii) Any other communication which is not part of a court proceeding or immediately preceding or following a court proceeding.
- (4) Pursuant to [Article 1, Section 35 of the Tennessee Constitution](#), interpreter costs shall be paid pursuant to this rule for services to victim(s) of crime during court proceedings in which the victim(s), or in the case of a homicide, the next-of-kin, are present.

Credits

[Adopted effective April 25, 2002. Amended effective April 27, 2005. Amended June 27, 2012, effective July 1, 2012. Amended nunc pro tunc June 27, 2012, effective July 1, 2012. Amended February 6, 2013, effective July 1, 2013. Amended effective December 4, 2015.]

Editors' Notes

COMMENTARY

Interested persons should contact the Tennessee Administrative Office of the Courts to determine the circumstances in which interpreter services may be approved and paid for by the Administrative Office of the Courts.

Sup. Ct. Rules, Rule 42, § 7, TN R S CT Rule 42, § 7

State court rules are current with amendments received through February 1, 2023. Some rules may be more current; see credits for details.



Department of
**Safety &
Homeland Security**

e-Services Court Portal User Manual

Version 1.0.1

Updated: June 6, 2022

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About the e-Services Court Portal

Courts can view & print any driver's Tennessee license status and reinstatement requirements through the Tennessee Department of Safety's e-Services Court Portal.

New and existing logons are administered through Tiffanie Morgan at the Department of Safety's Financial Responsibility Division. To set up an account please contact Tiffanie.Morgan@tn.gov

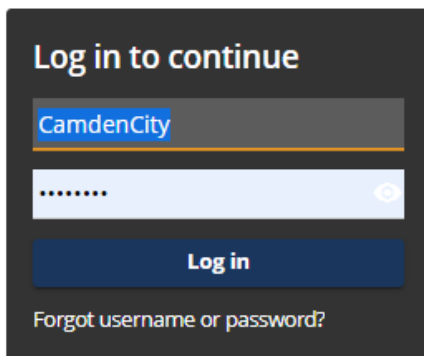
Log into the e-Services Court Portal

1. Go to e-Services: [https://dl.safety.tn.gov/ /](https://dl.safety.tn.gov/)
2. Navigate to the *Courts* menu listing towards the bottom of the e-Services home page.

Note: You can also type 'Court' in the search bar to bring you to the menu listing.



3. Click on the **Court Portal** hyperlink to take you to the logon screen.
4. First time users will log in with the credentials provided by TN Dept. of Safety.



5. First time users will be required to choose a two-step verification method (this can be changed at any time after login).

Department of Safety & Homeland Security

Driver Services Division

TN-DS Quality Assurance

Home

e-Services

?

Home

Protect your e-Services profile with two-step verification

Two-step verification is used to better protect your e-Services profile. Once we have it setup you'll be asked to provide a unique security code to verify your identity each time you log in.

Authentication App

Use an authentication app, such as Google Authenticator, to get security codes.

[Set Up](#)

Text Message

Receive security codes by text message.

[Add Phone](#)

Message and data rates may apply. To stop receiving SMS messages, remove your number above.

Email

Receive security codes by email.

[Add Email](#)

Cancel

Confirm

- Enter the security code sent to your chosen two-step verification method and click **Confirm**.
- Complete the first-time logon set up process by selecting a *Secret Question* and providing an *Answer* then click **Save**.

Two-Step Verification Setup

Web Profile

Profile information required

Username

CamdenCityClerk1

Name

Court Clerk1

Email

nicole.white@tn.gov

Secret Question *

Required

Answer

Confirm Answer

Primary Phone Number

Country

USA

Type

Secondary Phone Number

Country

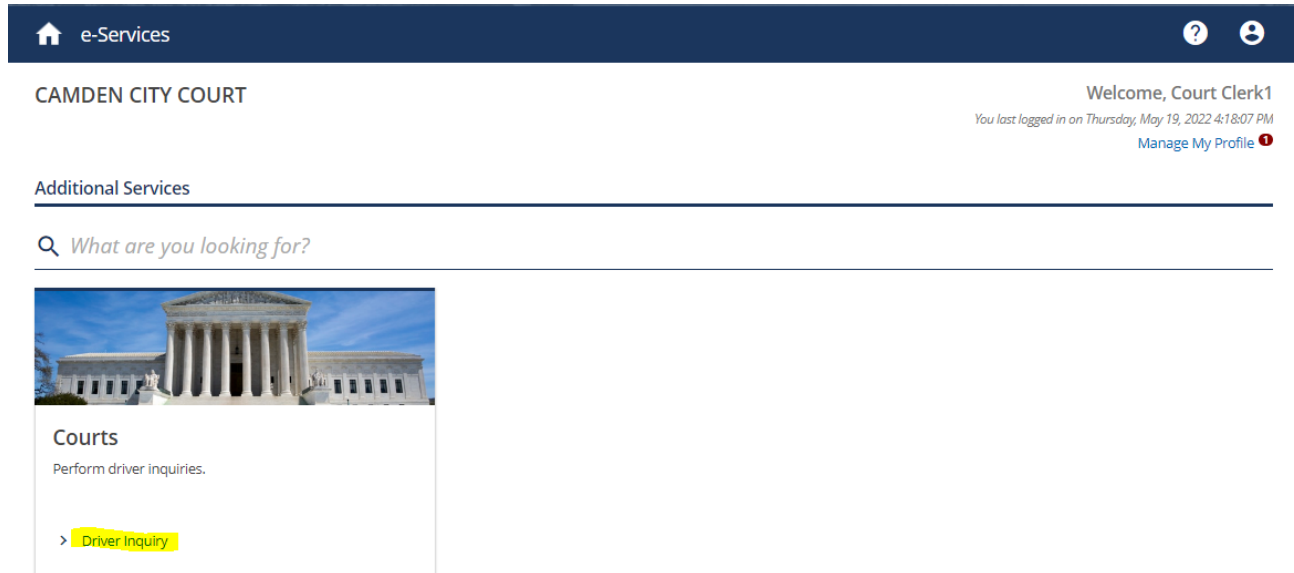
USA

Type

Perform a Driver Inquiry

Once logged on as an authorized e-Services Court Portal User, you can perform a Driver Inquiry.

1. Click on the **Driver Inquiry** hyperlink in the *Courts – perform driver inquiries* service menu.



2. Enter the driver's correct *TN License/ID Number, Last Name* and *Date of Birth* as required. Then click to certify you have permission to perform the Driver Inquiry search and click **Retrieve Driver**.

Note: A search cannot be performed without all required correct information and certify box being checked. Should the user enter incorrect driver information repeatedly, the user will be locked out of performing driver Inquiry searches for a period of 10 minutes.

The screenshot shows the 'Driver Inquiry' form in the 'e-Services' portal. The header includes a home icon, 'e-Services', and user icons. A breadcrumb trail shows '< CAMDEN CITY COURT'. The form has three input fields: 'TN License/ID Number' (marked 'Required'), 'Last Name' (marked 'Required'), and 'Date of Birth' (marked 'Required' with a calendar icon). Below these is a checkbox for a certification statement. A 'Retrieve Driver' button is at the bottom right.

Driver Inquiry

TN License/ID Number ^{*}
Required

Last Name ^{*}
Required

Date of Birth ^{*}
Required

☐ I certify and affirm that the last name, date of birth, driver license/ID number, and Social Security Number digits are my own, or that I am representing this person or acting on their behalf with their permission. I understand that it is a criminal offense to knowingly submit false information to the Department of Safety and Homeland Security, punishable by fines, incarceration and/or loss of driving privileges as allowed under TN Code 555-50-602.

Retrieve Driver

- Following a successful search, the driver's license status, reinstatement requirements and any fees due are displayed.

Note: Reinstatement requirements can be printed by clicking the **Print Reinstatement Requirements** button.

The screenshot shows the 'Driver Information' and 'License Status' page. The header includes a home icon, 'e-Services', a 'TN-DS Quality Assurance' banner, and user icons. A breadcrumb trail shows '< CAMDEN CITY COURT'. The 'Driver Information' section displays 'TN License/ID Number: 149285181' and 'Customer Name: TEST DRIVER'. The 'License Status' section shows a table with columns for Credential, Status, Issue, and Expiration. The table contains one row: 'Class D License', 'Eligible for Reissue', and empty cells for 'Issue' and 'Expiration'. Below the table is a message about driving privileges and a section for 'Reinstatement Requirements and Instructions' with a circular arrow icon and a 'Print Reinstatement Requirements' button. A 'Back' button is at the bottom right.

Driver Information

TN License/ID Number
149285181

Customer Name
TEST DRIVER

License Status

Credential	Status	Issue	Expiration
Class D License	Eligible for Reissue		

This driver's driving privileges are currently revoked, suspended or cancelled. The information below lists what they must do, as of 5/20/2022 in order to reinstate their driving privileges.

Reinstatement Requirements and Instructions

Submit a court order for this driver to reinstate their driving privileges in regard to the Motor Vehicle Habitual Offender conviction on 5/20/2022 in COUNTY.

Print Reinstatement Requirements

Back

- Click the **Back** button to return to the *Driver Inquiry* screen. To perform a new driver inquiry, click the **Clear Driver Information** button to clear the driver's information from previous search.

e-Services

CAMDEN CITY COURT

Driver Inquiry

TN License/ID Number

149285181

Last Name

DRIVER

Date of Birth

26-May-2004

Clear Driver Information

☐ I certify and affirm that the last name, date of birth, driver license/ID number, and Social Security Number digits are my own, or that I am representing this person or acting on their behalf with their permission. I understand that it is a criminal offense to knowingly submit false information to the Department of Safety and Homeland Security, punishable by fines, incarceration and/or loss of driving privileges as allowed under TN Code §55-50-602.

Retrieve Driver

e-Services

CAMDEN CITY COURT

TN-DS Quality Assurance

Driver Information

TN License/ID Number

149285181

Customer Name

TEST DRIVER

License Status

Credential	Status	Issue	Expiration
Class D License	Eligible for Reissue		

This driver's driving privileges are currently revoked, suspended or cancelled. The information below lists what they must do, as of 5/20/2022 in order to reinstate their driving privileges.

Reinstatement Requirements and Instructions

Submit a court order for this driver to reinstate their driving privileges in regard to the Motor Vehicle Habitual Offender conviction on 5/20/2022 in COUNTY.

Print Reinstatement Requirements

Back

View or Cancel User Logons


Users with *Full Access* can View or Cancel other e-Services Court Portal users logons for their court.

Note: New user logons can only be created by the TN Department of Safety. Please contact Tiffanie Morgan.

1. From the **Access Management** section, select **View Access** to display the list of other user logons registered for the court.

CAMDEN CITY COURT

Additional Services

 What are you looking for?



Courts

Perform driver inquiries.

[> Driver Inquiry](#)



Access Management

Manage access of accounts I have access to.

[> View Access](#)

- Click on the hyperlink displaying the username to view more details for the user and manage their access.

[< CAMDEN CITY COURT](#)

Customer Access

CAMDEN CITY COURT
1492934400

Logons

Logons with Access to Customer

[CamdenCityClerk1](#)

Court Clerk1

nicole.white@tn.gov

Administrator

- User's access information is displayed. To cancel a user's access, click on the hyperlink which displays the user's access type.

Third Party Logon

Administrator

CamdenCityClerk1
Court Clerk1
nicole.white@tn.gov

[Access](#) [Activity](#)

Access Settings for CamdenCityClerk1

[Filter](#)

CAMDEN CITY COURT - 1492934400

General Access

[Administrator](#)

4. The User's security settings are displayed. Click on the **Cancel Access** hyperlink then click **OK** and **OK** again to confirm.

< CamdenCityClerk1

Access

CAMDEN CITY COURT
1492934400

> Cancel Access

Settings

Security

Lagon : CamdenCityClerk1
Access Type : Administrator

Update User Profile Information

1. Log in to the e-Services Court Portal and then click on the icon on the top right of the screen to access the *Manage My Profile* screen. Select **My Profile** from the drop down.

Home e-Services ? User Icon

CAMDEN CITY COURT

Welcome
You last logged in on Friday,

Nicole White
My Profile
Log Off

Additional Services

What are you looking for?

2. From the *Manage My Profile* screen, select the relevant hyperlink to change your profile or security settings.

Home e-Services

< CAMDEN CITY COURT

Manage My Profile

Court Clerk1
nicole.white@tn.gov

Profile Action Center

Profile

Username
CamdenCityClerk1

Name
Court Clerk1
[Update Name](#)

My Email
nicole.white@tn.gov
[Change Email](#)

My Phone Number
No phone number
[Edit Phone Number](#)

Security

Password
Last changed May 19
[Change Password](#)

Secret Question
What was your childhood nickname?
[Update Your Secret Question](#)

Two-Step Verification Settings
Codes are sent via email
[Change Two-Step Settings](#)



STATE OF TENNESSEE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY

Acceptable Use Policy
External Partner/Agency Portal
eServices Court Portal – Driver History Records Review

Purpose:

To establish guidelines for courts and other external partners to access the eServices Court Portal for the purpose of reviewing driver history records as authorized by state and federal law (“Purpose”).

Reference:

Tennessee Code Annotated, Section 4-3-5501, et seq., effective May 10, 1994.
Tennessee Code Annotated, Section 10-7-512, effective July 1, 2000.
Tennessee Code Annotated, Section 10-7-504, effective July 1, 2001.
Tennessee Code Annotated, Section 55-25-101, et seq., effective July 1, 1997
State of Tennessee Security Policies.

Objectives:

- Ensure the protection of proprietary, personal, privileged, or otherwise sensitive data and resources that may be processed in any manner by the State, or any State-authorized external partner.
- Ensure proper usage of networked information, programs and facilities offered by the State of Tennessee networks.
- Maintain security of and access to networked data and resources on an authorized basis.
- Protect the confidentiality and integrity of files and programs from unauthorized users.
- Inform users there is no expectation of privacy in their use of State-owned hardware, software, or computer network access and usage.

Scope:

This Acceptable Use Policy applies to all individuals who have been provided access rights to the eServices Court Portal for the Purpose stated herein.

Use and Prohibitions:

A. Resources

External partners may be authorized to access the eServices Court Portal for the Purpose stated herein. Each State-authorized external partner shall be issued a username and password to login to the eServices Court Portal. It is understood that by signing this document, the signer agrees to abide by the terms of this Acceptable Use Policy and understands that access to the eServices Court Portal shall be terminated in the event of any misuse of the login credentials.

Prohibitions

- Sending or sharing with unauthorized persons any information that is confidential by law, rule or regulation.
- Using the eServices Court Portal for anything other than the Purpose stated herein.
- Walking away and leaving the eServices Court Portal accessible without engaging password protection.
- Allowing unauthorized persons to access the eServices Court Portal.
- Sharing login credentials, even with another State-authorized user.
- Using the eServices Court Portal for unlawful activities as defined by federal, state, and local law.
- Utilizing the eServices Court Portal for activities that violate conduct policies established by the State or the external partner agency where the user is employed.

Statement of Consequences

Noncompliance with this Policy may constitute a legal risk to the State of Tennessee, an organizational risk to the State of Tennessee in terms of potential harm to employees or citizen security, or a security risk to the State of Tennessee's data, and/or a potential personal liability.

Unauthorized access, use, misuse, or modification of the eServices Court Portal or of the data accessed via the eServices Court Portal or in transit to/from the eServices Court Portal constitutes a violation of state and federal laws including, but not limited to Title 18, United States Code, Section 1030, and may subject the individual to Criminal and Civil penalties pursuant to Title 26, United States Code, Sections 7213 (a), 7213A (the Taxpayer Browsing Protection Act), and 7431.

Monitoring and Statement of Enforcement

Use of the eServices Court Portal is subject to monitoring to ensure proper usage. If monitoring reveals possible evidence of criminal activity, such evidence may be provided to law enforcement personnel. Use of the eServices Court Portal constitutes automatic consent to such monitoring.

Noncompliance with this Policy may result in the immediate termination of user access to the eServices Court Portal.

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ACKNOWLEDGE AND SIGN ON NEXT PAGE



STATE OF TENNESSEE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY

**Acceptable Use Policy
External Partner/Agency Portal
eServices Court Portal – Driver History Records Review**

User Agreement Acknowledgement

By signing below, I agree to abide by the Acceptable Use Policy – External Partner/Agency Portal – eServices Court Portal – Driver History Records Review and the following promises and guidelines as they relate to the Policy:

1. I will protect the login credentials issued to me for access to the eServices Court Portal against unauthorized disclosure and/or use.
2. I will maintain the login credentials issued to me in the strictest of confidence; immediately change them if I suspect their secrecy has been compromised and will report activity that is contrary to the provisions of this Policy to the State.
3. I will be accountable for all transactions performed using my login credentials.
4. I will not disclose any confidential information other than to persons authorized to access such information as identified by my section supervisor.

Monitoring and Privacy Expectations

The State actively monitors network services and resources, including, but not limited to, real time monitoring. Users should have no expectation of privacy. Use of the eServices Court Portal may be examined and monitored by the State for any reason including, but not limited to, security and/or user conduct.

I acknowledge that I must adhere to this Policy as a condition for receiving login credentials to access the eServices Court Portal.

I understand the willful violation or disregard of any of these guidelines, statute, or policies may result in my loss of access to the eServices Court Portal and termination of my business relationship with the State, and any other appropriate legal action, including possible prosecution under the provisions of the Computer Crimes Act as cited at TCA 39-14-601 et seq., and other applicable laws.

I have read and agree to comply with the Policy set forth herein.

Type or Print Name

Last 4 digits of Social Security Number

Signature

Date

FEDERAL DRIVERS PROTECTION ACT (DPPA)

Effective June 1, 2000, the Federal Drivers Protection Act (DPPA) (18 U.S.C.A. 2721) as amended by Section 350 of Public Law 106-69 *Appropriations Act* prohibits the dissemination or disclosure of a photograph, social security numbers, medical or disability information from motor vehicle records without the express consent of the person to whom the information pertains. However, this information may be released even without the express consent of the person for the following reasons:

1. For use by any government agency, including any court or law enforcement agency, in Carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.
2. For use in connection with any civil, criminal, administrative, or arbitral proceeding in Any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.
3. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.
4. For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49.

Other personal information consisting of a driver's identification number, name, address, or telephone number shall not be released without the express consent of the person to whom it pertains unless the person requesting the information needs it for one of the following permitted uses.

1. For use by any government agency, including any court or law enforcement, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State of local agency in carrying out its functions.
2. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.
3. For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only –
 - (A) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and
 - (B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.
4. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.

5. For use in research activities and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.
6. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.
7. For use in providing notice to the owners of towed or impounded vehicles.
8. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.
9. For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49.
10. For use in connection with the operation of private toll transportation facilities.
11. For any other use in response to requests for individual motor vehicle records if the motor vehicle department has provided in a clear and conspicuous manner on forms for issuance or renewal of operator's permits, titles, registrations, or identification cards, notice that personal information collected by the department may be disclosed to any business or person, and has provided in a clear and conspicuous manner on such forms an opportunity to prohibit such disclosures.
12. For bulk distribution for surveys, marketing or solicitations/if the motor vehicle department has implemented methods and procedures to ensure that –
 - (A) individuals are provided an opportunity, in a clear and conspicuous manner, to prohibit such uses; and
 - (B) the information will be used, rented, or sold solely for bulk distribution for surveys, marketing, and solicitations, and that surveys, marketing, and solicitations will not be directed at those individuals who have requested in a timely fashion that they not be directed at them.
13. For use by a requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.
14. For any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

**STATE OF TENNESSEE
DEPARTMENT OF SAFETY AND HOMELAND SECURITY**

Federal Drivers Protection Act (DPPA) Acknowledgment

By my signature below, I acknowledge that:

- **I have read the attached Federal Drivers Protection Act (DPPA) and understand it.**
- **I agree to comply with the Federal Drivers Protection Act (DPPA)**

Signature

Date

Print Name Signed Above



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

West's Tennessee Code Annotated

Title 39. Criminal Offenses

Chapter 14. Offenses Against Property (Refs & Annos)

Part 4. Trespass and Related Offenses

T. C. A. § 39-14-405

§ 39-14-405. Criminal trespass

Effective: July 1, 2017

[Currentness](#)

(a) A person commits criminal trespass if the person enters or remains on property, or any portion of property, without the consent of the owner. Consent may be inferred in the case of property that is used for commercial activity available to the general public or in the case of other property when the owner has communicated the owner's intent that the property be open to the general public.

(b) It is a defense to prosecution under this section that:

(1) A person entered or remained on property that the person reasonably believed to be property for which the owner's consent to enter had been granted;

(2) The person's conduct did not substantially interfere with the owner's use of the property; and

(3) The person immediately left the property upon request.

(c) The defenses to prosecution set out in subsection (b) shall not be applicable to a person violating this section if the property owner:

(1) Posts the property with signs that are visible at all major points of ingress to the property being posted and the signs are reasonably likely to come to the attention of a person entering the property; or

(2) Places identifying purple paint marks on trees or posts on the property; provided, that at least one (1) sign is posted at a major point of ingress to the property in a manner that is reasonably likely to come to the attention of a person entering the property and that the sign includes language describing that the use of purple paint signifies "no trespassing." If purple paint is used, then purple paint must be vertical lines of not less than eight inches (8") in length and not less than one inch (1") in width; placed so that the bottom of the mark is not less than three feet (3') or more than five feet (5') from the ground; and placed at locations that are reasonably likely to come to the attention of a person entering the property.

(d) For purposes of this section, “enter” means intrusion of the entire body or when a person causes an unmanned aircraft to enter that portion of the airspace above the owner's land not regulated as navigable airspace by the federal aviation administration.

(e) Entering or remaining on railroad or utility right-of-way property by an adjoining landowner for usual and customary activities of the type defined in §§ 1-3-105(a)(2)(A)(i) and (ii), (B) and (C) and 43-1-113(a), (b)(1)(A) and (B), (b)(2) and (b)(3) shall not be considered trespass under this section. This subsection (e) shall not apply if the railroad or utility right-of-way owner, by a personal communication or posting at the site by someone with either actual authority or apparent authority to act for the railroad or utility right-of-way owner, has communicated to the adjoining landowner that the activity is not permitted.

(f)(1) The secretary of state shall establish a no trespass public notice list identifying employers in this state who have requested established private property rights to be recognized and recorded against a trespasser under subsection (a).

(2) To be included on the list, an employer shall provide to the secretary of state copies of appropriate documents that establish the employer's private property rights, including the address and legal description of the property to which it has legal control. An employer that records its private property rights shall pay a recording fee as determined by the secretary of state.

(3) Beginning January 15, 2015, and every January 15 and July 15 thereafter, the secretary of state shall:

(A) Make the list available to the public in the office of the secretary of state and publish the list on the website maintained by the secretary of state; and

(B) Distribute the no trespass public notice list to every law enforcement agency in this state.

(4) Publication of the no trespass public notice list as prescribed in subdivision (f)(3) establishes a presumption that members of the general public have notice of the establishment of private property rights of all employers and properties listed.

(5) Each law enforcement agency in this state shall maintain the most recent no trespass public notice list received from the secretary of state for its use in responding to complaints of criminal trespass under subsection (a). If a property is identified on the list, the responding law enforcement officer:

(A) Is not required to further establish an employer's property rights before taking action against a person committing criminal trespass; and

(B) May take appropriate and lawful action against a person committing criminal trespass to have such person leave the property or cease blocking ingress to or egress from the property.

(6) If the employer's property is listed on the no trespass public notice list, an owner may seek an expedited injunction to restrain repeated or continuing trespass.

(7) This subsection (f) shall not affect or limit any existing rights of an owner whose property is not included on the no trespass public notice list.

(g) Criminal trespass is a Class C misdemeanor.

(h) For purposes of this section, there shall be no inference of the owner's consent nor shall the defense in subsection (b) be available to a person entering and remaining on the grounds, or in the common areas, such as lobbies, hallways, courtyards, and parking lots, of a housing or apartment complex having signs posted in compliance with subsection (c) unless the person:

(1) Has the actual consent of the owner;

(2) May lawfully enter the property by virtue of the person's occupational duties; or

(3) Has a contractual right to enter the property or is an invitee of someone with a contractual right to make invitations to enter the property.

Credits

1989 Pub.Acts, c. 591, § 1; 2005 Pub.Acts, c. 297, §§ 1 to 3, eff. July 1, 2005; 2009 Pub.Acts, c. 510, § 1, eff. July 1, 2009; 2014 Pub.Acts, c. 876, § 9, eff. July 1, 2014; 2014 Pub.Acts, c. 956, § 1, eff. July 1, 2014; 2017 Pub.Acts, c. 135, § 1, eff. July 1, 2017; 2017 Pub.Acts, c. 286, § 1, eff. July 1, 2017.

Editors' Notes

COMMENTS OF THE TENNESSEE SENTENCING COMMISSION

This section consolidates several different provisions of prior law.

Notes of Decisions (60)

T. C. A. § 39-14-405, TN ST § 39-14-405

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.



KeyCite Yellow Flag - Negative Treatment

Unconstitutional or Preempted Negative Treatment Vacated by [Thomas v. Lee](#), 6th Cir.(Tenn.), Sep. 12, 2019



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

West's Tennessee Code Annotated
Title 40. Criminal Procedure
Chapter 24. Fines

T. C. A. § 40-24-105

§ 40-24-105. Collection of fines, costs, and litigation taxes; license revocation; hardship exception; payment plans

Effective: January 1, 2022

[Currentness](#)

(a) Unless discharged by payment or service of imprisonment in default of a fine, a fine may be collected in the same manner as a judgment in a civil action. The trial court may also enforce all orders assessing any fine remaining in default by contempt upon a finding by the court that the defendant has the present ability to pay the fine and willfully refuses to pay. Costs and litigation taxes due may be collected in the same manner as a judgment in a civil action, but shall not be deemed part of the penalty, and no person shall be imprisoned under this section in default of payment of costs or litigation taxes. The following shall be the allocation formula for moneys paid into court in matters adjudicated on or after January 1, 2022: the first moneys paid in a case shall first be credited toward the payment of restitution owed to the victim, if any, and once restitution has been paid in full, the next moneys shall be credited toward payment of litigation taxes, and once litigation taxes have been paid, the next moneys shall be credited toward payment of costs; then additional moneys shall be credited toward payment of the fine.

(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.

(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). A person may request, and the court clerk shall grant, modifications to the payment plan upon a change in the person's financial circumstances or upon good cause shown. If the request for modification is denied by a deputy clerk, then the person may appeal the denial to the chief clerk. If a request for modification is denied by the chief clerk, then the person may petition the court for modifications to the payment plan based upon a change in the person's financial circumstances or upon good cause shown.

(3)(A) The court clerk shall inform a person who enters into a payment plan pursuant to this subsection (b) that:

(i) Failure to timely make the payments as ordered by the court results in the suspension of the person's license and the issuance of a restricted license; and

(ii) Any default on the payment plan while the person is issued a restricted license results in the revocation of the restricted license and the person's driving privileges as described in subdivision (b)(5).

(B) The court clerk shall notify the department of a person's failure to comply with a payment plan established pursuant to this subsection (b).

(C)(i) Upon notice of the person's failure to comply with the payment plan established pursuant to this subsection (b), the department shall notify the person in writing of the pending suspension of the person's license and instruct the person to contact the appropriate court clerk within the time period described in this subdivision (b)(3)(C).

(ii) A person has thirty (30) days from the date the department sends the notice described in subdivision (b)(3)(C)(i) to reestablish compliance with the payment plan or petition the court clerk or court and demonstrate that the person has, in fact, complied with the court clerk's payment plan.

(iii) If the person reestablishes compliance with the payment plan or demonstrates to the court clerk or court that the person complied with the court clerk's payment plan, then the court clerk shall issue a receipt or other documentation to the person. If the person presents the receipt or other documentation to the department prior to the expiration of the thirty-day period described in subdivision (b)(3)(C)(ii), then the department shall not suspend the person's license.

(iv) A person who fails to reestablish compliance with the payment plan or demonstrate to the court clerk or court's satisfaction that the person complied with the court clerk's payment plan and whose license is suspended in accordance with this subdivision (b)(3) may apply to the court for the issuance of a restricted license. The court shall order the issuance of a restricted license if the person is otherwise eligible for a driver license.

(D) If the person does not present the receipt or other documentation to the department prior to the expiration of the thirty-day period, then the department shall suspend the person's license. Upon the person presenting a certified copy of the court order in accordance with subdivision (b)(4)(B), the department shall issue a restricted license in place of the suspended license.

(4)(A) A restricted license issued pursuant to this subsection (b) is valid only for travel necessary for:

(i) Employment;

(ii) School;

(iii) Religious worship;

(iv) Participation in a recovery court, which includes drug courts under the Drug Court Treatment Act of 2003, compiled in title 16, chapter 22; DUI courts; mental health courts; and veterans treatment courts; or

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

(B) The order for the issuance of a restricted license must state with all practicable specificity the necessary times and places of permissible operation of a motor vehicle. The person may obtain a certified copy of the order and, within ten (10) days after the order is issued, present it to the department, which shall issue a restricted license embodying the limitations imposed in the order. After proper application and until the restricted license is issued, a certified copy of the order may serve in lieu of a driver license.

(5)(A) If a person who is issued a restricted license fails to comply with a payment plan established pursuant to this subsection (b), the court clerk shall notify the department of the person's failure to comply with the payment plan.

(B)(i) Upon notice of the person's failure to comply with the payment plan, the department shall notify the person in writing of the pending revocation of the person's restricted license and instruct the person to contact the appropriate court clerk within the time period described in this subdivision (b)(5)(B).

(ii) A person has thirty (30) days from the date the department sends the notice described in subdivision (b)(5)(B)(i) to reestablish compliance with the payment plan or petition the court clerk or court and demonstrate that the person has, in fact, complied with the court clerk's payment plan.

(iii) If the person reestablishes compliance with the payment plan or demonstrates to the court clerk or court that the person complied with the court clerk's payment plan, then the court clerk shall issue a receipt or other documentation to the person. If the person presents the receipt or other documentation to the department prior to the expiration of the thirty-day period described in subdivision (b)(5)(B)(ii), then the department shall not revoke the person's restricted license.

(C) If the person does not present the receipt or other documentation to the department prior to the expiration of the thirty-day period, then the department shall revoke the person's restricted license.

(D) No sooner than six (6) months from the date of revocation, a person whose restricted license is revoked pursuant to this subdivision (b)(5) may apply with the court clerk for a certification that the person is eligible to be reissued a restricted license; provided, that the person must be actively participating in an installment payment plan in accordance with subdivision (b)(2).

(E) Upon the person's application for a certification that the person is eligible to receive a reissued restricted license pursuant to subdivision (b)(5)(D), the court clerk shall certify whether the person is actively participating in a payment plan and request the reissuance of a restricted driver license for the person if the person is otherwise eligible for a driver license. The certification must state with all practicable specificity the necessary times and places of permissible operation of a motor vehicle for purposes described in subdivision (b)(4)(A). The person may obtain a copy of the certification and, within ten (10) days after the certification is issued, present it to the department, which shall issue a restricted license embodying the limitations imposed in the certification. After proper application and until the restricted license is issued, a copy of the certification may serve in lieu of a driver license.

(6)(A) Notwithstanding this subsection (b), if a licensee claims an inability to pay taxes, fines, or costs imposed for a disposition of any offense under the criminal laws of this state due to indigency, the court shall offer the person the opportunity to submit

proof of the person's financial inability to pay, which may include a signed affidavit of indigency. For purposes of this subdivision (b)(6), the standard for a claim of indigency is the same as for an indigent person, as defined in § 40-14-201.

(B) Upon proof of a person's financial inability to pay, the court shall suspend the person's taxes, fines, and costs. No additional fines or costs accrue against the original taxes, fines, and costs as a result of or during the suspension of the person's taxes, fines, and costs. The court may order the person to reappear before the court for a reevaluation of the person's financial ability or inability to pay the taxes, fines, or costs. If, after the reevaluation, the person:

(i) Is no longer financially unable to pay or secure any portion of the taxes, fines, or costs in accordance with subdivision (b)(6)(A), the court shall reinstate the taxes, fines, and costs and apply subdivisions (b)(2)-(5); or

(ii) Remains financially unable to pay any portion of the taxes, fines, or costs, the court shall extend the suspension of the person's taxes, fines, and costs and may order the person to reappear before the court for a reevaluation of the person's financial ability or inability to pay the fine or cost in accordance with this subdivision (b)(6)(B). The process described by this subdivision (b)(6)(B) applies until the person fully pays the moneys owed the court or any outstanding taxes, fines, or costs are waived by the court.

(7) Notwithstanding this subsection (b), a person will be issued a restricted license or have the person's license reinstated only if the person is otherwise eligible for a driver license.

(8) The process described by this subsection (b) applies until the person fully pays the moneys owed the court or any outstanding taxes, fines, or costs are waived by the court.

(9) If otherwise eligible for a driver license, any person whose driver license was revoked under this section, prior to July 1, 2019, for nonpayment of litigation taxes, court costs, and fines assessed may apply to the court having original jurisdiction over the offense for an order reinstating the person's license upon entering into an installment payment plan under this subsection (b) or the submittal of proof described in subdivision (b)(6). The person may present a certified copy of the court's order to the department of safety, which shall reissue a driver license at no cost to the person if the person is otherwise eligible for a driver license.

(c) The district attorney general or the county or municipal attorney, as applicable, may, in that person's discretion, and shall, upon order of the court, institute proceedings to collect the fine, costs and litigation taxes as a civil judgment.

(d)(1) Any fine, costs, or litigation taxes remaining in default after the entry of the order assessing the fine, costs, or litigation taxes may be collected by the district attorney general or the criminal or general sessions court clerk in the manner authorized by this section and otherwise by the trial court by contempt upon a finding by the court that the defendant has the present ability to pay the fine and willfully refuses to pay. After a fine, costs, or litigation taxes have been in default for at least six (6) months, the district attorney general or criminal or general sessions court clerk may retain an agent to collect, or institute proceedings to collect, or establish an in-house collection procedure to collect, fines, costs and litigation taxes. If an agent is used, the district attorney general or the criminal or general sessions court clerk shall request the county purchasing agent to utilize normal competitive bidding procedures applicable to the county to select and retain the agent. If the district attorney general and the criminal or general sessions court clerk cannot agree upon who collects the fines, costs and litigation taxes, the presiding judge of the judicial district or a general sessions judge shall make the decision. The district attorney general or

criminal or general sessions court clerk may retain up to fifty percent (50%) of the fines, costs and litigation taxes collected pursuant to this subsection (d) in accordance with any in-house collection procedure or, if an agent is used, for the collection agent. The proceeds from any in-house collection shall be treated as other fees of the office. When moneys are paid into court, the allocation formula outlined in subsection (a) shall be followed, except up to fifty percent (50%) may be withheld for in-house collection or, if an agent is used, for the collection agent, with the remainder being allocated according to the formula.

(2) On or after January 1, 2015, if an agent is used, the agent's collection fee shall be added to the total amount owed. The agent's collection fee shall not exceed forty percent (40%) of any amounts actually collected. When moneys are paid into court, the allocation formula outlined in subsection (a) shall be followed, except up to forty percent (40%) may be withheld for the collection agent, with the remainder being allocated according to the formula.

(e)(1) The governing body of any municipality may by ordinance authorize the employment of a collection agency to collect fines and costs assessed by the municipal court where the fines and costs have not been collected within sixty (60) days after they were due. The authorizing ordinance shall include the requirement that the contract between the municipality and the collection agency be in writing.

(2) The collection agency may be paid an amount not exceeding forty percent (40%) of the sums collected as consideration for collecting the fines and costs.

(3) The written contract between the collection agency and the municipality shall include a provision specifying whether the agency may institute an action to collect fines and costs in a judicial proceeding.

(4) Nothing in this subsection (e) shall be interpreted to permit a municipality to employ a collection agency for the collection of unpaid parking tickets in violation of § 6-54-513.

(f) If any fine, costs or litigation taxes assessed against the defendant in a criminal case remain in default when the defendant is released from the sentence imposed, the sentence expires or the criminal court otherwise loses jurisdiction over the defendant, the sentencing judge, clerk or district attorney general may have the amount remaining in default converted to a civil judgment pursuant to the Tennessee Rules of Civil Procedure. The judgment may be enforced as is provided in this section or in any other manner authorized by law for a civil judgment.

(g) After a fine, costs, or litigation taxes have been in default for at least five (5) years, the criminal or general sessions court clerk may, subject to approval by a court of competent jurisdiction, accept a lump-sum partial payment in full settlement of the outstanding balance due on a case. The court shall not approve a settlement unless the amount accepted is equal to or greater than fifty percent (50%) of the combined outstanding balance of all fines, costs, and litigation taxes due on the case. When moneys are paid into court pursuant to this subsection (g), the allocation formula outlined in subsection (a) shall be followed, except the percentage that may be retained by the clerk pursuant to subsection (d) may be withheld, with the remainder being allocated according to the formula.

(h) Deleted by 2019 Pub.Acts, c. 438, § 6, eff. July 1, 2019.

(i) As used in this section, "costs" shall include any jail fees or other incarceration costs imposed.

Credits

1972 Pub.Acts, c. 729, § 3; 1991 Pub.Acts, c. 467, § 1; 1992 Pub.Acts, c. 956, § 1; 1996 Pub.Acts, c. 826, § 1, eff. April 29, 1996; 1996 Pub.Acts, c. 920, § 1, eff. May 8, 1996; 1997 Pub.Acts, c. 325, §§ 1, 2, eff. May 30, 1997; 2007 Pub.Acts, c. 167, §§ 1, 2, eff. May 15, 2007; 2009 Pub.Acts, c. 570, §§ 1, 2, eff. July 1, 2009; 2009 Pub.Acts, c. 577, § 2, eff. July 1, 2009; 2011 Pub.Acts, c. 504, §§ 1 to 3, eff. July 1, 2011; 2014 Pub.Acts, c. 737, §§ 1, 2, eff. April 21, 2014; 2015 Pub.Acts, c. 257, § 1, eff. July 1, 2015; 2017 Pub.Acts, c. 149, § 1, eff. April 17, 2017; 2017 Pub.Acts, c. 412, §§ 1 to 4, eff. Jan. 1, 2018; 2018 Pub.Acts, c. 538, § 1, eff. March 7, 2018; 2018 Pub.Acts, c. 579, § 1, eff. March 16, 2018; 2019 Pub.Acts, c. 438, §§ 5, 6, eff. July 1, 2019; 2021 Pub.Acts, c. 410, §§ 6 to 8, eff. July 1, 2021; 2021 Pub.Acts, c. 413, § 1, eff. Jan. 1, 2022.

Editors' Notes

VALIDITY

<Portions of this section have been held unconstitutional in the case of [Thomas v. Haslam](#), 2018, 2018 WL 3301648.>

Notes of Decisions (40)

T. C. A. § 40-24-105, TN ST § 40-24-105

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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