

# DOS Drivers License Suspensions for Non-Payment of Costs

Criminal & Traffic  
Suspensions/Withdrawals  
& other related issues

Presented by Amanda Hughes  
Administrative Office of the Courts Sept  
2023 State Court Clerk's Conference

## DL Suspensions for Non-Payment of Criminal & Traffic Costs

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

### TCA 55-50-502 (j) - Traffic

"The court shall require every licensee who is convicted of a driving offense and who does not pay the assessed fines and costs in full on the date of disposition to make payments pursuant to an installment payment plan."

### TCA 40-24-105(b) - Criminal

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

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

## Court Payment Plans

Various ways courts are meeting this requirement:

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

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

**Amount of payment must be what the defendant can pay.**

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

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

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



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

## DIFFERENCE BETWEEN TRAFFIC AND CRIMINAL

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

TnCIS - New Field on Payment Agreement 'Suspension Date - DOS CC'  
this field is required if criminal charges are on the case. Criminal charges will NOT pick up until that date is missed.

Party Name:

(Select one)

Payment Schedule:

(Select one)

Begin Date:

Next Due Date:

Suspension Date (DOS CC):

Agreement Date:

Agreement Number :

Payment Amount:

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

## **Defendant can be re-reported multiple times.**

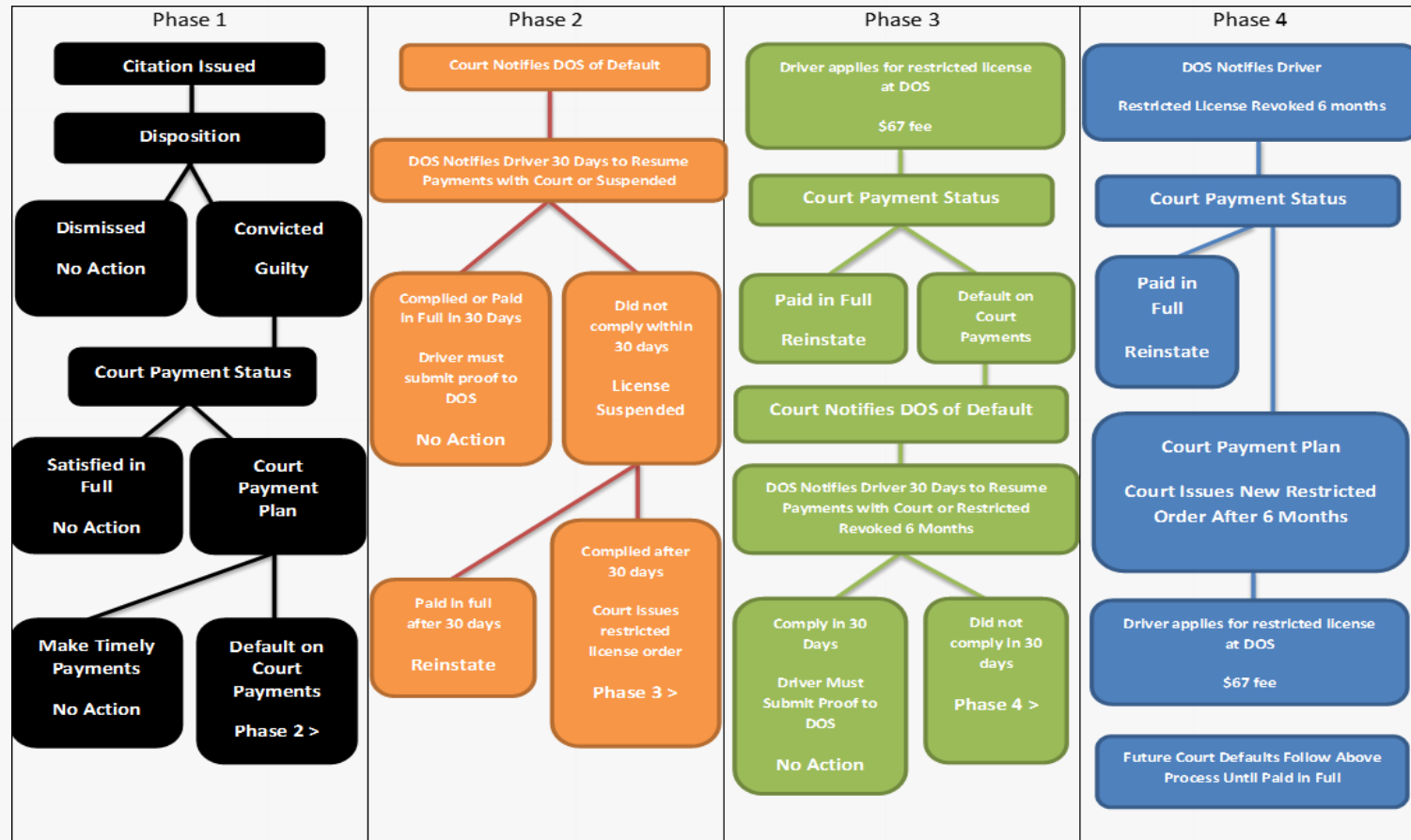
- o Missed payment - DOS issues 30-day notice to pay in full or re-establish the payment plan (make a payment).
  - o If done within the 30 days - NO ACTION
  - o Past 30 days - suspended
- o Once suspended, the Defendant may reestablish a payment plan by making a payment.
- o Fails to comply again and does not comply until after the 30-day DOS notice
  - o Required to obtain a court order for a restricted license and must apply for the restricted license at the drivers service center. The restricted license will maintain in effect until paid in full.

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

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

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

# Public Chapter 438 Timeline 111<sup>th</sup> Legislative Session



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

## Payment Plan Forms in TnCIS

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

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

## TnCIS - Reporting - DOS Withdrawal Request

Report

Selection Criteria

DOS Interface Type: Department of Safety

Reporting Type:

(Select one)

Criminal Cost

Case Number:

Traffic - Failure to Pay


Satisfied Date:

Traffic - Failure to Appear

☐ Paid in full



# DOS Approved Request for Criminal Cost Withdrawal Form

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

Defendant's Name \_\_\_\_\_

Driver's License Number \_\_\_\_\_

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

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

Court Satisfied Date \_\_\_\_\_

3 Digit Reason Code \_\_\_\_\_  
004 - Payment Plan Established with the Court  
006 - Court Satisfied in Full

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

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

Courts 5-digit Court Code \_\_\_\_\_


Comments (Optional):

----------------------

I certify the above to be true and accurate \_\_\_\_\_

Clerk/Deputy Clerk

# DOS Approved Request for Traffic Cost Withdrawal Form

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

Court Satisfied Date: 02/08/2022

3 Digit Reason Code: 004

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

Judge / Clerk Signature \_\_\_\_\_

Date \_\_\_\_\_

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

DATE: 02/09/2022

COURT ID: 20011

CLERK: Clerk, County Circuit Court Clerk

COURT: County GS Court

**PAYMENT PLAN ESTABLISHED**

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

**Law also provides for indigency affidavit being filed**

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

## Mandatory Suspensions where payment plans are not allowed:

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

# Questions Answered:

## **Restricted License and Multiple Cases**

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

## TnCIS Corrections Filed

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

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

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

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



## Court Access to Driving Records - eServices Portal

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

# Questions? Feedback?

Amanda Hughes

Application Support Manager and Court Clerk  
Liaison

[ahughes@tncourts.gov](mailto:ahughes@tncourts.gov)