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New Reporting Requirement for Traffic Courts

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THE UNIVERSITY of TENNESSEE
MUNICIPAL TECHNICAL ADVISORY SERVICE

...in cooperation with the Tennessee Municipal League

#169
HOT topic

July 17, 2008

NEW REPORTING REQUIREMENT FOR TRAFFIC COURTS

Rex Barton, Police Management Consultant

There is a new law requiring all courts to report dispositions of traffic cases that are dismissed when the offender completes a court-ordered driver education or driver improvement school.

The new law, Public Chapter 1181, amends T.C.A. § 55-10-301, requiring courts to report dispositions of traffic offenders sentenced to complete a driver improvement school, or "traffic school" as many refer to it, to the state department of safety. The law became effective on July 1, 2008.

The purpose of the law is to create a database of traffic offenders who have had their traffic offenses dismissed upon completion of a driver improvement class or traffic school. Without such a database it has been impossible to determine if an offender has previously been ordered to complete a traffic school in other jurisdictions. In fact, some offenders were treated as a "first time offender" several times in different jurisdictions. By maintaining the database of those having offenses dismissed upon completion of a school, the courts will be able to view those dismissals as part of a person's driving history.

The department of safety is currently making changes to the court action report form to incorporate a new field for reporting a dismissal of a charge upon completion of a traffic school. It is unknown when the new form will be available.

NOTE: The new form is not yet available.

IF YOU CURRENTLY USE THE "COURT ACTION REPORT FORM" TO REPORT DISPOSITIONS:

You may use the "REMARKS" field of the current form to report dismissals due to completion of a traffic school. Write "Traffic School," and indicate the date the school was completed.

If you are using software to produce the printed court action report, you should notify your vendor to make this change, but you can manually write the information on the printed form in the meantime.

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IF YOU ARE CURRENTLY USING SOME OTHER FORM TO REPORT DISPOSITIONS, SUCH AS A COPY OF THE ORIGINAL CITATION:

You may continue to use this method to submit dismissals related to completion of traffic school. The department of safety has asked that you make a note indicating that the case was dismissed upon completion of traffic school. (Simply write "Traffic School" and the date the school was completed in a place on the form the data entry clerks are likely to notice, such as near the field for "Hearing Disposition Date.")

IF YOU CURRENTLY SUBMIT COURT ACTION REPORTS ELECTRONICALLY:

The disposition code for traffic school dismissals is "973." You should contact your software vendor to make this modification.

As these dispositions are sent to the state, the various courts will be able to obtain a driver's history for an offender before the scheduled court date. Any previous dismissal based on completing a traffic school, after July 1, 2008, will show up on the driver's history report. Remember, the law allows the judge to sentence someone to traffic school in lieu of or in addition to any other punishment. Dismissing the case upon completion of a traffic school is at the discretion of the judge.

REPORTING TRAFFIC DISPOSITIONS

This is a good time to revisit the law requiring the submission of traffic dispositions to the state.

T.C.A. § 55-10-306(b)(1), states

> Within thirty (30) days after the ***conviction or forfeiture of bail*** of a person upon a charge of violating any provision of chapter 8, parts 1-5 of this chapter and § 55-12-139 or ***other law regulating the operation of vehicles on highways***, every such magistrate or judge of the court or clerk of the court of record in which such ***conviction was had or bail was forfeited*** shall prepare and immediately forward to the department an abstract of the record of the court covering the case in which the person was so ***convicted or forfeited bail***, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle. (Emphasis added by author.)

Note that the requirement for submitting the dispositions to the state includes convictions and *forfeitures*.

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REPORTING DISMISSED CASES

In addition to reporting convictions and forfeitures, courts are required to submit:

- Dispositions of cases that are dismissed upon completion of driving school (the new law detailed above); and
- Dismissals of cases involving the financial responsibility law (insurance law) when the violator did not have insurance at the time of the citation but obtained insurance before the court date.

For more information on this hot topic, contact Rex Barton, MTAS police management consultant, at (865) 974-0411.

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