Hot Topic: New Reporting Requirement for Traffic Courts

Rex Barton
Municipal Technical Advisory Service

Follow this and additional works at: https://trace.tennessee.edu/utk_mtastop

Part of the Public Administration Commons

The MTAS publications provided on this website are archival documents intended for informational purposes only and should not be considered as authoritative. The content contained in these publications may be outdated, and the laws referenced therein may have changed or may not be applicable to your city or circumstances.

For current information, please visit the MTAS website at: mtas.tennessee.edu.

Recommended Citation

https://trace.tennessee.edu/utk_mtastop/63
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.
NEW REPORTING REQUIREMENT FOR TRAFFIC COURTS

REPORING 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.
NEW REPORTING REQUIREMENT FOR TRAFFIC COURTS

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) 9740411.