

Tenn. Code Ann. § 55-8-198

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*** Current through the 2015 Regular Session ***

Title 55 Motor and Other Vehicles
Chapter 8 Operation of Vehicles -- Rules of the Road
Part 1 Operation of Vehicles -- Rules of the Road

Tenn. Code Ann. § 55-8-198 (2016)

55-8-198. Citations based on unmanned traffic enforcement cameras.

(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.

(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) No unmanned traffic enforcement cameras shall be permitted on federal interstate highways except for Smart Way cameras, other intelligent transportation system cameras or, when employees of the department or construction workers are present, unmanned traffic enforcement cameras used to enforce or monitor traffic violations within work zones designated by the department of transportation; provided, that the cameras shall be operated only by a state entity.

(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 (J), "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, codified in 15 U.S.C. § 1681a; 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.

HISTORY: Acts 2008, ch. 962, § 1; 2009, ch. 389, §§ 1, 2; 2011, ch. 425, §§ 1-5, 9; 2012, ch. 709, § 1; 2012, ch. 751, § 1; 2015, ch. 468, § 1.