

HOUSE BILL 1267

By Holt

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 8, relative to traffic enforcement cameras.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-8-198(b)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) The notice of violation or citation shall state the amount of the civil penalty imposed, the date by which the civil penalty is required to be paid, and the address of the municipal court or county court with jurisdiction over the civil action to which the payment is to be sent.

SECTION 2. Tennessee Code Annotated, Section 55-8-198(b), is amended by adding the following language as a new subdivision:

(7)

(A) This subdivision (b)(7) shall be known and may be cited as the "Buffering Undo Regulatory Non-Compliance ("BURN") Act".

(B) If the local authority mails a notice of violation or a citation charging the registered owner with a violation, the local authority shall file a certified copy of the notice or citation with the municipal court or county court with jurisdiction over the civil action.

(C) Notwithstanding this part, when a certified copy of a notice or citation issued by a local authority based solely on evidence recorded by any traffic enforcement camera device is filed with the municipal court or county court with jurisdiction over the civil action, the court shall require the local authority to provide an advance deposit for the filing of the civil action. The advance deposit

shall consist of all applicable court costs and fees for the civil action. The court shall retain the advance deposit regardless of which party prevails in the civil action.

(D) The court shall not charge to the registered owner or designated party any court costs and fees for the civil action.

(E) If the registered owner or designated party pays the civil penalty in accordance with subdivision (b)(1), or contests the notice or citation under subdivision (b)(1) and does not prevail in the civil action, the registered owner or designated party shall pay only the amount of the civil penalty imposed for the violation.

SECTION 3. Tennessee Code Annotated, Section 55-8-198(b)(5), is amended by deleting the subdivision and substituting the following:

(5) If the registered owner or designated party cited does not pay the traffic citation as provided in this section and the registered owner or designated party cited appears in court at the time specified, or such later date as may be fixed by the court, and the registered owner or designated party does not prevail in the civil action, then no additional fees or court costs may be assessed.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all notices of violation and citations issued on or after such date, and to contracts entered into, amended, or renewed on or after such date.