

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 617 - HB 1267**

February 18, 2019

**SUMMARY OF BILL:** Requires a local authority to file a certified copy of the notice or citation with the municipal court or county court with jurisdiction over the civil action if the local authority mails a notice of violation or citation charging a registered motor vehicle owner based solely on evidence obtained from an unmanned traffic enforcement camera. Requires the local authority to provide an advanced deposit to the court for the filing of a civil action, which the court will retain, regardless of which party prevails in the civil action. Requires the advanced deposit to consist of all applicable court costs and fees for the civil action. Prohibits the court from charging the registered owner or designated party with any court costs and fees.

**ESTIMATED FISCAL IMPACT:**

**Increase Local Expenditures – Exceeds \$6,035,900/Recurring\***

**Other Fiscal Impact – It can be reasonably estimated the recurring increase in mandatory local expenditures under this legislation will result in local authorities eventually discontinuing their usage of unmanned traffic enforcement cameras; the timing of which cannot be determined with reasonable certainty.**

Assumptions:

- Pursuant to Tenn. Code Ann. § 55-8-198, a notice of violation or citation based solely on evidence obtained from an unmanned traffic enforcement camera must be mailed to the registered owner of the vehicle and allow for payment of the traffic violation or citation. Additional fees or court costs may be assessed if the person cited does not pay the traffic citation after a second notice or appears in court at the proper time and does not prevail.
- Complete data on the extent to which unmanned and manned traffic enforcement camera are utilized statewide is not available. However, assuming at least two cities are currently utilizing such cameras in each grand division of the state (and assuming such cities are representative to Murfreesboro and Clarksville for the Middle Tennessee grand division, which reported a combined 19,700 unmanned traffic enforcement camera citations in 2017, the total applicable citations issued are estimated to exceed 59,100 (19,700 x 3 grand division) statewide.

- Under the provisions of this legislation, the local authorities are required to provide the court with an advanced deposit consisting of all applicable court costs and fees for the civil action.
- The Municipal Court Reform Act of 2004 (Tenn. Code Ann. § 16-18-3) provides the authority for municipalities to set court costs by local ordinance.
- The current court cost for Murfreesboro Municipal Court is \$118.50 and \$85.75 for Clarksville Municipal Court; therefore, it is estimated the average court cost will exceed \$102.13  $[(\$118.50 + \$85.75) / 2]$ .
- Under the provisions of this legislation, local authorities will be required to provide the municipal and county courts with mandatory advanced deposits estimated to exceed \$6,035,883 (\$102.13 average court cost x 59,100 annual citations).
- The court shall retain the advanced deposit regardless of which party prevails and is prohibited from charging the registered owner or designated party any court costs or fees. Therefore, the \$6,035,883 would not be reimbursed to the local authorities.
- The fine for an unmanned traffic enforcement violation is statutorily required not to exceed \$50.
- Most unmanned traffic enforcement cameras are operated by third-party contractors paid by percentage of fines collected. Clarksville's contractor's payment consists of 40 percent of the fines collected.
- Given that the advanced deposit required by the local authorities is estimated to exceed the amounts collected in fines, it can be reasonably assumed that, under the provisions of this legislation, local authorities will eventually discontinue their use of unmanned traffic enforcement cameras as a sole source of evidence. However, the timing of such cannot be reasonably determined.

\*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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