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Opinion No. 05-091

Increase in Fines Imposed on Traffic Violations Pursuant to Tenn. Code Ann. § 68-55-301

QUESTION

Are the additional fines provided for under Tenn. Code Ann. § 68-55-301 to be imposed by the Judge in addition to those authorized by Tenn. Code Ann. § 40-35-111, or are these additional fines court costs to be imposed by the Court Clerk?

OPINION

The additional “fines” imposed pursuant to Tenn. Code Ann. § 68-55-301 are fines that must be imposed by the Judge and may be imposed in addition to the fines authorized by Tenn. Code Ann. § 40-35-111.

ANALYSIS

Tennessee Code Annotated § 68-55-301 reads as follows:

Notwithstanding any other provision of law to the contrary, in addition to any other fines imposed by title 55, chapter 8, for driving a motor vehicle in excess of ten (10) miles over the posted speed limit, there is imposed an additional fine of five dollars (\$5.00) for each such violation to be earmarked for and paid into the general fund reserve account created by § 68-55-401.

Tenn. Code Ann. § 68-55-401 creates a “traumatic brain injury fund” within which all of the additional fines are deposited if such additional fines are imposed.

The “fines” are in fact fines and not court costs. The increased fines in this statute are imposed for violating a criminal statute making it unlawful to drive a motor vehicle in excess of the posted speed limit. The additional fines are authorized if a defendant violates the speeding statute in excess of ten (10) miles over the posted speed limit. It is a fine for violating a criminal statute.

Court costs, by contrast, are defined in the Eighth Edition of Black’s Law Dictionary as, “. . . 2. The charges or fees taxed by the court, such as filing fees, jury fees, courthouse fees, and reporter fees . . . 3. The expense of litigation, prosecution, or other legal transaction, esp. those allowed in favor of one party against the other.”

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