CITY OF LAKEWOOD

ORDINANCE NO. 297

AN ORDINANCE TO MAKE A VIOLATION OF TENNESSEE CODE ANNOTATED, 55-12-139 A MUNICIPAL CODE VIOLATION

Whereas, under the authority of T.C.A. 55-10-307, municipalities are authorized to make violations of T.C.A. 55-12-139, municipal ordinance violations.

BE IT ORDAINED by the City of Lakewood of Commissioners of the City of Lakewood, Tennessee, as follows:

SECTION 1. Compliance with financial responsibility law required.

(1) Every vehicle operated within the corporate limits must be in compliance with the financial responsibility law.

(2) At the time the driver of a motor vehicle is charged with any moving violation under title 55, chapters 8 and 10, parts 1-5, chapter 50; any provision in this title of this municipal code; or at the time of an accident for which notice is required under T.C.A. 5-10-106, the office shall request evidence of financial responsibility as required by this section. In case of an accident for which notice is required under T.C.A. 55-10-106, the officer shall request such evidence from all drivers involved in the accident, without regard to apparent or actual fault.

(3) For the purposes of this section, "financial responsibility" means:

(a) Documentation, such as the declaration page of an insurance policy, an insurance binder, or an insurance card from an insurance company authorized to do business in Tennessee, stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been issued;

(b) A certificate, valid for one (1) year, issued by the commissioner of safety, stating that a cash deposit or bond in the amount required by the Tennessee Financial Responsibility Law of 1977, compiled in Tennessee Code Annotated, chapter 12, title 55, has been paid or filed with the commissioner, or has qualified as a self-insurer under Tennessee Code Annotated, ## 55-12-111; or

(c) The motor vehicle being operated at the time of the violation was owned by a carrier subject to the jurisdiction of the department of safety or the interstate commerce commission, or was owned by the United States, the State of Tennessee or any political subdivision thereof, and that such motor vehicle was being operated with the owner's consent.

SECTION 2. Civil Offense.

It is a civil offense to fail to provide evidence of financial responsibility pursuant to this ordinance. Any violation of this ordinance is punishable by a civil penalty of up to fifty dollars ($50). The civil penalty prescribed by this ordinance shall be in addition to any other penalty prescribed by the laws of this state or by the city's municipal code of ordinances.

SECTION 3. Evidence of Compliance after Violation.

On or before the court date, the person charged with a violation of this ordinance may submit evidence of compliance with this ordinance in effect at the time of the violation. If the court is satisfied that compliance was in effect at the time of the violation, the charge of failure to provide evidence of financial responsibility may be dismissed.

ADOPTED FIRST READING March 14, 2002.

ADOPTED SECOND READING April 11, 2002.

APPROVED:

Thom H. Faulk

MAYOR

ATTEST:

Victor Ellis

CITY RECORDER

Louis W. Oliver III.

CITY ATTORNEY