

**STATE OF TENNESSEE  
OFFICE OF THE ATTORNEY GENERAL**

**July 22, 2016**

**Opinion No. 16-28**

**Statutory Restriction on the Use of Unmanned Traffic Enforcement Cameras**

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**Question**

Effective July 1, 2015, Public Chapter 468 amended Tenn. Code Ann. § 55-8-198 to restrict the use of unmanned traffic enforcement cameras that monitor speed. Do these restrictions apply to contracts either executed or renewed on or after July 1, 2015, by a local government with a company to install, maintain, and operate such cameras and, if so, does this requirement violate any State or federal constitutional provision prohibiting the impairment of contracts?

**Opinion**

The restrictions enacted by Chapter 468 of the 2015 Tennessee Public Acts apply to all existing contracts executed by a local government with a company to install, maintain, and operate unmanned traffic enforcement cameras. Chapter 468 does not violate any State or federal constitutional provision prohibiting the impairment of contracts.

**ANALYSIS**

Chapter 468 of the 2015 Tennessee Public Acts amended Tenn. Code Ann. § 55-8-198(l) to provide that, subject to two narrow exceptions, “[n]otwithstanding any provision of 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.” 2015 Tenn. Pub. Acts 468, § 1.

Chapter 468 states its provisions will take effect on July 1, 2015, and expressly provides these provisions “shall apply to contracts entered into or renewed on or after such date.” *Id.*, § 2. Tennessee Code Annotated § 55-8-198(n) further requires that, after July 1, 2012, “a local government shall include in any contract involving unmanned traffic enforcement cameras that the contract must conform to any change in state law.” This provision was added by Chapter 751 of the 2012 Tennessee Public Acts. These provisions collectively make clear that the restrictions in the use of unmanned traffic enforcement cameras adopted by Chapter 468 shall become immediately applicable, upon the effective date of Chapter 468, to all contracts executed by a local government for the operation of such cameras. When the statutory language is unambiguous, as is the case here, courts will apply the statute’s plain meaning in its normal and accepted use. *State v. Davis*, 484 S.W.3d 138, 144-45 (Tenn. 2016); *Eastman Chemical Co. v. Johnson*, 151 S.W.3d 503, 507 (Tenn. 2004).

This Office has previously opined that legislative changes in the use of unmanned traffic enforcement cameras, including changes restricting the use of such cameras to support the issuance of traffic citations, likely would withstand a constitutional challenge claiming that these changes impair existing contracts to install and maintain such cameras. Tenn. Op. Att’y. Gen. No. 12-28, at 1-2 (March 2, 2012); Tenn. Op. Att’y. Gen. No. 11-61, at 3 (Aug. 8, 2011). *See also American Traffic Solutions, Inc. v. City of Knoxville*, No. E2012-01334-COA-R3-CV, 2013 WL 5677342, at 3-9 (Tenn. Ct. App. Oct. 18, 2013) (finding the General Assembly’s enactment of restrictions on the use of unmanned traffic enforcement cameras to issue traffic citations was remedial in nature and a valid exercise of the State’s police power, and thus did not unconstitutionally impair a contract executed by the City of Knoxville with a company to install, maintain and operate such cameras).

HERBERT H. SLATERY III  
Attorney General and Reporter

ANDRÉE SOPHIA BLUMSTEIN  
Solicitor General

BILL YOUNG  
Associate Attorney General

Requested by:

The Honorable Tilman Goins  
State Representative  
207 War Memorial Building  
Nashville, Tennessee 37243