
Choice Lanes Habitual Violator Criteria and Department of Revenue Notification

Statutory Authority:

The Transportation Modernization Act of 2023 ([Public Chapter 159](#)) provided the Tennessee Department of Transportation (TDOT) with the authority to establish user fee facilities (Choice Lanes) on new facilities opened on or after July 1, 2023, and on existing facilities where one or more new vehicle lanes are added to the facility on or after July 1, 2023.

By adding capacity to this heavily traveled roadway, operations are expected to improve in this major growth area. Choice Lanes provide another option for motorists to bypass congestion, allowing motorists to maintain consistent travel times. The Choice Lanes would be new, optional lanes designed, built, financed, operated, and maintained by a private-sector partner through a Public-Private Partnership (P3).

TCA 54-3-114 specifies that an operator of a vehicle that drives through a user fee facility without payment of the user fee commits a violation subject to enforcement. One of the enforcement mechanisms prescribed in law is the suspension or non-renewal of the registered owner's vehicle registration, if that owner is deemed to be a habitual violator. Statute tasks TDOT with the development of the habitual violator criteria and the process for notifying the Tennessee Department of Revenue (DOR) when a vehicle owner is determined to be a habitual violator. Statute also requires these items to be reviewed and approved by the board. These actions must transpire by January 1, 2025.

Background:

TCA 54-3-114(j) specifies that in order to be deemed a habitual violator, a registered owner must have committed at least three or more violations within the same twelve-month period. Once the board has approved of TDOT's proposed habitual violator criteria, as well as the notification process, DOR is tasked under the statute with promulgating rules to establish a process for suspending or non-renewing a habitual violator's registration. The rules will include DOR's process for notifying an impacted registered owner, which must include the reason for the suspension or non-renewal, an explanation for how the impacted registered owner can challenge (appeal) the suspension or non-renewal, and the process for the impacted registered owner to avoid the suspension or non-renewal of the owner's registration through payment of unpaid user fees and any applicable administrative fees.

TDOT's Proposed Habitual Violator Criteria

A Habitual Violator is defined as a registered vehicle owner who:

- Has a minimum of three (3) unpaid events (violations) within the same 12-month period; and
- Events (violations) must occur on three (3) separate dates; and
- Has a minimum total of one hundred dollars (\$100) due in user fees, excluding administrative fees.

Unpaid events/violations, for the purposes of the Habitual Violator Criteria, are defined as each invoice which remains unpaid or partially unpaid 30 days from when the first notice for the invoice was post-marked. Each unpaid event is a separate violation.

Notification to DOR

TDOT will notify DOR of the determination that a registered owner has been determined to be a habitual violator via DOR's Vehicle Title & Registration System (VTRS). This notification will include documentation of the unpaid events (violations) that resulted in the habitual violator determination.

Question Before the Board:

Does the Board approve of TDOT's criteria for a determination that a registered owner is a habitual violator and TDOT's process for DOR notification that a registered owner is a habitual violator?