



County Technical Assistance Service

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Motor Vehicles

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Motor Vehicles

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Motor Vehicles - Impounding

Pursuant to T.C.A. § 55-5-129, the sheriff has the authority to impound any vehicle after determining the existence of any one or more of the following factors:

1. The registration plate displayed on the vehicle is stolen or is otherwise not registered to such vehicle; or
2. The renewal decal displayed on the vehicle is stolen or is otherwise not registered to such vehicle.

However, law enforcement personnel must secure the permission of the owner of any private property before entering onto private property for the purpose of impounding a vehicle.

As used in T.C.A. § 55-5-129, "impound" means removing a vehicle from a private parking lot adjacent to a street, alley, highway, or thoroughfare by a uniformed deputy to the nearest garage or other place of safety or to a garage designated or maintained by the sheriff's office. The provisions of T.C.A. §§ 55-16-105 and 55-16-106 govern the disposition of any vehicle impounded pursuant to T.C.A. § 55-5-129.

Motor Vehicles - Taking Possession of Abandoned Vehicles.

The sheriff is authorized by statute to take into custody any motor vehicle found abandoned, immobile, or unattended on public or private property. In doing so, the sheriff may employ his or her own personnel, equipment and facilities or hire personnel, equipment, and facilities for the purpose of removing, preserving and storing abandoned, immobile, or unattended motor vehicles. T.C.A. § 55-16-104. A vehicle may not be towed without the authorization of the owner of the vehicle until 12 hours have elapsed since it was first observed to be immobile or unattended unless the vehicle is creating a hazard, is blocking access to public or private property, or is parked illegally. T.C.A. § 55-16-111.

Within three (3) business days of taking an abandoned, immobile, or unattended motor vehicle into custody, the sheriff's office must verify ownership of the vehicle. After receiving verification of ownership, the sheriff's department must within three (3) business days notify, by registered mail, return receipt requested, the last known registered owner of the motor vehicle and all lienholders of record that the vehicle has been taken into custody. The notice must describe the year, make, model and serial number of the motor vehicle; set forth the location of the facility where the motor vehicle is being held; inform the owner and any lienholders of their right to reclaim the motor vehicle within 10 days after the date of the notice upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody; and state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title and interest in the vehicle and consent to the sale of the motor vehicle at a public auction. T.C.A. § 55-16-105(a).

In the event that there is no response to the notice by registered mail provided for in T.C.A. § 55-16-105(a), then there must be notice by one publication in one newspaper of general circulation in the area where the motor vehicle was abandoned, immobile, or unattended. Such notice must be in a small display ad format, but one advertisement may contain multiple listings of abandoned, immobile, or unattended vehicles. T.C.A. § 55-16-105(c).

The sheriff's office is not required to comply with the requirements of T.C.A. § 55-16-105(a) if it provides pre-seizure notice to the owner of the motor vehicle and all lienholders of record that the vehicle has been found to be abandoned, immobile, or unattended. Any pre-seizure notice must be sent by registered or certified mail, return receipt requested, to the last known address of the owner of record and to all lienholders of record. The notice must be written in plain language and must contain the year, make, model and vehicle identification number of the motor vehicle, if ascertainable; the location of the motor vehicle; and a statement advising the owner that the owner has 10 days to appeal the determination by the sheriff's office that the vehicle is abandoned, immobile, or unattended or to remove the vehicle from the property, or the sheriff's office will take the vehicle into custody. The notice must further inform the owner and any lienholders of their right to reclaim the motor vehicle after it is taken into custody but before it is sold or demolished, upon payment of all towing, preservation, storage or any other charges resulting from placing the vehicle in custody, and state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle shall be deemed a waiver by the owner and all lienholders of all right, title and interest in the vehicle and consent to demolition of the vehicle or its sale at a public auction. If the owner or lienholder cannot be located through the exercise of due diligence, notice by publication must be given

as set out in T.C.A. § 55-16-105(c). If the owner or lienholder of an abandoned, immobile, or unattended motor vehicle fails to appeal the determination that the vehicle is abandoned, immobile, or unattended or fails to remove the motor vehicle within the time allowed for an appeal, the sheriff's office may take the vehicle into custody. If an appeal is made, the motor vehicle may not be taken into custody while the appeal is pending. Failure to appeal within the specific time period shall, without exception, constitute waiver of the right of appeal. T.C.A. § 55-16-105(b).

When the sheriff, deputy sheriff, or towing company contracting with the sheriff's office takes possession of a vehicle found abandoned, immobile, or unattended, an employee of the sheriff's office must verify ownership of the vehicle through the Tennessee Information Enforcement System (TIES) and must place the ownership information on the towing sheet or form. The sheriff's office must also provide the ownership information to any towing company or garagekeeper with whom the sheriff's office has a contract. If the sheriff's office attempts to verify ownership information through the Tennessee Information Enforcement System and the response is "Not on File," the sheriff's office must contact the Department of Safety Title and Registration Division which will search records not contained in Tennessee Information Enforcement System for the ownership information. If the Title and Registration Division locates ownership information through this search, it will notify the sheriff's office, and the sheriff's office must distribute the information as discussed above. T.C.A. § 55-16-105(f).

In addition to the notification requirements set forth in T.C.A. § 55-16-105(a), any garagekeeper or towing firm that has in its possession an abandoned, immobile or unattended motor vehicle taken into custody by the sheriff's office, and in whose possession the vehicle was lawfully placed by the sheriff's office, must, within three (3) business days of taking such motor vehicle into its possession verify ownership of the vehicle. After receiving verification of ownership, the garagekeeper or towing firm must within three (3) business days provide notice to the last known registered owner of the motor vehicle and all lienholders of record. All the notification requirements included in T.C.A. § 55-16-105(a) apply to the notice required to be provided by a garagekeeper or towing firm. T.C.A. § 55-16-105(g).

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