Seizure of Vehicle

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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Reference Number: CTAS-1291

Seizure of Vehicle Used in the Commission of DUI Offense

The sheriff is authorized to seize the vehicle used in the commission of a person's second or subsequent violation of T.C.A. § 55-10-401, or the second or subsequent violation of any combination of T.C.A. § 55-10-401 and a statute in any other state prohibiting driving under the influence of an intoxicant. Only POST-certified or state-commissioned law enforcement officers are authorized to seize such vehicles. T.C.A. § 55-10-414(a) and (d). In order for the provisions of T.C.A. § 55-10-414(a) to be applicable to a vehicle, the violation making the vehicle subject to seizure and forfeiture must occur in Tennessee within five years of the first offense, which must have occurred on or after January 1, 1997. T.C.A. § 55-10-414(b).

All vehicles subject to forfeiture under the provisions of T.C.A. § 55-10-414 shall be seized and forfeited in accordance with the procedure set out in Title 40, Chapter 33, Part 2. T.C.A. § 40-33-201. The Department of Safety is designated as the applicable agency, as defined by T.C.A. § 40-33-202, for all forfeitures authorized by T.C.A. § 55-10-414. *See also* Rules of Tennessee Department of Safety Administrative Division, CHAPTER 1340-2-2, The Rules of Procedure for Asset Forfeiture Hearings.

See Notice of Seizure and Forfeiture Warrant under Seizure of Controlled Substances and Related Property for a discussion of the applicable procedure to be used.

Seizure of Vehicle Used by Person Driving on Revoked License .

The sheriff is authorized to seize the vehicle used in the commission of a person's violation of T.C.A. § 55-50-504 when the original suspension or revocation was made for a violation of T.C.A. § 55-10-401 or a statute in another state prohibiting driving under the influence of an intoxicant. A vehicle is subject to seizure and forfeiture upon the arrest or citation of a person for driving while such person's driving privileges are cancelled, suspended or revoked. A conviction for the criminal offense of driving while such person's driving privileges are cancelled, suspended or revoked is not required. T.C.A. § 55-50-504(g).

All vehicles subject to forfeiture under the provisions of T.C.A. § 55-50-504(g) shall be seized and forfeited in accordance with the procedure set out in Title 40, Chapter 33, Part 2. T.C.A. § 40-33-201. The Department of Safety is designated as the applicable agency, as defined by T.C.A. § 40-33-202, for all forfeitures authorized by T.C.A. § 55-50-504(g). *See also* Rules of Tennessee Department of Safety Administrative Division, CHAPTER 1340-2-2, The Rules of Procedure for Asset Forfeiture Hearings.

See Notice of Seizure and Forfeiture Warrant under Seizure of Controlled Substances and Related Property for a discussion of the applicable procedure to be used.

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