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Disposition of Vehicles

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained 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 CTAS website material.

Sincerely,

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Disposition of Vehicles

Reference Number: CTAS-1257

Disposition of Vehicle Used in the Commission of DUI Offense

Pursuant to T.C.A. § 55-10-414, it is the duty of the sheriff to properly dispose of a vehicle used in the commission of a person's second or subsequent violation of T.C.A. § 55-10-401 (driving under the influence of intoxicant, drug or drug producing stimulant), that was seized by the sheriff's office, once it has been forfeited pursuant to Title 40, Chapter 33, Part 2. T.C.A. § 40-33-201 et.seq.

Forfeited vehicles may be used by the sheriff's office in the drug enforcement program for a period not to exceed five years. T.C.A. §§ 40-33-211(e) and 53-11-201(b)(2)(C). See *also* Op. Tenn. Atty. Gen. 99-190 (September 28, 1999). Vehicles not used in the local drug enforcement program must be sold. Revenue derived from the sale of vehicles seized by the sheriff's office and forfeited under T.C.A. § 55-10-414 is retained by the sheriff's office and used during each fiscal year to compensate the sheriff's office for the reasonable and direct expenses involved in confiscating, towing, storing, and selling the forfeited vehicles. All expenses claimed by the sheriff's office are subject to audit and review by the comptroller of the treasury to determine that the expenses claimed are direct and reasonable. Any remaining revenue must be transmitted to the Department of Health no later than June 30 of each fiscal year. T.C.A. § 40-33-211(f).

Disposition of Vehicle Used by Person Driving On Revoked License

It is the duty of the sheriff to properly dispose of a vehicle, that was seized by the sheriff's office pursuant to T.C.A. § 55-50-504(h), once it has been forfeited pursuant to Title 40, Chapter 33, Part 2. T.C.A. § 40-33-210(d).

Forfeited vehicles may be used by the sheriff's office in the drug enforcement program for a period not to exceed five years. T.C.A. §§ 40-33-211(e) and 53-11-201(b)(2)(C). Vehicles not used in the local drug enforcement program must be sold. Revenue derived from the sale of vehicles seized by the sheriff's office and forfeited under T.C.A. § 55-50-504(h) is retained by the sheriff's office and used during each fiscal year to compensate the sheriff's office for the reasonable and direct expenses involved in the confiscating, towing, storing, and selling the forfeited vehicles. All expenses claimed by the sheriff's office are subject to audit and review by the comptroller of the treasury to determine that the expenses claimed are direct and reasonable. Any remaining revenue must be transmitted to the Department of Health no later than June 30 of each fiscal year. T.C.A. § 40-33-211(c).

Disposition of Abandoned, Immobile or Unattended Motor Vehicles

Pursuant to T.C.A. § 55-16-106(a), it is the duty of the sheriff to sell at a public auction the abandoned, immobile, or unattended motor vehicles that the sheriff's office has taken into custody and that have not been reclaimed as provided for in T.C.A. § 55-16-105. The sheriff's office must issue the purchaser of the motor vehicle a sales receipt. The purchaser takes title to the motor vehicle free and clear of all liens and claims of ownership. Upon presentation of the sales receipt, the Department of Safety must issue a certificate of title to the purchaser. T.C.A. § 55-16-106(b).

The proceeds of the sale of an abandoned, immobile, or unattended motor vehicle are to be used to pay the expenses of the auction; the costs of towing, preserving and storing the vehicle; and all notice and publication costs incurred pursuant to T.C.A. § 55-16-105. Any remainder from the proceeds of a sale must be held for the owner of the vehicle or entitled lienholder for 45 days, and then may be deposited in a special fund that is to remain available to pay auction, towing, preserving, storage and all notice and publication costs that result from placing other abandoned, immobile, or unattended vehicles in custody, whenever the proceeds from a sale of other abandoned, immobile, or unattended motor vehicles are insufficient to meet these expenses and costs. Whenever the chief fiscal officer of the county finds that moneys in the special fund are in excess of reserves likely to be needed for the purposes thereof, the officer may transfer the excess to the county general fund, but in such event, claims against the special fund, if the special fund is temporarily exhausted, shall be met from the general fund to the limit of any transfers previously made thereto. T.C.A. § 55-16-106(d) and (e).

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