

February 3, 2016

Town of Cornersville Tennessee
Mr. Scotty Brock
Town Administrator
118 South Main Street
Cornersville, Tennessee 37047

VIA ELECTRONIC MAIL

Dear Mr. Brock:

You have asked for guidance on the process to dispose of a private vehicle that is in the possession of the town. As related by you, the facts are as follows:

The owner of the truck was broke down on the side of the road. He called a local towing company to come pick up his truck and take it to the local scrap business with the intentions of selling his truck for scrap. Our police officer came upon the scene trying to help the man out when he noticed a letter in the truck from the Pulaski Cash Express. He ran the truck and found out that there was still a lien on the truck so he prevented the truck from being scrapped until he notified the lien holder which he did. Cash Express never picked up the truck and it has been in our possession ever since; for over a year. We contacted Cash Express and informed them that we normally charge impound and storage fees for a vehicle in our possession during the entire time we had it but we would waive all of the cost except \$300.00 if they would just come and pick it up. They came and looked at the truck and they wanted us to pay \$100.00 to allow us to keep the truck. I spoke with the owner of the company and he is not going to pay us anything and does not want to give us the title either. We are just looking to get rid of the truck.

Tennessee Code Annotated §§ 55-16-101 *et seq.* sets forth the process to follow for an unclaimed or abandoned vehicle.

T.C.A. § 55-16-105(a) provides as follows:

(a) A police department that takes into custody an abandoned, immobile, or unattended motor vehicle, shall, within three (3) business days after taking such motor vehicle into custody, verify ownership of such motor vehicle pursuant to subsection (f). The police department shall, within three (3) business days after receiving verification of ownership, notify by registered mail, return receipt requested, the last known registered owner of the motor vehicle and all lien holders of record that the vehicle has been taken into custody. The notice shall describe the year, make, model and serial number of the abandoned, immobile, or unattended 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 ten (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 abandoned, immobile, or unattended motor vehicle at a public auction.

T.C.A. § 55-16-105(c) provides in part:

In the event there is no response to the notice by registered mail provided for in subsection (a), then there shall be notice by one (1) publication in one (1) newspaper of general circulation in the area where the motor vehicle was abandoned. The notice shall be in a small display ad format, but one (1) advertisement may contain multiple listings of abandoned, immobile, or unattended vehicles.

Finally, T.C.A. § 55-16-106 provides that:

- (a) An abandoned motor vehicle that has not been reclaimed as provided for in § 55-16-105 shall be sold at public auction.
- (b) The purchaser shall take title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the police department, and, upon presentation of the sales receipt, the department of revenue shall issue a certificate of title to the purchaser.
- (c) The sales receipt only shall be sufficient title for purposes of transferring the vehicle to a demolisher for demolition, wrecking or dismantling, and, in this case, no further titling of the vehicle shall be necessary.
- (d) Proceeds of the sale of an abandoned, immobile, or unattended motor vehicle shall be used for payment of the expenses of the auction, the costs of towing, preserving and storing the abandoned, immobile, or unattended motor vehicle, and all notice and publication costs incurred pursuant to § 55-16-105.
- (e) (1) Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for forty-five (45) days, and then shall be deposited in a special fund that shall remain available for the payment of 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.

(2) Whenever the chief fiscal officer of the town finds that moneys in the special fund are in excess of reserves likely to be needed for the purposes thereof, said officer may transfer the excess to the general fund, but in this 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 pursuant to this section.

A copy of Title 55, Chapter 16 is enclosed for ease of reference.

Please let us know if you have further questions regarding this matter.

Mr. Scotty Brock
February 3, 2016
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Very truly yours,

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Jeffrey J. Broughton
Municipal Management Consultant

Cc: Elisha Hodge

[West's Tennessee Code Annotated](#)

[Title 55. Motor and Other Vehicles](#)

[Chapter 16. Unclaimed or Abandoned Vehicles](#)

T. C. A. T. 55, Ch. 16, Refs & Annos

[Currentness](#)

T. C. A. T. 55, Ch. 16, Refs & Annos, TN ST T. 55, Ch. 16, Refs & Annos
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[West's Tennessee Code Annotated](#)

[Title 55. Motor and Other Vehicles \(Refs & Annos\)](#)

[Chapter 16. Unclaimed or Abandoned Vehicles \(Refs & Annos\)](#)

T. C. A. § 55-16-101

§ 55-16-101. Reports

Effective: June 25, 2009

[Currentness](#)

(a) Whenever a motor vehicle has been stored, parked or left in a garage, trailer park, or any type of storage or parking lot for a period of more than thirty (30) consecutive days, the owner of the garage, trailer park or lot shall report in writing the make, motor number, vehicle identification number, and serial number of the motor vehicle to the department of revenue.

(b) Nothing in this chapter shall apply where the owner of the motor vehicle so parked or stored is personally known to the owner or operator of the garage, trailer park, storage or parking lot and where the motor vehicle owner has made arrangements for the parking or storing of the motor vehicle for a longer period of time than thirty (30) days.

(c) Nothing in this chapter applies to unclaimed, abandoned or illegally parked vehicles located on or about the premises of real property that has been leased or rented for residential purposes.

Credits

1955 Pub.Acts, c. 253, § 1; 1967 Pub.Acts, c. 21, § 1; 1983 Pub.Acts, c. 463, § 1; [1999 Pub.Acts, c. 284, § 3, eff. July 1, 1999](#); [2009 Pub.Acts, c. 530, § 128, eff. June 25, 2009](#).

Formerly § 59-1601.

T. C. A. § 55-16-101, TN ST § 55-16-101

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[West's Tennessee Code Annotated](#)

[Title 55. Motor and Other Vehicles \(Refs & Annos\)](#)

[Chapter 16. Unclaimed or Abandoned Vehicles \(Refs & Annos\)](#)

T. C. A. § 55-16-102

§ 55-16-102. Fines and penalties

Effective: August 14, 2008

[Currentness](#)

(a) Any person who fails to submit the report required under [§ 55-16-101](#) within ten (10) days after the termination of the thirty-day period shall forfeit all claims for storage or parking of the vehicle, and commits a Class C misdemeanor.

(b) Each day's failure to make the report is a separate offense.

Credits

1955 Pub.Acts, c. 253, § 2; 1989 Pub.Acts, c. 591, § 113.


Formerly § 59-1602.

T. C. A. § 55-16-102, TN ST § 55-16-102

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[West's Tennessee Code Annotated](#)

[Title 55. Motor and Other Vehicles \(Refs & Annos\)](#)

[Chapter 16. Unclaimed or Abandoned Vehicles \(Refs & Annos\)](#)

T. C. A. § 55-16-103

§ 55-16-103. Definitions

Effective: July 1, 2015

[Currentness](#)

As used in this section and [§§ 55-16-104--55-16-109](#):

(1) “Abandoned motor vehicle” means a motor vehicle that:

(A) Is over four (4) years old and is left unattended on public property for more than ten (10) days;

(B) Is in an obvious state of disrepair and is left unattended on public property for more than three (3) days;

(C) Has remained illegally on public property for a period of more than forty-eight (48) hours;

(D) Has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours; or

(E) Has been stored, parked or left in a garage, trailer park, or any type of storage or parking lot for more than thirty (30) consecutive days;

(2) “Curbstoning” means the selling, offering for sale, advertising for sale, or soliciting the sale of:

(A) Any motor vehicle without a properly endorsed certificate of title as required by [§ 55-3-127](#) by a person or entity engaged primarily in the sale of used motor vehicles if the person or entity is not licensed as a motor vehicle dealer under [§ 55-17-109](#); or

- (B) More than five (5) motor vehicles in any twelve-month period when the motor vehicles are titled in the person's name or the name of the entity engaged primarily in the sale of used motor vehicles if the person or entity is not licensed as a motor vehicle dealer under § 55-17-109;
- (3) "Demolisher" means any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle motor vehicles;
- (4) "Immobile motor vehicle" means any motor vehicle, trailer, semitrailer, or combination or part of a motor vehicle, trailer, or semitrailer that is immobilized and incapable of moving under its own power due to an accident, mechanical breakdown, weather conditions or other emergency situation;
- (5) "Obvious state of disrepair" means a motor vehicle exhibiting one (1) or more of the following characteristics: inoperable under its own power, without one (1) or more wheels or inflated tires, burned throughout, or with more than one (1) broken window;
- (6) "Police department" means the Tennessee highway patrol, the sheriff's department of any county, or the police department of any city or town. In any county with a population of four hundred thousand (400,000) or more, according to the 1980 federal census or any subsequent federal census, with a metropolitan form of government, "police department" also means any department, board or commission designated by the legislative body of the metropolitan government to perform the duties of a police department specified in this chapter;
- (7) "Possession," as used in § 55-16-108(e), shall be construed to mean either physical possession or constructive possession by a unit of government. "Physical possession" means seizure and physical custody by a unit of government. "Constructive possession" shall be determined by the power and intent of a unit of government to control; and
- (8) "Unattended motor vehicle" means any motor vehicle, semitrailer, or combination or part of a motor vehicle, trailer, or semitrailer, that is on public or private property, unattended by the owner or authorized driver, and interferes with or impedes the orderly flow of traffic, or a motor vehicle that is unattended by reason of the arrest of the driver of the motor vehicle.

Credits

1967 Pub.Acts, c. 250, § 1; 1989 Pub.Acts, c. 185, § 1; 1994 Pub.Acts, c. 635, §§ 1, 2, eff. March 21, 1994; 1996 Pub.Acts, c. 868, §§ 2, 3, eff. July 1, 1996; 1998 Pub.Acts, c. 760, § 3, eff. July 1, 1998; 1999 Pub.Acts, c. 302, § 1, eff. May 26, 1999; 2002 Pub.Acts, c. 736, §§ 1, 2, eff. May 8, 2002; 2015 Pub.Acts, c. 344, § 1, eff. July 1, 2015.

Formerly § 59-1603.

§ 55-16-103. Definitions, TN ST § 55-16-103


T. C. A. § 55-16-103, TN ST § 55-16-103

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Unconstitutional or Preempted **Prior Version's Limitation Recognized by U.S. v. Vite-Espinoza**, 6th Cir.(Tenn.), Aug. 25, 2003

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[West's Tennessee Code Annotated](#)

[Title 55. Motor and Other Vehicles \(Refs & Annos\)](#)

[Chapter 16. Unclaimed or Abandoned Vehicles \(Refs & Annos\)](#)

T. C. A. § 55-16-104

§ 55-16-104. Custody; removal; preservation and storage

Effective: July 1, 2015

[Currentness](#)

(a) A police department may take into custody any motor vehicle found abandoned, immobile, unattended, or used in curbstoning on public or private property; provided, that any motor vehicle used in curbstoning on residential property may not be taken into custody unless the police department provides notice on the motor vehicle at least forty-eight (48) hours prior to the seizure.

(b) A police department may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities for the purpose of removing, preserving, and storing motor vehicles that have been abandoned, immobile, unattended, or used in curbstoning.

(c) Any motor vehicle used in curbstoning is subject to seizure and forfeiture in the same manner as is provided by law for seizure and forfeiture of other items under title 40, chapter 33.

(d) Notwithstanding any law to the contrary, nothing in this section shall limit a local government's initiative for more restrictive requirements regarding the sale of curbstoned vehicles.

Credits

1967 Pub.Acts, c. 250, § 2; 1996 Pub.Acts, c. 868, § 4, eff. July 1, 1996; 2015 Pub.Acts, c. 344, § 2, eff. July 1, 2015.

Formerly § 59-1604.

[Notes of Decisions \(3\)](#)

§ 55-16-104. Custody; removal; preservation and storage, TN ST § 55-16-104

T. C. A. § 55-16-104, TN ST § 55-16-104
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West's Tennessee Code Annotated

Title 55. Motor and Other Vehicles (Refs & Annos)

Chapter 16. Unclaimed or Abandoned Vehicles (Refs & Annos)

T. C. A. § 55-16-105

§ 55-16-105. Notice; penalty

Effective: July 1, 2014

[Currentness](#)

(a) A police department that takes into custody an abandoned, immobile, or unattended motor vehicle, shall, within three (3) business days after taking such motor vehicle into custody, verify ownership of such motor vehicle pursuant to subsection (f). The police department shall, within three (3) business days after receiving verification of ownership, notify by registered mail, return receipt requested, the last known registered owner of the motor vehicle and all lien holders of record that the vehicle has been taken into custody. The notice shall describe the year, make, model and serial number of the abandoned, immobile, or unattended 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 ten (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 abandoned, immobile, or unattended motor vehicle at a public auction.

(b) A police department is not required to comply with the requirements of subsection (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 shall 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 shall be written in plain language and shall 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 ten (10) days to appeal the determination by the police department that the vehicle is abandoned, immobile, or unattended or to remove the vehicle from the property, or the police department shall take the abandoned, immobile, or unattended vehicle into custody. The notice shall 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 the 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 shall be given as set out in subsection (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 police department may take the vehicle into custody. If an appeal is made, the motor vehicle shall 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.

(c) In the event there is no response to the notice by registered mail provided for in subsection (a), then there shall be notice by one (1) publication in one (1) newspaper of general circulation in the area where the motor vehicle was abandoned, immobile, or unattended. The notice shall be in a small display ad format, but one (1) advertisement may contain multiple listings of

abandoned, immobile, or unattended vehicles.

(d) The consequences and effect of failure to reclaim an abandoned, immobile, or unattended motor vehicle shall be as set forth in a valid notice given pursuant to this section.

(e) If the owner of the vehicle is not present, then prior to any person, firm or entity towing any vehicle pursuant to this chapter, such person, firm or entity shall notify local law enforcement of the vehicle identification number (VIN), registration information, license plate number and description of the vehicle. A violation of this requirement by any person, firm or entity is a Class A misdemeanor. Local law enforcement shall keep a record of all such information which shall be available for public inspection.

(f) When an employee of a public agency or a towing company contracting with a public agency takes possession of a vehicle found abandoned, immobile, or unattended, an employee of the agency shall verify ownership through the Tennessee Information Enforcement System (TIES) and shall place the ownership information on the towing sheet or form. The agency shall also provide the ownership information to any towing company or garagekeeper with whom the agency has a contract. If a public agency attempts to verify ownership information through TIES and the response is "Not on File," the agency shall contact the department of revenue title and registration division which shall search records not contained in TIES for the ownership information. If the title and registration division locates ownership information through this search, it shall notify the appropriate public agency and the agency shall distribute the information as provided in this subsection (f). When any other person takes possession of a vehicle found abandoned, immobile, or unattended, the action shall be reported immediately to the taxpayer and vehicle services division for verification of ownership on a form prescribed and provided by the registrar of motor vehicles.

(g)(1) In addition to the notification requirements of subsection (a), any garagekeeper or towing firm, which has in its possession an abandoned, immobile or unattended motor vehicle taken into custody by a police department, and in whose possession the vehicle was lawfully placed by the police department, shall, within three (3) business days after such motor vehicle is taken into its possession, verify ownership of such motor vehicle pursuant to subsection (f). The garagekeeper or towing firm shall, within three (3) business days after receiving verification of ownership, provide notice to the last known registered owner of the motor vehicle and all lienholders of record. All notification requirements included in subsection (a) shall apply to the notice required to be provided by a garagekeeper or towing firm pursuant to this section.

(2) A garagekeeper or towing firm that does not verify ownership of a motor vehicle within three (3) business days after taking possession of such motor vehicle pursuant to this section or that does not notify by mail the owner of such motor vehicle within six (6) days after taking possession shall not be entitled to receive more than six (6) days of storage-related expenses. A garagekeeper or towing firm that is found by a court of competent jurisdiction to have failed upon presentment of payment for towing and storage expenses to release a motor vehicle shall be subject to civil liability to a vehicle owner, secured creditor, lessor or lienholder who prevails in an action brought under this section for reasonable costs and attorney's fees incurred by the person instituting the action.

(3) If the owner of the vehicle or the owner's agent is present at the time that the vehicle is placed into the custody of a garagekeeper or towing firm, then this subsection (g) shall not apply to the garagekeeper or towing firm; provided, however, that this subdivision (g)(3) does not exempt the garagekeeper or towing firm from any other notification requirements under

this section or other provision of law.

Credits

1967 Pub.Acts, c. 250, § 3; 1976 Pub.Acts, c. 419, § 1; 1989 Pub.Acts, c. 182, §§ 2, 3; 1994 Pub.Acts, c. 635, § 3, eff. March 21, 1994; 1996 Pub.Acts, c. 868, § 4, eff. July 1, 1996; 1998 Pub.Acts, c. 760 § 4, eff. July 1, 1998; 1998 Pub.Acts, c. 1074, § 1, eff. July 1, 1998; 2010 Pub.Acts, c. 984, §§ 1, 2; 2011 Pub.Acts, c. 30, §§ 1, 2, eff. March 31, 2011; 2011 Pub.Acts, c. 244, § 1, eff. July 1, 2011; 2012 Pub.Acts, c. 750, § 1, eff. July 1, 2012; 2014 Pub.Acts, c. 548, § 1, eff. July 1, 2014; 2014 Pub.Acts, c. 894, § 1, eff. May 9, 2014.

Formerly § 59-1605.

[Notes of Decisions \(1\)](#)

T. C. A. § 55-16-105, TN ST § 55-16-105
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West's Tennessee Code Annotated

Title 55. Motor and Other Vehicles (Refs & Annos)

Chapter 16. Unclaimed or Abandoned Vehicles (Refs & Annos)

T. C. A. § 55-16-106

§ 55-16-106. Auctions and auctioneers

Effective: June 25, 2009

Currentness

(a) If an abandoned, immobile, or unattended motor vehicle has not been reclaimed as provided for in § 55-16-105, the police department shall sell the abandoned, immobile, or unattended motor vehicle at a public auction.

(b) The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the police department, and, upon presentation of the sales receipt, the department of revenue shall issue a certificate of title to the purchaser.

(c) The sales receipt only shall be sufficient title for purposes of transferring the vehicle to a demolisher for demolition, wrecking or dismantling, and, in this case, no further titling of the vehicle shall be necessary.

(d) The proceeds of the sale of an abandoned, immobile, or unattended motor vehicle shall be used for payment of the expenses of the auction, the costs of towing, preserving and storing the abandoned, immobile, or unattended motor vehicle, and all notice and publication costs incurred pursuant to § 55-16-105.

(e)(1) Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for forty-five (45) days, and then shall be deposited in a special fund that shall remain available for the payment of 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.

(2) Whenever the chief fiscal officer of the state, county, city or town, as the case may be, finds that moneys in the special fund are in excess of reserves likely to be needed for the purposes thereof, the chief fiscal officer may transfer the excess to the general fund, but in this 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 pursuant to this section.

Credits

§ 55-16-106. Auctions and auctioneers, TN ST § 55-16-106

1967 Pub.Acts, c. 250, § 4; 1989 Pub.Acts, c. 182, § 1; 1996 Pub.Acts, c. 868, § 4, eff. July 1, 1996; 2009 Pub.Acts, c. 530, § 129, eff. June 25, 2009.

Formerly § 59-1606.

T. C. A. § 55-16-106, TN ST § 55-16-106
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[Title 55. Motor and Other Vehicles \(Refs & Annos\)](#)

[Chapter 16. Unclaimed or Abandoned Vehicles \(Refs & Annos\)](#)

T. C. A. § 55-16-107

§ 55-16-107. Garagekeepers

Effective: July 9, 2012

[Currentness](#)

(a) Notwithstanding any other provision of this chapter to the contrary, the police department through its chief officer, after complying with [§ 55-16-105](#), may execute a written waiver of its right to sell a vehicle taken into custody under this chapter in favor of a garagekeeper or towing firm in whose possession the vehicle was lawfully placed by the police department under this chapter. If a garagekeeper or towing firm has made repairs to a vehicle for which a waiver has been executed, the garagekeeper or towing firm may proceed to enforce the lien as provided in [§ 66-19-103](#). If the garagekeeper or towing firm has not made repairs to a vehicle for which a waiver has been executed, the garagekeeper or towing firm may, after thirty (30) days from the waiver date, proceed to sell the vehicle in accordance with the procedure established in [§ 55-16-106](#) and keep the proceeds from the sale.

(b) As to third-party purchasers, the sale of the abandoned, immobile, or unattended vehicle shall be valid, but the garagekeeper or towing firm shall sell the vehicle in a commercially reasonable manner, and failure to do so may subject the garagekeeper or towing firm to suit for monetary damages by either the true owner or a lienholder.

Credits

1967 Pub.Acts, c. 250, § 5; 1983 Pub.Acts, c. 463, § 2; [1996 Pub.Acts, c. 868, §§ 4, 5, eff. July 1, 1996](#); [1998 Pub.Acts, c. 760, § 5, eff. July 1, 1998](#).


Formerly § 59-1607.

T. C. A. § 55-16-107, TN ST § 55-16-107

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[Chapter 16. Unclaimed or Abandoned Vehicles \(Refs & Annos\)](#)

T. C. A. § 55-16-108

§ 55-16-108. Demolishers

Effective: July 9, 2012

[Currentness](#)

(a) Any person, firm, corporation, or unit of government, upon whose property or in whose possession is found any abandoned, immobile, or unattended motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may apply to the police department of the jurisdiction in which the vehicle is situated for authority to sell, give away, or dispose of the vehicle to a demolisher.

(b) The application shall set out the name and address of the applicant, the year, make, model and serial number of the motor vehicle, if ascertainable, together with any other identifying features, and shall contain a concise statement of the facts surrounding the abandonment, or that the title of the motor vehicle is lost or destroyed, or the reasons for the defect of title in the owner. The applicant shall execute an affidavit stating that the facts alleged therein are true and that no material fact has been withheld.

(c) If the police department finds that the application is executed in proper form and shows that the motor vehicle has been abandoned, immobile, or unattended upon the property of the applicant or if it shows that the motor vehicle is not abandoned, immobile, or unattended but that the applicant appears to be the rightful owner, the police department shall follow the notification procedures set forth in [§ 55-16-105](#).

(d) If any abandoned, immobile, or unattended motor vehicle is not reclaimed in accordance with [§ 55-16-105](#), the police department shall give the applicant a certificate of authority to sell the motor vehicle to any demolisher for demolition, wrecking or dismantling. The demolisher shall accept the certificate in lieu of the certificate of title to the motor vehicle.

(e) Notwithstanding [§§ 55-16-103--55-16-109](#), any person, firm, corporation or unit of government upon whose property or in whose possession is found any abandoned, immobile or unattended motor vehicle or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed may dispose of the motor vehicle to a demolisher without that title and without the notification procedures of [§ 55-16-105](#), if the motor vehicle is over ten (10) years old and has no engine or is otherwise totally inoperable.

(f)(1) If the vehicle does have an engine, and is properly licensed but otherwise fits the description of this section, then any such vehicle left on a public highway or street and pulled in at the direction of local or state law enforcement officials must be held at least ten (10) days. If, at the end of that period, no claim has been received for the vehicle, the vehicle may then be disposed of in accordance with this section.

(2) Subdivision (f)(1) will not apply in counties with a metropolitan form of government, in which counties subsection (e) will remain in full force and effect.

Credits

1967 Pub.Acts, c. 250, § 6; 1969 Pub.Acts, c. 185, § 1; 1982 Pub.Acts, c. 869, § 1; [1996 Pub.Acts, c. 868, § 4, eff. July 1, 1996](#); [2009 Pub.Acts, c. 252, § 1, eff. May 20, 2009](#).

Formerly § 59-1608.

T. C. A. § 55-16-108, TN ST § 55-16-108
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[Title 55. Motor and Other Vehicles \(Refs & Annos\)](#)

[Chapter 16. Unclaimed or Abandoned Vehicles \(Refs & Annos\)](#)

T. C. A. § 55-16-109

§ 55-16-109. Demolishers; surrender of certificate of title or auction sales receipt for cancellation; records and recordation

Effective: July 9, 2012

[Currentness](#)

(a) Any demolisher who purchases or otherwise acquires a motor vehicle for purposes of wrecking, dismantling or demolition shall not be required to obtain a certificate of title for the motor vehicle in the demolisher's name. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender for cancellation the certificate of title or auction sales receipt. The taxpayer and vehicle services division shall issue forms, rules and regulations governing the surrender of auction sales receipts and certificates of title as are appropriate.

(b) A demolisher shall keep an accurate and complete record of all motor vehicles purchased or received in the course of the demolisher's business. These records shall contain the name and address of the person from whom each motor vehicle was purchased or received and the date when the purchases or receipts occurred. The records shall be open for inspection by any police department at any time during normal business hours. Any record required by this section shall be kept by the demolisher for at least one (1) year after the transaction to which it applies.

Credits

1967 Pub.Acts, c. 250, § 7.

Formerly § 59-1609.

T. C. A. § 55-16-109, TN ST § 55-16-109

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 KeyCite Red Flag - Severe Negative Treatment
KeyCite Red Flag Negative Treatment § 55-16-110. Repealed by 1999 Pub.Acts, c. 284, § 4, eff. July 1, 1999

[West's Tennessee Code Annotated](#)

[Title 55. Motor and Other Vehicles \(Refs & Annos\)](#)

[Chapter 16. Unclaimed or Abandoned Vehicles \(Refs & Annos\)](#)

T. C. A. § 55-16-110

§ 55-16-110. Repealed by 1999 Pub.Acts, c. 284, § 4, eff. July 1, 1999

[Currentness](#)

T. C. A. § 55-16-110, TN ST § 55-16-110
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[Title 55. Motor and Other Vehicles \(Refs & Annos\)](#)

[Chapter 16. Unclaimed or Abandoned Vehicles \(Refs & Annos\)](#)

T. C. A. § 55-16-111

§ 55-16-111. Time for towing

Effective: August 14, 2008

[Currentness](#)

Notwithstanding any law to the contrary, a vehicle may not be towed without authorization by the owner of the vehicle until twelve (12) hours have elapsed since it was first observed to be immobile or unattended unless the vehicle is creating a hazard, blocking access to public or private property, or parked illegally.

Credits

[1996 Pub.Acts, c. 868, § 7, eff. July 1, 1996.](#)

T. C. A. § 55-16-111, TN ST § 55-16-111

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[Title 55. Motor and Other Vehicles \(Refs & Annos\)](#)

[Chapter 16. Unclaimed or Abandoned Vehicles \(Refs & Annos\)](#)

T. C. A. § 55-16-112

§ 55-16-112. Express written authorization

Effective: July 9, 2012

[Currentness](#)

(a) Notwithstanding any other provision of this part or of title 66, chapter 19, part 1, in order for a garagekeeper or a towing firm to tow or to store a vehicle the garagekeeper or towing firm shall obtain an express written authorization for towing and storage of each vehicle from a law enforcement officer with appropriate jurisdiction, or from the owner of the vehicle, or from the owner, or the authorized agent of the owner, of the private property from which the vehicle is to be towed. The authorization shall include all of the information required by [§ 66-19-103\(d\)](#). In addition to any other penalty provided by this part or by title 66, chapter 19, part 1, a violation of this section is a Class C misdemeanor.

(b) This section and [§ 66-19-103\(a\)](#) do not apply to new or used motor vehicle dealers licensed under chapter 17 of this title.

Credits

1998 Pub.Acts, c. 1027, §§ 4, 5, eff. Sept. 1, 1998; 2007 Pub.Acts, c. 479, § 1, eff. June 21, 2007.

[Notes of Decisions \(3\)](#)

T. C. A. § 55-16-112, TN ST § 55-16-112
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[Title 55. Motor and Other Vehicles \(Refs & Annos\)](#)

[Chapter 16. Unclaimed or Abandoned Vehicles \(Refs & Annos\)](#)

T. C. A. § 55-16-113

§ 55-16-113. Towing firms; referral; penalty

[Currentness](#)

(a) Notwithstanding any other provision of this chapter to the contrary, a towing firm shall not make, confer or offer any payment or any other pecuniary benefit to an owner or manager of property from which the firm has towed a vehicle with the intent of rewarding the owner or manager for referring the vehicle for towing.

(b) Notwithstanding any other provision of this chapter to the contrary, an owner or manager of property from which a towing firm has towed a vehicle may not solicit or receive any payment or other pecuniary benefit from a towing firm in exchange for referring a vehicle for towing to the firm.

(c) A violation of subsection (a) or (b) is a Class C misdemeanor.

Credits

[2006 Pub.Acts, c. 641, § 1, eff. July 1, 2006.](#)

T. C. A. § 55-16-113, TN ST § 55-16-113

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