

55-10-414. Seizure and forfeiture of vehicles.

(a) The **vehicle** used in the commission of a person's **second or subsequent conviction** of § 55-10-401, or the second or subsequent conviction of any combination of § 55-10-401, and a statute in any other state prohibiting driving under the influence of an intoxicant, is **subject to seizure and forfeiture** in accordance with the procedure established in title 40, chapter 33, part 2. The department of safety is designated as the applicable agency, as defined by § 40-33-202, for all forfeitures authorized by this section.

(b) In order for subsection (a) to be applicable to a vehicle, the conviction making the vehicle subject to seizure and forfeiture must occur in Tennessee and at least **one (1) of the previous convictions must have occurred within five (5) years of the current conviction.**

(c) It is the specific intent that a forfeiture action under this section shall serve a remedial and not a punitive purpose. The **purpose of the forfeiture of a vehicle after a person's second or subsequent DUI conviction is to prevent unscrupulous or incompetent persons from driving on Tennessee's highways while under the influence of alcohol or drugs.** Driving a motor vehicle while under the influence of alcohol or drugs endangers the lives of innocent people who are exercising the same privilege of riding on the state's highways. There is a reasonable connection between the remedial purpose of this section, ensuring safe roads, and the forfeiture of a motor vehicle. While this section may serve as a deterrent to the conduct of driving a motor vehicle while under the influence of alcohol or drugs, it is nonetheless intended as a remedial measure. Moreover, the statute serves to remove a dangerous instrument from the hands of individuals who have demonstrated a pattern of driving a motor vehicle while under the influence of alcohol or drugs.

(d) Only POST-certified or state-commissioned law enforcement officers will be authorized to seize these vehicles under this section.