

**RULES
OF
TENNESSEE DEPARTMENT OF SAFETY
HIGHWAY PATROL DIVISION**

**CHAPTER 1340-3-1
IMPOUNDMENT OF VEHICLES**

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1340-3-1-.01 PURPOSE. To establish uniform procedures whereby the registered owner (hereinafter referred to as the owner) of a motor vehicle which is impounded at the direction of a member of the Highway Patrol may request an administrative hearing to determine the reasonableness of the tow and/or the charges incident thereto.

Authority: T.C.A. §§4-7-112, 55-8-159, and Chapter 16, Title 55. *Administrative History:* Original rule filed December 18, 1981; effective April 1, 1982.

1340-3-1-.02 NOTICE TO OWNER.

- (1) Members of the Highway Patrol upon ordering the tow of a motor vehicle shall notify in writing within five (5) days the owner of said vehicle at his last known address of the tow and provide the following information :
 - (a) Date of the tow
 - (b) Reason for the tow
 - (c) Where the vehicle is stored
 - (d) Where and when the owner may request a hearing to contest the tow and/or charges incident thereto

Authority: T.C.A. §§4-7-112, 55-8-159, and Chapter 16, Title 55. *Administrative History:* Original rule filed December 18, 1981; effective April 1, 1982. Amendment filed October 25, 1995; effective February 28, 1996.

1340-3-1-.03 REQUEST FOR HEARING. Should the owner desire a hearing, he shall request a hearing within ten (10) days after notice. Upon such request, the owner shall be advised of the location and time to appear for a hearing. The owner will also be advised that the case may be submitted directly to the district captain by telephone. The hearing date shall be set within forty-eight (48) hours following such request and held within a reasonable time.

Authority: T.C.A. §§4-7-112, 55-8-159, and Chapter 16, Title 55. *Administrative History:* Original rule filed December 18, 1981; effective April 1, 1982.

1340-3-1-.04 CONDUCT OF HEARING. The hearing shall be conducted by the district captain and his finding of fact and conclusions of law shall be reduced to writing. If the captain finds and the Commissioner of Safety concurs that the vehicle should not have been towed or that the charges were unreasonable, the captain shall give written or oral notice to the owner of his findings and the vehicle shall be released to the owner without charge or for a reasonable amount to be determined by the captain and concurred in by the Commissioner of Safety. A decision adverse to the owner is subject to review pursuant to the Uniform Administrative Procedures Act.

Authority: T.C.A. §§4-7-112, 55-8-159, and Chapter 16, Title 55. *Administrative History:* Original rule filed December 18, 1981; effective April 1, 1982.