

IN THE COURT OF APPEALS OF TENNESSEE  
AT NASHVILLE  
October 12, 1999 Session

**MARIE HAWKS v. MICHAEL C. GREENE, COMMISSIONER  
OF THE TENNESSEE DEPARTMENT OF SAFETY**

**Appeal from the Chancery Court for Davidson County  
No. 98-1320-III Ellen Hobbs Lyle, Chancellor**

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**No. M1999-02785-COA-R3-CV - Filed December 18, 2001**

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WILLIAM C. KOCH, JR., concurring in the result.

I concur with the court's conclusion that the forfeiture of Ms. Hawks's van was excessive in light of two considerations. First, the offense triggering the forfeiture of Ms. Hawks's van occurred after the twelve-month suspension of her driving privileges when she was entitled to reinstatement of her license by complying with the conditions in Tenn. Code Ann. § 55-12-114(c) (Supp. 2001). Second, while forfeiture of a vehicle is authorized when a driver's license was revoked as a result of a DUI conviction, it is not authorized when a driver's license has been revoked for graver offenses such as vehicular assault or vehicular homicide or even a second violation of driving on a revoked license.

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WILLIAM C. KOCH, JR., JUDGE