

SENATE BILL NO. 1361

November 10, 1998, Introduced by Senators CISKY, HART and GAST
and referred to the Committee on Transportation and Tourism.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 415 (MCL 750.415).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 415. (1) A person who, without the intent to mislead
2 another as to the identity of the vehicle, conceals or misrepre-
3 sents the identity of a motor vehicle or of a mechanical device
4 ~~—~~ by removing or defacing the manufacturer's serial number or
5 the engine or motor number on the motor vehicle, or by replacing
6 a part of the motor vehicle or mechanical device bearing the
7 serial number or engine or motor number of the vehicle with a new
8 part ~~—~~ upon which the proper serial number or engine or motor
9 number has not been stamped, is guilty of a misdemeanor.
- 10 (2) A person who, with the intent to mislead another as to
11 the identity of a vehicle, conceals or misrepresents the identity

1 of a motor vehicle or of a mechanical device — by removing or
2 defacing the manufacturer's serial number or the engine or motor
3 number on the motor vehicle, or by replacing a part of the motor
4 vehicle or mechanical device bearing the serial number or engine
5 or motor number of the vehicle — with a new part — upon which
6 the proper serial number or engine or motor number has not been
7 stamped, is guilty of a felony, and if the person is a licensed
8 dealer the license shall be revoked.

9 (3) In all prosecutions under this section, possession by a
10 person of a motor vehicle — or of a mechanical device with the
11 manufacturer's serial number or the engine or motor number
12 removed, defaced, destroyed or altered or with a part bearing the
13 number or numbers replaced by one on which the proper number does
14 not appear, shall be prima facie evidence of violation of this
15 section.

16 (4) If the identification of a motor vehicle or a mechanical
17 device has been removed, defaced, or altered as provided in this
18 section — and the real identity of the motor vehicle or mechan-
19 ical device cannot be determined, the motor vehicle or mechanical
20 device shall be subject to confiscation by the state — and
21 shall be sold at public auction, PUT TO OFFICIAL USE BY THE GOV-
22 ERNMENT AGENCY SEIZING THE VEHICLE, OR RENDERED SCRAP. If the
23 items are confiscated from a licensed vehicle dealer, the
24 dealer's license shall be revoked.

25 (5) A PERSON SHALL NOT KNOWINGLY POSSESS, BUY, DELIVER, OR
26 OFFER TO BUY, SELL, EXCHANGE, OR GIVE AWAY ANY MANUFACTURER'S
27 VEHICLE IDENTIFICATION NUMBER PLATE, FEDERAL SAFETY CERTIFICATION

1 LABEL, ANTITHEFT LABEL, POSIDENT DIE STAMPS, SECRETARY OF STATE
2 VEHICLE IDENTIFICATION LABEL, ROSETTE RIVET, OR ANY FACSIMILE
3 THEREOF. THIS SUBSECTION DOES NOT APPLY TO A MOTOR VEHICLE MANU-
4 FACTURER OR LAW ENFORCEMENT OFFICER IN THE OFFICIAL PERFORMANCE
5 OF HIS OR HER DUTIES. A PERSON WHO VIOLATES THIS SUBSECTION IS
6 GUILTY OF A FELONY, AND IF THE PERSON WHO VIOLATES THIS SUBSEC-
7 TION IS A LICENSED DEALER OR REPAIR FACILITY, ITS LICENSE SHALL
8 BE REVOKED.

9 (6) A PERSON SHALL NOT BUY, RECEIVE, OR OBTAIN CONTROL OF A
10 MOTOR VEHICLE OR MOTOR VEHICLE PART WITH THE INTENT TO SELL OR
11 OTHERWISE DISPOSE OF THE MOTOR VEHICLE OR MOTOR VEHICLE PART
12 KNOWING THAT AN IDENTIFICATION NUMBER OF THAT MOTOR VEHICLE OR
13 MOTOR VEHICLE PART HAS BEEN REMOVED, OBLITERATED, TAMPERED WITH,
14 OR ALTERED. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
15 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS, A
16 FINE OF \$20,000.00, OR BOTH.

17 (7) AS USED IN THIS SECTION:

18 (A) "ANTITHEFT LABEL" MEANS A LABEL CONTAINING THE VEHICLE
19 IDENTIFICATION NUMBER AFFIXED TO A MOTOR VEHICLE BY THE MANUFAC-
20 Turer IN ACCORDANCE WITH THE MOTOR VEHICLE THEFT LAW ENFORCEMENT
21 ACT OF 1984, PUBLIC LAW 98-547, 98 STAT. 2754, AND 49 C.F.R.,
22 PARTS 541 AND 567.

23 (B) "FEDERAL SAFETY CERTIFICATION LABEL" MEANS A LABEL
24 AFFIXED TO A MOTOR VEHICLE THAT CERTIFIES THAT THE MOTOR VEHICLE
25 CONFORMS TO CURRENT SAFETY STANDARDS AT THE TIME OF PRODUCTION
26 AND DISPLAYS THE VEHICLE IDENTIFICATION NUMBER.

1 (C) "MOTOR VEHICLE" MEANS A DEVICE IN, UPON, OR BY WHICH A
2 PERSON OR PROPERTY IS OR MAY BE TRANSPORTED OR DRAWN UPON A
3 STREET, HIGHWAY, OR WATERWAY, WHETHER SUBJECT TO OR EXEMPT FROM
4 REGISTRATION, EXCEPT A DEVICE EXCLUSIVELY MOVED BY HUMAN POWER OR
5 USED EXCLUSIVELY UPON STATIONARY RAILS OR TRACKS.

6 (D) "POSIDENT DIE STAMPS" MEANS SPECIALLY DESIGNED DIE
7 STAMPS USED BY MOTOR VEHICLE MANUFACTURERS TO PRODUCE UNIQUE LET-
8 TERS AND NUMBERS WHEN STAMPING VEHICLE IDENTIFICATION NUMBERS
9 UPON VEHICLE IDENTIFICATION PLATES, TAGS, AND PARTS AFFIXED TO A
10 MOTOR VEHICLE.

11 (E) "ROSETTE RIVET" MEANS A SPECIAL RIVET DESIGNED TO PRE-
12 VENT REMOVAL OR TAMPERING WITH A VEHICLE IDENTIFICATION NUMBER
13 PLATE AFFIXED BY THE MANUFACTURER TO A MOTOR VEHICLE AND THAT,
14 WHEN USED TO AFFIX A VEHICLE IDENTIFICATION NUMBER PLATE, FORMS 5
15 OR 6 PETALS AT THE RIVET HEAD.