

# House Bill 2410

Sponsored by Representative GELSER (at the request of Pete Dunn)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Specifies that destruction of serial number is basis for crime of trafficking in vehicles with destroyed or altered identification numbers.

## A BILL FOR AN ACT

1  
2 Relating to identification numbers of vehicles; creating new provisions; and amending ORS 819.430  
3 and 819.440.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 819.430 is amended to read:

6 819.430. (1) A person commits the offense of trafficking in vehicles with destroyed or altered  
7 identification numbers if the person knowingly buys, sells, receives, disposes of, conceals or has in  
8 the person's possession any vehicle or component from which the vehicle identification number **or**  
9 **serial number** has been removed, defaced, covered, altered or destroyed for the purpose of con-  
10 cealing or misrepresenting the identity of the vehicle or component.

11 (2) The offense described in this section, trafficking in vehicles with destroyed or altered iden-  
12 tification numbers, is a Class A misdemeanor.

13 **SECTION 2.** ORS 819.440 is amended to read:

14 819.440. When a police officer discovers a vehicle or component, including a transmission, engine  
15 or other severable portion of a vehicle which possesses or did possess an identification number, from  
16 which the **serial number or** vehicle identification number assigned to the vehicle or component has  
17 been removed, defaced, covered, altered or destroyed the police officer may seize and hold it for  
18 identification and disposal as provided under the following:

19 (1) The police agency having custody of the property shall have a specially qualified inspector  
20 or police officer inspect the property for the purpose of locating the identification number.

21 (2) If the identification number is found it shall be checked with the list of stolen vehicles  
22 maintained by the National Crime Information Center.

23 (3) If the identification number is not found the police agency shall apply to the Department of  
24 Transportation for renumbering under ORS 819.400.

25 (4) When the property is not listed as stolen and the identification number is established, the  
26 property shall be returned to the person from whom it was seized if:

27 (a) The person can establish that the person is the owner of the property;

28 (b) The person executes a good and valid surety bond in an amount at least equal to the market  
29 value of the property and conditioned upon return of the property to the owner, if one can be es-  
30 tablished; or

31 (c) The person has a certificate as a vehicle dealer issued under ORS 822.020 or a dismantler

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 certificate issued under ORS 822.110.

2 (5) If the person to whom the property was returned does not establish the person's ownership  
3 of the property, the police agency shall make reasonable efforts to determine the names and ad-  
4 dresses of the owner and all persons of record having an interest in the property. If the police  
5 agency is able to determine the names and addresses of the owner and such other interested persons  
6 it shall immediately notify the owner by registered or certified mail of the disposition of the prop-  
7 erty.

8 (6) If the identification number of property seized is not established or if the property is reported  
9 as stolen the police agency having custody of the property shall do all of the following:

10 (a) After making reasonable efforts to ascertain the names and addresses of the owner and all  
11 persons of record having an interest in the property, notify the person from whom the property was  
12 seized, and the owner and such other persons if they can be ascertained, of their right to respond  
13 within 60 days from the issuance of the notice through court action for the return of the seized  
14 property.

15 (b) Advertise, as required by this subsection, the taking of the property, the description thereof  
16 and a statement of the rights of an owner or other persons of record having an interest in the  
17 property to respond through court action for the return of the seized property.

18 (c) Place the advertisement in a daily newspaper published in the city or county where the  
19 property was taken, or if a daily newspaper is not published in such city or county, in a newspaper  
20 having weekly circulation in the city or county, once a week for two consecutive weeks and by  
21 handbills posted in three public places near the place of seizure.

22 (7) If court action is not initiated within 60 days from the issuance of notice the property shall  
23 be sold at public auction by the sheriff or other local police agency having custody of the property.

24 (8) Property seized and held by or at the direction of the Department of State Police shall be  
25 delivered to the sheriff of the county in which the vehicle was located at the time it was taken into  
26 custody for sale under this subsection.

27 (9) The sheriff or other local police agency, after deducting the expense of keeping the property  
28 and the cost of sale, shall do the following:

29 (a) Pay all the security interests, according to their priorities which are established by inter-  
30 vention or otherwise at such hearing or in other proceeding brought for that purpose.

31 (b) Pay the balance of the proceeds into the general fund of the unit of government employing  
32 the officers of the selling police agency.

33 **SECTION 3. The amendments to ORS 819.430 by section 1 of this 2009 Act apply to of-**  
34 **fenses committed on or after the effective date of this 2009 Act.**

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