

REFERENCE TITLE: vehicle serial numbers; removal; restoration

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2480

Introduced by
Representatives Carroll: Blackman, Burges, Cook, Dunn, Fillmore, Kavanagh,
Wilmeth, Senators Livingston, Pace

AN ACT

AMENDING SECTIONS 28-2531, 28-4593 AND 28-4594, ARIZONA REVISED STATUTES;
RELATING TO MOTOR VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2531, Arizona Revised Statutes, is amended to
3 read:

4 28-2531. Registration; violation; classification; exceptions

5 A. A person is guilty of a class 5 felony who:

6 1. Intentionally removes a manufacturer's serial or identification
7 number from, defaces, alters or destroys a manufacturer's serial or
8 identification number on or knowingly possesses any removed, defaced,
9 altered or destroyed manufacturer's serial or identification number from a
10 motor vehicle.

11 2. Is in possession of a motor vehicle knowing or having reason to
12 know that a manufacturer's serial or vehicle identification number has
13 been removed, defaced, altered or destroyed without the permission of the
14 department.

15 3. Knowingly issues a license plate without payment of the full
16 amount of the registration and weight fee payable on the date of issuance
17 of the license plate.

18 B. A person is guilty of a class 2 misdemeanor who:

19 1. Displays or possesses a registration card or license plate
20 knowing it to be fictitious or to have been stolen, canceled, revoked,
21 suspended or altered.

22 2. Lends to a person or knowingly permits the use of the person's
23 registration card or license plate by a person not entitled to the card or
24 plate.

25 3. Knowingly fails or refuses to surrender to the department on
26 demand a license plate that has been suspended, canceled or revoked.

27 4. Uses a false or fictitious name or address in an application for
28 registration of a vehicle or for a renewal or duplicate of a registration.

29 5. Knowingly makes a false statement or conceals a material fact or
30 otherwise commits fraud in an application for registration of a vehicle or
31 for a renewal or duplicate of a registration.

32 6. Knowingly issues a registration card that does not contain all
33 information required to be shown on the card.

34 7. Knowingly places information on a registration card that does
35 not appear on the certificate of title of the vehicle.

36 8. Operates on a street or highway a motor vehicle without an
37 emissions control device as required by section 28-955 or with a device
38 that has been dismantled or disconnected or is otherwise inoperative.

39 9. Displays or possesses a registration card or license plate while
40 operating a vehicle on a highway after the person certifies to the
41 department pursuant to section 28-4152 that the vehicle is nonoperational,
42 is in storage or will not be operated on a highway of this state and does
43 not have evidence of current financial responsibility applicable to the
44 motor vehicle.

10. Intentionally alters, forges or counterfeits a permanent disability removable windshield placard issued by this state or another state or country.

C. This section does not apply to law enforcement officers or employees of the United States, this state or a political subdivision of this state if the violation occurs in the course of their official duties.

D. Subsection A, paragraph 2 of this section does not apply to a towing company that has a vehicle in its possession pursuant to section 9-499.05, 11-251.04, 28-872 or 28-4834 or a business acting in good faith and in the normal course of business and in conformance with all applicable laws.

E. SUBSECTION A, PARAGRAPHS 1 AND 2 OF THIS SECTION DO NOT APPLY TO A PERSON WHO, FOR MOTOR VEHICLES MANUFACTURED BEFORE 1981, REMOVES AND REINSTALLS A MANUFACTURER'S SERIAL OR IDENTIFICATION NUMBER FROM A MOTOR VEHICLE IF THE REMOVAL AND REINSTALLATION ARE REASONABLY NECESSARY FOR REPAIR OR RESTORATION, UNLESS THE PERSON KNOWS OR HAS REASON TO KNOW THAT THE MOTOR VEHICLE IS STOLEN.

Sec. 2. Section 28-4593, Arizona Revised Statutes, is amended to read:

28-4593. Altering a serial or identification number;
classification

A. A person who knowingly removes, defaces, alters or destroys a manufacturer's serial or identification number of a motor vehicle or major component part of a vehicle without the permission of the department is guilty of a class 3 misdemeanor.

B. A person who intentionally removes, defaces, alters or destroys a manufacturer's serial or identification number of a motor vehicle or major component part of a vehicle with the intent to alter the identity of that or another motor vehicle or major component part is guilty of a class 5 felony.

C. THIS SECTION DOES NOT APPLY TO A PERSON WHO, FOR MOTOR VEHICLES MANUFACTURED BEFORE 1981, REMOVES AND REINSTALLS A MANUFACTURER'S SERIAL OR IDENTIFICATION NUMBER FROM A MOTOR VEHICLE IF THE REMOVAL AND REINSTALLATION ARE REASONABLY NECESSARY FOR REPAIR OR RESTORATION, UNLESS THE PERSON KNOWS OR HAS REASON TO KNOW THAT THE MOTOR VEHICLE IS STOLEN.

Sec. 3. Section 28-4594, Arizona Revised Statutes, is amended to read:

28-4594. Altered serial or identification number; contraband;
seizure; disposition

A. Except if a manufacturer's serial or identification number of a motor vehicle or major component part of a vehicle is removed, defaced, altered or destroyed with the permission of the department **OR IS REMOVED AND REINSTALLED AS DESCRIBED IN SECTION 28-2531, SUBSECTION E** or if a special serial or identifying number issued by the department has been properly affixed to a vehicle pursuant to section 28-2165, a motor vehicle

1 or major component part of the vehicle that has had the manufacturer's or
2 department's serial or identification number removed, defaced, altered or
3 destroyed and a serial or identification number so removed are contraband.

4 B. A law enforcement agency shall both:

5 1. Immediately seize and store the motor vehicle or major component
6 part of a vehicle or serial or identification number that is contraband
7 pursuant to subsection A of this section.

8 2. Attempt to restore the original manufacturer's serial or
9 identification numbers on the item seized as follows:

10 (a) If the original identification numbers can be permanently
11 restored and the last owner as identified on official title records
12 maintained by the vehicle registration agency of the state, country or
13 territory in which the vehicle was last issued a certificate of title or
14 the person or entity to which a certificate of title was assigned by the
15 last owner as identified on official title records can be found, the law
16 enforcement agency shall return the motor vehicle or major component part
17 of a vehicle to the person or entity.

18 (b) If the original identification numbers can be temporarily
19 restored and the last owner as identified on official title records
20 maintained by the vehicle registration agency of the state, country or
21 territory in which the vehicle was last issued a certificate of title or
22 the person or entity to which a certificate of title was assigned by the
23 last owner as identified on official title records can be found, the
24 county attorney of the county in which the motor vehicle or major
25 component part of a vehicle was seized or the attorney general, within
26 sixty days after the date of seizure or such other reasonable time that is
27 set by the court, shall file a petition or action in the superior court in
28 the county in which the item was seized or in Maricopa county to forfeit
29 the motor vehicle or major component part of a vehicle to this state for
30 use or other appropriate disposition by the law enforcement agency that
31 seized the item or for such other disposition as the state deems
32 appropriate. The petition shall set forth probable cause that the item is
33 contraband. A copy of the petition or notice of pending forfeiture shall
34 be served as follows:

35 (i) On the person from whom the item was seized by certified mail
36 to the person's last known address.

37 (ii) On the last owner and any lienholders or interest holders
38 identified on official title records by certified mail to the names and
39 addresses identified on official title records.

40 (iii) On any other known interest holders by certified mail to each
41 holder's last known address.

42 (iv) By publication in one issue of a newspaper of general
43 circulation in the county in which the property was seized.

44 (c) If the original identification numbers cannot be permanently or
45 temporarily restored or the last owner as identified on official title

1 records cannot be found, the county attorney in the county in which the
2 motor vehicle or major component part of a vehicle was seized or the
3 attorney general, within sixty days after the date of seizure or such
4 other reasonable time as is set by the court, shall file a petition or
5 action in the superior court in the county in which the item was seized or
6 in Maricopa county to forfeit the motor vehicle or major component part of
7 a vehicle to this state for use or other appropriate disposition by the
8 law enforcement agency that seized the item or for such other disposition
9 as the state deems appropriate. The petition shall set forth probable
10 cause that the item is contraband. A copy of the petition or notice of
11 pending forfeiture shall be served on the person from whom the item was
12 seized by certified mail to the person's last known address.

13 C. If a verified claim is not filed within the time period provided
14 in section 28-4595, subsection A, the court shall declare the seized item
15 to be contraband and shall sign an order forfeiting the seized item to the
16 state for use or other appropriate disposition by the law enforcement
17 agency that seized the item or for other disposition as the state deems
18 appropriate.