

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 994

SPONSOR: Senator Sanderson

SUBJECT: Offenses Involving Vehicle ID Number

DATE: January 30, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Clodfelter</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill amends s. 319.33, F.S., to make it unlawful to possess, sell or offer for sale, conceal, or dispose of a motor vehicle or mobile home, or major component part thereof, with knowledge that any (as opposed to “the”) motor number or vehicle identification number (VIN) has been destroyed, removed, covered, altered or defaced. The bill also limits application of the statute to any number affixed by the manufacturer or by a state agency, such as the Department of Highway Safety and Motor Vehicles (“DHSMV”), that regulates motor vehicles.

This bill substantially amends the following section of the Florida Statutes: 319.33.

II. Present Situation:

Section 319.33(1)(d), F.S., provides that it is unlawful in Florida to possess, sell or offer for sale, conceal, or dispose of a motor vehicle or mobile home, or major component part thereof, with knowledge that the motor number or VIN has been destroyed, removed, covered, altered or defaced, except as provided in s. 319.30(4), F.S.

In *City of Margate v. Singh*, 778 So.2d 1080 (4th Dist. 2001), the Fourth District Court of Appeal found that removal of one VIN did not violate s. 319.33(1)(d), F.S., if other visible VINs were not removed. The court stated that use of the word “the” in the statute made it unclear whether the legislature intended to criminalize removal of only one VIN. Therefore, the statute was construed in favor of defendant Singh.

Automobiles have VINs on the dashboard, on the inside door jamb, and concealed on the frame. The dashboard VIN is used by law enforcement to quickly and unobtrusively determine whether

a vehicle has been stolen. The other two VINs are used for comparison to determine whether the car has been stolen, chopped and reassembled, or has had the VIN unlawfully replaced.

III. Effect of Proposed Changes:

This bill addresses the *Singh* decision by making s. 319.33(1)(d), F.S., applicable to the destruction, removal, covering, alteration, or defacing of any motor number or VIN that was affixed by the manufacturer or a state agency that regulates motor vehicles. The statute as amended will clearly apply to the removal of one or more VINs. The restriction of the statute's application to numbers affixed by the manufacturer or a state agency allows the manufacturer or agency to assign a new VIN to automobiles that are legally rebuilt or otherwise require a replacement VIN. This restriction also precludes application of the statute to removal of numbers that have been affixed by third parties.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 7 of CS/CS/SB 522 amends s. 319.001, F.S., revising the definition of major component parts to provide greater specificity regarding the disposition of salvage and rebuilt motor vehicles.

Section 9 of CS/CS/SB 522 amends s. 319.33(5), F.S., which relates to counterfeit manufacturer's number plates, serial plates or decals used for the purpose of identification. The CS adds protection for state-assigned plates or decals.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
