



Gerald T. Noel

*Bill Analysis*  
*Legislative Service Commission*

**S.B. 100**  
123rd General Assembly  
(As Introduced)

Sen. Blessing

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**BILL SUMMARY**

- Provides that certain prohibitions relating to motor vehicles and motor vehicle parts that bear defaced, covered, altered, or destroyed vehicle identification numbers, or are missing such numbers, do not apply to the good faith acquisition and disposition of vehicles and vehicle parts as junk or scrap in the ordinary course of business by a licensed salvage motor vehicle auction or salvage motor vehicle pool, or to the good faith acquisition and disposition of vehicles and vehicle parts in the ordinary course of business by an insurance company authorized to do business in this state.
- Provides, in certain circumstances, an affirmative defense for a licensed motor vehicle salvage dealer or an insurance company authorized to do business in this state to a criminal charge relating to motor vehicles and motor vehicle parts that bear defaced, covered, altered, or destroyed vehicle identification numbers or are missing such numbers.

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**CONTENT AND OPERATION**

**Provisions relating to motor vehicle identification numbers**

**Current law**

**Prohibitions.** Current law contains a number of prohibitions relating to motor vehicle identification numbers (VIN) and other identification numbers. Three of these prohibitions are as follows:

(1) No person, with purpose to conceal or destroy the identity of a vehicle or vehicle part, may remove, deface, cover, alter, or destroy any VIN or derivative of a VIN on a vehicle or vehicle part (sec. 4549.62(A)).

(2) No person, with purpose to conceal or destroy the identity of a vehicle or a vehicle part, may remove, deface, cover, alter, or destroy any identifying number that has been lawfully placed upon a vehicle or vehicle part by an owner of the vehicle or vehicle part, other than the manufacturer, for the purpose of deterring its theft and facilitating its recovery if stolen (sec. 4549.62(B)).

(3) No person may buy, offer to buy, sell, offer to sell, receive, dispose of, conceal, or, except as otherwise provided by law, possess any vehicle or vehicle part with knowledge that the VIN or a derivative of the VIN has been removed, defaced, covered, altered, or destroyed in such a manner that the identity of the vehicle or part cannot be determined by a visual examination of the number at the site where the manufacturer placed the number (sec. 4549.62(D)(1)).

A vehicle or vehicle part from which the VIN or a derivative of the VIN has been removed, defaced, covered, altered, or destroyed generally must be seized and forfeited. If a derivative of the VIN has been removed, defaced, covered, altered, or destroyed in such a manner that the identity of the part cannot be determined, the entire vehicle is subject to seizure pending a determination of the original identity and ownership of the vehicle and parts of the vehicle, and the rights of innocent owners to reclaim the remainder or any part of the vehicle. (Sec. 4549.62(D)(2)(a).)

**Exceptions to the prohibitions.** Prohibitions (1), (2), and (3), above, and the seizure and forfeiture provision discussed above do not apply to the good faith acquisition and disposition of vehicles and vehicle parts as junk or scrap in the ordinary course of business by a scrap metal processing facility or by a licensed motor vehicle salvage dealer. This provision does not create an element of an offense or an affirmative defense, or affect the burden of proceeding with the evidence or burden of proof in a criminal proceeding. (Existing sec. 4549.62(D)(3).)

Prohibition (3), above, and the seizure and forfeiture provision discussed above do not apply to the possession of an owner, or the owner's insurer, who provides satisfactory evidence of all of the following (existing sec. 4549.62(D)(4)(a)(i), (ii), and (iii)):

(1) That the VIN or derivative of the VIN on the vehicle or part has been removed, defaced, covered, altered, or destroyed, after the owner acquired such possession, by another person without the consent of the owner, by accident or other casualty not due to the owner's purpose to conceal or destroy the identity of the vehicle or vehicle part, or by ordinary wear and tear.

(2) That the person is the owner of the vehicle as shown on a valid certificate of title issued by this state or certificate of title or other lawful evidence of title issued in another state, in a clear chain of title beginning with the manufacturer.

(3) That the original identity of the vehicle can be established in a manner that excludes any reasonable probability that the vehicle has been stolen from another person.

### **Operation of the bill**

#### **Modification of an exception of the prohibitions**

The bill amends the exception contained in current R.C. 4549.62(D)(3) by providing that prohibitions (1), (2), and (3), above, and the seizure and forfeiture provision discussed above do not apply to the good faith acquisition and disposition of vehicles and vehicle parts as junk or scrap in the ordinary course of business by a scrap metal processing facility (existing law) or by a licensed motor vehicle salvage dealer (existing law), *salvage motor vehicle auction, or salvage motor vehicle pool* (added by bill), or *to the good faith acquisition and disposition of vehicles and vehicle parts in the ordinary course of business by an insurance company authorized to do business in this state* (added by bill) (new sec. 4549.62(E)(1)).

Under the bill, if a charge of a violation of prohibition (1), (2), or (3), above, is alleged to have been committed by a licensed motor vehicle salvage dealer, it is an affirmative defense to the charge that the dealer obtained the motor vehicle or vehicle part involved in the violation from a licensed salvage motor vehicle auction or licensed salvage motor vehicle pool, and that the auction or pool obtained the motor vehicle or vehicle part from an insurance company authorized to do business in this state (new sec. 4549.62(E)(2)).

If a charge of a violation of prohibition (1), (2), or (3), above, is alleged to have been committed by an insurance company authorized to do business in this state, it is an affirmative defense to the charge that the insurance company obtained the motor vehicle or vehicle part involved in the violation from one of its insureds (new sec. 4549.62(E)(3)).

The bill requires the Registrar of Motor Vehicles, in accordance with the Administrative Procedure Act, to adopt rules to require a salvage motor vehicle auction or salvage motor vehicle pool to obtain authority to replace a missing or incorrect vehicle identification number on a motor vehicle or vehicle part under the supervision of a peace officer, state highway patrol trooper, or representative of

the Registrar. The rules must be designed to restore the identification of the vehicle in a manner that will deter its theft and facilitate its marketability. (New sec. 4549.62(E)(4).)

**Elimination of obsolete language**

The bill eliminates obsolete language relating to adoption of certain rules by the Registrar (new sec. 4549.62(F)(2)).

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**HISTORY**

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Introduced	03-10-99	p. 187

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