

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 824
92ND GENERAL ASSEMBLY

Reported from the Committee on Transportation and Motor Vehicles, April 22, 2004, with recommendation that the House Committee Substitute for Senate Bill No. 824 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

3090L.03C

AN ACT

To repeal section 301.390, RSMo, and to enact in lieu thereof one new section relating to seizure of motor vehicles with altered or missing identification numbers, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 301.390, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.390, to read as follows:

301.390. 1. No person shall sell, or offer for sale, or shall knowingly have the custody or possession of a motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment on which the original manufacturer's number or other distinguishing number has been destroyed, removed, covered, altered or defaced, and no person shall sell, offer for sale, or knowingly have the custody or possession of a motor vehicle or trailer having no manufacturer's number or other original number, or distinguishing number. Every motor vehicle and trailer shall have an original manufacturer's number or other distinguishing number assigned by the manufacturer.

2. Every peace officer who has **probable cause to believe and has** knowledge of a motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment, the number of which has been removed, covered, altered, destroyed or defaced, and for which no special number has been issued, shall **be authorized to** immediately seize and take possession of such motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment, and may arrest the supposed owner or custodian

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

16 thereof and cause prosecution to be begun in a court of competent jurisdiction. [All property
17 seized under this subsection shall immediately be placed in the custody of a court of competent
18 jurisdiction.]

19 3. The [court] **law enforcement authority having seized it** shall retain custody of the
20 motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm
21 machinery, farm implement, or piece of construction equipment pending the prosecution of the
22 person arrested[, and in case such person]. **If the person arrested should** be found guilty, such
23 motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm
24 machinery, farm implement, or piece of construction equipment shall [remain in] **be transferred**
25 **to** the custody of the court until the fine and costs of prosecution [shall be] **are** paid. No property
26 shall be released from the custody of the court until a special number shall have been issued by
27 the director of revenue on an application of the supposed owner, approved by the court.

28 4. In case such fine and costs not be paid within thirty days from the date of judgment,
29 the court shall advertise and sell such motor vehicle, boat, outboard motor, vehicle part, trailer,
30 motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment
31 in the manner provided by law for the sale of personal property under execution. The
32 advertisement shall contain a description of the motor vehicle, vehicle part, boat, outboard
33 motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of
34 construction equipment and a copy thereof shall be mailed to the director of revenue. The
35 proceeds of such sale shall be applied, first, to the payment of the fine and costs of the
36 prosecution and sale, and any sum remaining shall be paid by the court to the owner, and the
37 motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm
38 machinery, farm implement, or piece of construction equipment shall not be delivered to the
39 purchaser thereof until he shall first have secured a special number from the director of revenue,
40 on the application of the purchaser, approved by the court.

41 5. If at any time while such motor vehicle, vehicle part, boat, outboard motor, trailer,
42 motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment
43 remains in the custody of the court **or law enforcement authority having seized it**, the true
44 owner thereof shall appear and [establish his title thereto] **prove** to the satisfaction of the court
45 **or law enforcement authority proper ownership of and entitlement to said item**, [the same]
46 **it** shall be returned to the owner after he has obtained from the director of revenue a special
47 number, on application made by the owner.

48 6. Violation of any provision of this section is a class D felony.