

39:10B-1 to 39:10B-6

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:10B-1 to 39:10B-6

(Motor vehicles-certain component parts -- require ID numbers)

LAWS OF: 1983

CHAPTER: 368

Bill No: A1293

Sponsor(s): Zangari

Date Introduced: May 13, 1982

Committee: Assembly: Judiciary, Law, Public Safety & Defense

Senate: Law, Public Safety & Defense

Amended during passage: Yes

Committee substitute (OCR) enacted. Substituted for S3126 (not attached since identical to A1293)

Date of Passage:

Assembly: April 25, 1983

Senate: July 11, 1983

Date of Approval: October 26, 1983

Following statements are attached if available:

Sponsor statement:

Yes

Committee statement:

Assembly

No

Senate

Yes

Fiscal Note:

Yes

Veto Message:

No

Message on Signing:

~~No~~ yes

Following were printed:

Reports:

No

Hearings:

No

A1301, enacted as L1980, C.323

10-26-83

[OFFICIAL COPY REPRINT]
 ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1293

STATE OF NEW JERSEY

ADOPTED: APRIL 11, 1983

Sponsored by Assemblyman ZANGARI

AN ACT requiring the identification of major motor vehicle component parts, providing penalties for violations of the act and supplementing Title 39 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
 2 *of New Jersey:*

1 1. As used in this act:

2 a. "Director" means the Director of the Division of Motor Ve-
 3 hicles in the Department of Law and Public Safety.

4 b. "Major motor vehicle component part" or "component part"
 5 means the following parts of any motor vehicle:

6 (1) engine;

7 (2) cowl;

8 (3) transmission;

9 (4) frame;

10 (5) each door;

11 (6) third member or rear end assembly;

12 (7) each front fender or each rear fender of a rear panel;

13 (8) front end assembly;

14 (9) rear clip; and

15 (10) any other parts of a motor vehicle designated by the di-
 16 rector.

17 c. "Manufacturer's part number" means the original manufac-
 18 turer's number located on a major motor vehicle component part.

19 d. "Scrap processor" means a person who, from a fixed location,
 20 utilizes machinery and equipment for processing and manufactur-
 21 ing iron, steel, or nonferrous metallic scrap, which is or has been
 22 a motor vehicle or component part, into prepared grades for sale
 23 for remelting purposes, and who does not sell the materials as
 24 motor vehicles or major motor vehicle component parts.

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

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted June 27, 1983.**

1 2. a. All major motor vehicle component parts which do not con-
2 tain a manufacturer's part number shall be identified by a person
3 who deals in used motor vehicles, motor vehicle salvage or the
4 component parts of motor vehicles. The identification shall be
5 made in a manner to be determined by the director when the com-
6 ponent part is removed from a motor vehicle.

7 b. A person who deals in used motor vehicles, motor vehicle
8 salvage or the component parts of motor vehicles who purchases
9 major motor vehicle component parts out of state shall identify
10 the parts in the manner to be determined by the director.

11 c. A person authorized under this section to identify motor ve-
12 hicle component parts shall maintain a record of all motor vehicles
13 and component parts which come into that person's possession
14 together with a record of the disposition of the motor vehicles or
15 the component parts. The records shall be maintained in a manner
16 and form prescribed by the director and shall include proof of
17 ownership for the motor vehicles or the component parts in that
18 person's possession.

19 The director may, by regulation, exempt motor vehicles or com-
20 ponent parts from all or a portion of the record keeping require-
21 ments based upon the age of the motor vehicles or the component
22 parts if the director finds that the record keeping serves no useful
23 purpose.

24 Upon the request of an agent of the director or a law enforcement
25 officer, a person shall produce the records and permit the agent
26 or officer to examine them, and the motor vehicle or component
27 parts on the premises during business hours. For a failure to
28 produce the records or to permit their inspection as required by
29 this section, a person shall be subject to a fine of not less than
30 \$25.00 nor more than \$100.00 or imprisonment for not more than
31 90 days, or both. In addition, an agent of the director or a law
32 enforcement officer may seize or take possession of the motor
33 vehicles or component parts and hold and dispose of them in ac-
34 cordance with the rules and regulations adopted by the director.

1 3. a. Members of the State and local law enforcement agencies
2 or members of the division who are designated by the director for
3 this function shall seize and confiscate a detached major motor
4 vehicle component part if the manufacturer's part number, the
5 identification number required by section 2 of this act, or the
6 identification number assigned by the division under subsection e.
7 of this section has been destroyed, removed, altered, defaced, or
8 obliterated.

9 b. The entire motor vehicle shall be seized and confiscated if the

10 manufacturer's part number, the identification number required
11 by section 2 of this act, or the identification number assigned by
12 the division under subsection e. of this section of a major motor
13 vehicle component part has been destroyed, removed, altered, de-
14 faced, or obliterated.

15 c. Members of the State and local law enforcement agencies
16 shall arrest the alleged owner or custodian thereof. It shall be the
17 duty of the police to retain the custody of each motor vehicle or
18 major motor vehicle component part seized pending the prosecution
19 of the person arrested, which shall remain in the custody of the
20 police until the ownership thereof shall have been ascertained.

21 d. If a person other than the person arrested be the owner, the
22 motor vehicle shall be returned to him as soon as he has arranged
23 to have the division affix a new number to the major motor vehicle
24 component part, and the division has done so, as provided in sub-
25 section e. of this section. No person other than an authorized
26 member of the division shall assign and affix a new number to the
27 motor vehicle or major motor vehicle component part. The division
28 shall not release any vehicle or part so seized until it has affixed a
29 new number to the part. At the time of the arrest the director shall
30 be notified by the arresting officer.

31 e. If a detached major motor vehicle component part is seized
32 and confiscated because it does not have a manufacturer's part
33 number or the identification number required by section 2 of this
34 act, or the appropriate number has been destroyed, removed, al-
35 tered, defaced, or obliterated, or the entire vehicle has been seized
36 because the appropriate number of a major motor vehicle compo-
37 nent part has been destroyed, removed, altered, defaced, or oblit-
38 erated, the number may be restored under the following conditions:

39 (1) If the owner or custodian of the motor vehicle or major
40 motor vehicle component part can demonstrate that the damage to
41 the manufacturer's part number or the number required by sec-
42 tion 2 of this act was done without his knowledge, and can produce
43 a bill of sale and, if applicable, title papers for the motor vehicle
44 or major motor vehicle component part, the division shall return
45 the motor vehicle or major motor vehicle part to him, provided
46 that he arranges to have the division restore the damaged or
47 obliterated number to the part, if possible, or affix a unique number
48 to the part, as provided for in paragraph (2) of this subsection.
49 The director is authorized to establish a reasonable fee for this
50 service.

51 (2) If the owner or custodian of the motor vehicle or major motor
52 vehicle component part cannot furnish title papers for the motor

53 vehicle or a bill of sale for the major motor vehicle component part
54 or if the alleged owner or custodian is arrested and convicted of the
55 theft of the motor vehicle or major motor vehicle component part,
56 an agent of the director or any police officer may seize and take
57 possession of the vehicle or part and hold and dispose of it in
58 accordance with rules and regulations adopted by the director, pro-
59 vided that the division first affixes a unique number to the major
60 motor vehicle component part. The composition of this number
61 shall indicate that it designates a used major motor vehicle com-
62 ponent part. The director is authorized to establish a reasonable
63 fee for this service, and this fee may be added to the price of the
64 motor vehicle or major motor vehicle component part. The new
65 number shall thereafter be used for identification, registration and
66 all purposes of this act.

1 4. a. It shall be unlawful for a person to sell or offer for sale or
2 transport a major motor vehicle component part or motor vehicle
3 if a manufacturer's part number, an identification number required
4 by section 2 of this act, or a number assigned by the division under
5 section 3 of this act shall have been destroyed, removed, altered,
6 defaced or so covered as to be concealed.

7 b. It shall be unlawful for a person to sell or offer for sale a
8 component part from a motor vehicle less than three years old
9 without providing the purchaser with an invoice indicating:

10 (1) The name and address of the seller and the purchaser;

11 (2) The price of the component part;

12 (3) The year, make, model and color of the motor vehicle from
13 which the component part was removed; and

14 (4) The vehicle identification number of the motor vehicle from
15 which the component part was removed.

16 c. It shall be unlawful for a person to purchase a major motor
17 vehicle component part from a motor vehicle less than three years
18 old without obtaining from the seller the invoice defined in sub-
19 section b. of this section.

20 d. It shall be unlawful for a person to transport a major motor
21 vehicle component part unless that component part has been marked
22 with an identification number as required by section 2 of this act
23 or an identification number assigned by the division under sub-
24 section e. of section 3 of this act and the transporter has in his
25 possession an invoice indicating:

26 (1) The name and address of the owner of the component part;

27 (2) The price of the component part;

28 (3) The year, make, model and color of the motor vehicle from
29 which the component part was removed; and

30 (4) The vehicle identification number of the motor vehicle from
31 which the component part was removed.

32 e. A person selling, offering to sell, transporting or purchasing
33 a major motor vehicle component part or a motor vehicle in vio-
34 lation of the provisions of subsections a., b., c., or d. of this section
35 is guilty of a crime of the fourth degree. A person who willfully
36 removes, defaces, covers, alters or destroys a manufacturer's part
37 number, an identification number required by section 2 of this act,
38 or a number assigned by the division under section 3 of this act,
39 is guilty of a crime of the third degree.

40 A person having possession of a major motor vehicle component
41 part or a motor vehicle of which a manufacturer's part number,
42 an identification number required by section 2 of this act, or a
43 number assigned by the division under section 3 of this act, has
44 been destroyed, removed, altered, defaced or so covered as to be
45 concealed is guilty of a crime of the fourth degree. Upon prose-
46 cution under this section lack of knowledge of the condition of the
47 number of the vehicle or part shall constitute a defense; but pos-
48 session shall be prima facie evidence that the defendant had knowl-
49 edge of the condition, and the burden of proof shall be upon him
50 that he had no knowledge.

1 ***[6.]*** *5.* The provisions of this act shall not apply to scrap
2 processors as defined in section 1 of this act.

1 ***[7.]*** *6.* The director shall prescribe rules and regulations
2 necessary to carry out the provisions of this act.

1 ***[8.]*** *7.* This act shall take effect 90 days after its enactment or
2 90 days after the enactment of **either** the Assembly Committee
3 Substitute for Assembly Bill No. 1301 of 1982 **or Senate Bill No.*
4 *3176 with Senate committee amendments adopted on June 20, 1983,**
5 whichever is ***[greater]*** **later**.

ASSEMBLY, No. 1293
STATE OF NEW JERSEY

INTRODUCED MAY 13, 1982

By Assemblyman ZANGARI

AN ACT requiring the identification of major motor vehicle component parts, providing penalties for violations of the act, and supplementing Title 39 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. As used in this act:

2 a. "Major motor vehicle component part" means those parts
3 of motor vehicles as defined in P. L. . . . , c. . . . (now pending
4 before the Legislature as Assembly Bill No. 1301 of 1982).

5 b. "Manufacturer's part number" means the original manu-
6 facturer's number located on a major motor vehicle component
7 part.

1 2. a. All major motor vehicle component parts shall be identified
2 by any person licensed under P. L. . . . , c. . . . (now pending before
3 the Legislature as Assembly Bill No. 1301 of 1982), in a manner to
4 be determined by the director when they are dismantled from a
5 motor vehicle in the State by a licensee and if they do not contain
6 a manufacturer's part number.

7 b. Any person licensed under the provisions of P. L. . . . , c. . . .
8 (now pending before the Legislature as Assembly Bill No. 1301 of
9 1982), who purchases major motor vehicle component parts out of
10 State shall identify the parts in the manner provided in subsection
11 a. of this section and shall maintain records, pursuant to the pro-
12 visions of section 6 of P. L. . . . , c. . . . (now pending before the
13 Legislature as Assembly Bill No. 1301 of 1982).

1 3. a. Members of the State and local law enforcement agencies

2 or members of the division who are designated by the director for
3 this function shall seize and confiscate a detached major motor
4 vehicle component part if the manufacturer's part number, the
5 identification number required by subsection 2a. of this act, or the
6 identification number assigned by the division under subsection 3e.
7 has been destroyed, removed, altered, defaced, or obliterated.

8 b. The entire motor vehicle shall be seized and confiscated if the
9 manufacturer's part number, the identification number required by
10 subsection 2a. of this act, or the identification number assigned by
11 the division under subsection 3e. of a major motor vehicle com-
12 ponent part has been destroyed, removed, altered, defaced, or
13 obliterated.

14 c. Members of the State and local law enforcement agencies shall
15 arrest the alleged owner or custodian thereof. It shall be the
16 duty of the police to retain the custody of each motor vehicle or
17 major motor vehicle component part seized pending the prosecution
18 of the person arrested, which shall remain in the custody of the
19 police until the ownership thereof shall have been ascertained.

20 d. If a person other than the person arrested be the owner, the
21 motor vehicle shall be returned to him as soon as he has arranged
22 to have the division affix a new number to the major motor vehicle
23 component part, and the division has done so, as provided in sub-
24 section e. of this section. No person other than an authorized
25 member of the division shall assign and affix a new number to the
26 motor vehicle or major motor vehicle component part. The division
27 shall not release any vehicle or part so seized until it has affixed a
28 new number to the part. At the time of the arrest the director shall
29 be notified by the arresting officer.

30 e. If a detached major motor vehicle component part is seized
31 and confiscated because it does not have a manufacturer's part
32 number or the identification number required by subsection 2a. of
33 this act, or the appropriate number has been destroyed, removed,
34 altered, defaced, or obliterated, or the entire vehicle has been seized
35 because the appropriate number of a major motor vehicle compo-
36 nent part has been destroyed, removed, altered, defaced, or oblit-
37 erated, the number may be restored under the following conditions:

38 (1) If the owner or custodian of the motor vehicle or major
39 motor vehicle component part can demonstrate that the damage to
40 the manufacturer's part number or the number required by sub-
41 section 2a. of this act was done without his knowledge, and can
42 produce a bill of sale and, if applicable, title papers for the motor
43 vehicle or major motor vehicle component part, the division shall

44 return the motor vehicle or major motor vehicle part to him, pro-
45 vided that he arranges to have the division restore the damaged or
46 obliterated number to the part, if possible, or affix a unique number
47 to the part, as provided for in paragraph (2) of this subsection.
48 The director is authorized to establish a reasonable fee for this
49 service.

50 (2) If the owner or custodian of the motor vehicle or major motor
51 vehicle component part cannot furnish title papers for the motor
52 vehicle or a bill of sale for the major motor vehicle component part
53 or if the alleged owner or custodian is arrested and convicted of the
54 theft of the motor vehicle or major motor vehicle component part,
55 an agent of the director or any police officer may seize and take
56 possession of the vehicle or part and hold and dispose of it in
57 accordance with rules and regulations adopted by the director, pro-
58 vided that the division first affixes a unique number to the major
59 motor vehicle component part. The composition of this number
60 shall indicate that it designates a used major motor vehicle com-
61 ponent part. The director is authorized to establish a reasonable
62 fee for this service, and this fee may be added to the price of the
63 motor vehicle or major motor vehicle component part. The new
64 number shall thereafter be used for identification, registration and
65 all purposes of this act.

1 4. a. It shall be unlawful for any person to sell or offer for sale
2 a major motor vehicle component part or motor vehicle if a manu-
3 facturer's part number, an identification number required by
4 subsection 2a. of this act, or a number assigned by the division
5 under section 3 of this act shall have been destroyed, removed,
6 altered, defaced or so covered as to be concealed.

7 b. A person selling or offering to sell a major motor vehicle com-
8 ponent part or a motor vehicle in violation of the provisions of
9 subsection a. of this section is guilty of a crime of the fourth
10 degree. A person who willfully removes, defaces, covers, alters or
11 destroys a manufacturer's part number, an identification number
12 required by subsection 2a. of this act, or a number assigned by the
13 division under section 3 of this act, is guilty of a crime of the third
14 degree.

1 5. Any person having possession of a major motor vehicle com-
2 ponent part or a motor vehicle of which a manufacturer's part
3 number, an identification number required by subsection 2a. of this
4 act, or a number assigned by the division under section 3 of this
5 act, has been destroyed, removed, altered, defaced or so covered
6 as to be concealed is guilty of a crime of the fourth degree. Upon
7 prosecution under this section lack of knowledge of the condition

8 of the number of the vehicle or part shall constitute a defense; but
9 such possession shall be prima facie evidence that the defendant
10 had such knowledge, and the burden of proof shall be upon him
11 that he had no such knowledge.

1 6. The director shall prescribe rules and regulations necessary
2 to carry out the provisions of this act.

1 7. This act shall take effect 90 days after its enactment or 90
2 days after the enactment of Assembly Bill No. 1301 of 1982 which-
3 ever is later.

STATEMENT

This bill provides that all major motor vehicle component parts shall be identified. "Major motor vehicle component part" includes the following parts of any motor vehicle: engine, cowl, transmission, frame, each door, trunk floor, each front fender or each rear fender of a rear panel, and any other parts of a motor vehicle designated by the director. No major motor vehicle component parts purchased out of State by any person licensed under P. L. . . . , c. . . . (now pending before the Legislature as Assembly Bill No. 1301 of 1982), or dismantled from a motor vehicle in the State could be sold if there are no identification numbers or the numbers have been defaced, altered, or obliterated. The Division of Motor Vehicles is authorized to affix a unique number to a component part if the existing number has been destroyed, removed, altered, defaced or obliterated or if a detached component part does not have an identification number.

There are approximately 40,000 motor vehicles stolen annually in New Jersey. Nationwide, this is a \$2 billion criminal enterprise. The extremely high cost of motor vehicle theft is currently being borne by consumers who lose their vehicles and must pay higher automobile insurance premiums. An important reason for motor vehicle theft is the market for their parts. The vehicle dismantler derives an enormous profit from dismantling a motor vehicle and selling the component parts separately. Any motor vehicle which sells for \$5,000.00 when new is worth \$20,000.00 in parts when dismantled.

In addition to being an extremely lucrative form of crime, theft for parts is also very safe. A major factor protecting the thief from arrest and conviction is the absence of any identification on the most popular component parts which would enable law enforcement to trace the stolen parts back to a particular theft and to the particular vehicle from which they came. Without such

evidence it is very difficult for law enforcement personnel to arrest and convict the automobile thief.

The proposed identification of all major component parts will enable police and motor vehicle inspectors to maintain a complete set of records for all the transactions a major component part goes through, from the time it enters the State to the time it is reduced to scrap by the scrap processor. An audit trail of this kind will enable law enforcement officials to monitor the flow of component parts through the repair and salvage industries and thus eliminate the illegal market for those component parts.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 1293

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 1983

The theft of motor vehicles is a safe and lucrative form of crime. The purpose of Assembly Bill No. 1293 ACS as amended by the Senate Law, Public Safety and Defense Committee is to provide a means of identifying the most popular component parts of motor vehicles and thereby enable law enforcement agencies to trace the stolen parts back to a particular theft and to the particular vehicle from which they came.

Assembly Bill No. 1293 ACS would require that the major component parts of motor vehicles be identified, in order to enable police and motor vehicle inspectors to maintain a complete set of records for all the transactions a major component part goes through from the time it enters the State to the time it is reduced to scrap by a scrap processor. An audit trail of this kind will enable law enforcement officials to monitor the flow of component parts through the repair and salvage industries and thus eliminate the illegal market for those component parts.

The bill would authorize any person who deals in used motor vehicles, motor vehicle salvage or the component parts of motor vehicles to identify major motor vehicle component parts as they are removed from the vehicle. These same individuals would be required to keep a record of all motor vehicles and motor vehicle component parts that came into their possession. Also, the Division of Motor Vehicles would be authorized to give an identification number to a component part that did not have one and to promulgate rules and procedures to be used in identifying component parts.

The bill defines "major motor vehicle component part" to include the following parts of any motor vehicle: engine, cowl, transmission, frame, each door, third member or rear end assembly, each front fender, each rear fender of a rear panel, front end assembly or rear clip and any other parts of a motor vehicle designated by the director.

A person who sold, offered for sale, purchased or transported a component part without an identification number and without an invoice

containing specific information on the history of that component part would be guilty of a crime of the fourth degree. A person who possessed a component part without an identification number would be guilty of a crime of the fourth degree. A person who willfully removed or defaced an identification number would be guilty of a crime of the third degree.

Scrap processors, as defined in the bill, specifically would be exempted from its requirements.

The committee amended the bill to provide that it shall take effect 90 days after the enactment of A 1301 ACS or 90 days after the enactment of S 3176 SCA. A 1301 ACS and S 3176 SCA are identical bills.

A 1293 ACS as amended by the committee is identical to S 3126 with Senate committee amendments adopted by the Senate Law, Public Safety and Defense Committee on June 27, 1983.

FISCAL NOTE TO
ASSEMBLY, No. 1293

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 1982

Assembly Bill No. 1293, of 1982, would provide that all major motor vehicle component parts have an identification number. A companion and interdependent Assembly Bill No. 1301, of 1982, (now pending before the Legislature) would provide for licensing of individuals engaged in the acquisition, transfer, disposal or sale of salvage motor vehicles.

The Department of Law and Public Safety indicates fiscal effect on both bills as follows:

	1st year	2nd year	3rd year
Expenditures	\$1,911,226	\$1,674,706	\$1,874,403
Less: Revenue	600,000	600,000	600,000
Net Deficit	\$1,311,226	\$1,074,706	\$1,174,403

The department estimates (above) are based on the current Reinspection Program which is administered by the Division of Motor Vehicles, and the fact that the Salvage Program will be 1½ times larger than the number of handlings in the Reinspection Program. The above figures include the initial purchase of 60 vehicles, and staff equipment.

The department further notes that no provisions have been made in the companion bill to charge a fee for the issuance of salvage titles. A fee of \$5 per salvage title will cover the anticipated deficit if this and its companion bill are enacted.

The Office of Legislative Services concurs.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1980, c. 67.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

WEDNESDAY, OCTOBER 26, 1983

Governor Thomas H. Kean has signed the following bills:

A-1293/S-3126, sponsored by Assemblyman James Zangari, D-Essex and State Senator Donald T. DiFrancesco, R-Union, which requires the identification of major motor vehicle component parts. The bill requires vehicle parts to contain either a manufacturer's part number, a dealer's identification number, or an identification number assigned by the Division of Motor Vehicles. The bill is designed to help thwart auto theft, which is, nationally, a \$2 billion-a-year business. Since a major motive for auto theft is sale of the component parts, this bill attempts to deal with that problem by setting up a method of accountability for such parts.

AJR-3032, sponsored by Assemblyman John W. Markert, R-Bergen, which extends the reporting date and expiration date of the Alcoholic Beverage Control Study Commission from July, 1983 to January 1, 1984.

A-3106, sponsored by Assemblywoman Marie S. Muehler, R-Monmouth, which extends the date for submission of the report of a commission charged with studying the creation of a chair of women's studies at Douglass College. Although the commission has already made its report and the Governor has authorized creation of the chair, the bill is still needed to bring the report into technical compliance with the law which established the commission.

S-1716, sponsored by State Senator Matthew Feldman, D-Bergen, which allows Bergen Pines Hospital to employ managers and executives in the unclassified service of Civil Service.

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