

2000 PUBLIC AND LOCAL ACTS

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[No. 217]

(SB 718)

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 415 (MCL 750.415).

*The People of the State of Michigan enact:*

750.415 Concealing or misrepresenting identity of motor vehicle or mechanical device as misdemeanor or felony; evidence of violation; confiscation; sale at public auction; revocation of dealer's license; vehicle identification plate and applicable labels; motor vehicle or part with identification number removed.

[M.S.A. 28.647]

Sec. 415. (1) A person who, without the intent to mislead another as to the identity of the vehicle, conceals or misrepresents the identity of a motor vehicle or of a mechanical device by removing or defacing the manufacturer's serial number or the engine or motor number on the motor vehicle, or by replacing a part of the motor vehicle or mechanical device bearing the serial number or engine or motor number of the vehicle with a new part upon which the proper serial number or engine or motor number has not been stamped, is guilty of a misdemeanor.

(2) A person who, with the intent to mislead another as to the identity of a vehicle, conceals or misrepresents the identity of a motor vehicle or of a mechanical device by removing or defacing the manufacturer's serial number or the engine or motor number on the motor vehicle, or by replacing a part of the motor vehicle or mechanical device bearing the serial number or engine or motor number of the vehicle with a new part upon which the proper serial number or engine or motor number has not been stamped, is guilty of a felony, and if the person is a licensed dealer, the dealer's license shall be revoked.

(3) In all prosecutions under this section, possession by a person of a motor vehicle or of a mechanical device with the manufacturer's serial number or the engine or motor number removed, defaced, destroyed or altered or with a part bearing the number or numbers replaced by one on which the proper number does not appear, shall be prima facie evidence of violation of this section.

(4) If the identification of a motor vehicle or a mechanical device has been removed, defaced, or altered as provided in this section and the real identity of the motor vehicle or mechanical device cannot be determined, the motor vehicle or mechanical device shall be subject to confiscation by the state and shall be sold at public auction, put to official use by the government agency seizing the vehicle, or rendered scrap. If the items are confiscated from a licensed vehicle dealer, the dealer's license shall be revoked.

(5) A person shall not knowingly possess, buy, deliver, or offer to buy, sell, exchange, or give away any manufacturer's vehicle identification number plate, federal safety certification label, antitheft label, posident die stamps, secretary of state vehicle identification label, rosette rivet, or any facsimile thereof. This subsection does not apply to a motor vehicle manufacturer, a motor vehicle parts supplier under contract with a motor vehicle manufacturer, or a law enforcement officer in the official performance of his or her duties

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or to a motor vehicle in which a manufacturer's vehicle identification plate and each of the applicable labels listed in this subsection have been installed as prescribed by law. A person who violates this subsection is guilty of a felony, punishable by imprisonment for not more than 4 years, a fine of not more than \$10,000.00, or both. If the person who violates this subsection is a licensed dealer or repair facility, its license shall be revoked.

(6) A person shall not buy, receive, or obtain control of a motor vehicle or motor vehicle part with the intent to sell or otherwise dispose of the motor vehicle or motor vehicle part knowing that an identification number of that motor vehicle or motor vehicle part has been removed, obliterated, tampered with, or altered. This subsection does not apply to a motor vehicle obtained from or at the direction of a law enforcement agency. A person who violates this subsection is guilty of a felony punishable by imprisonment for not more than 10 years, a fine of not more than \$20,000.00, or both.

(7) As used in this section:

(a) "Antitheft label" means a label containing the vehicle identification number affixed to a motor vehicle by the manufacturer in accordance with subtitle VI of title 49 of the United States Code, 49 U.S.C. 30101 to 33118.

(b) "Federal safety certification label" means a label affixed to a motor vehicle that certifies that the motor vehicle conforms to current safety standards at the time of production and displays the vehicle identification number.

(c) "Motor vehicle" means a device in, upon, or by which a person or property is or may be transported or drawn upon a street, highway, or waterway, whether subject to or exempt from registration, except a device exclusively moved by human power or used exclusively upon stationary rails or tracks.

(d) "Posident die stamps" means specially designed die stamps used by motor vehicle manufacturers to produce unique letters and numbers when stamping vehicle identification numbers upon vehicle identification plates, tags, and parts affixed to a motor vehicle.

(e) "Rosette rivet" means a special rivet designed to prevent removal or tampering with a vehicle identification number plate affixed by the manufacturer to a motor vehicle and that, when used to affix a vehicle identification number plate, forms 5 or 6 petals at the rivet head.

Effective date.

Enacting section 1. This amendatory act takes effect October 1, 2000.

This act is ordered to take immediate effect.

Approved June 26, 2000.

Filed with Secretary of State June 27, 2000.

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