

## MOTOR VEHICLE COMPONENT PARTS

### 39A:MVP-1. Definitions

As used in this chapter:

a. "Major motor vehicle component part" or "component part" means the following parts of any motor vehicle:

- (1) engine;
- (2) cowl;
- (3) transmission;
- (4) frame;
- (5) each door;
- (6) third member or rear end assembly;
- (7) each front fender or each rear fender of a rear panel;
- (8) front end assembly;
- (9) rear clip; and
- (10) any other parts of a motor vehicle designated by the director.

b. "Manufacturer's part number" means the original manufacturer's number located on a major motor vehicle component part.

c. "Scrap processor" means a person who, from a fixed location, utilizes machinery and equipment for processing and manufacturing iron, steel, or nonferrous metallic scrap, which is or has been a motor vehicle or component part, into prepared grades for sale for remelting purposes, and who does not sell the materials as motor vehicles or major motor vehicle component parts.

Source: 39:10B-1.

#### COMMENT

This section is substantially identical to the original but eliminates terms defined elsewhere. Throughout this chapter "Chief Administrator" has been substituted for "Director".

### 39A:MVP-2. Major component parts lacking manufacturer's parts number; identification; process

a. The provisions of this act shall not apply to scrap processors as defined in 39:10B-1.

b. All major motor vehicle component parts which do not contain a manufacturer's part number shall be identified by a person who deals in used motor vehicles, motor vehicle salvage or the component parts of motor vehicles. The identification shall be made in a manner to be determined by the Chief Administrator when the component part is removed from a motor vehicle.

c. A person who deals in used motor vehicles, motor vehicle salvage or the component parts of motor vehicles who purchases major motor vehicle component parts out of State shall identify the parts in the manner to be determined by the Chief Administrator.

d. A person authorized under this section to identify motor vehicle component parts shall maintain a record of all motor vehicles and component parts which come into that person's possession together with a record of the disposition of the motor vehicles or the component parts. The records shall be maintained in a manner and form prescribed by the Chief Administrator and shall include proof of ownership for the motor vehicles or the component parts in that person's possession.

e. The Chief Administrator may, by regulation, exempt motor vehicles or component parts from all or a portion of the record keeping requirements based upon the age of the motor vehicles or the component parts if the director finds that the record keeping serves no useful purpose.

f. Upon the request of the Chief Administrator or a law enforcement officer, a person shall produce the records and permit the Chief Administrator or officer to examine them and the motor vehicle or component parts on the premises during business hours. For a failure to produce the records or permit their inspection as required by this section, a person shall be subject to a fine of not less than \$25 or more than \$100 or imprisonment for not more than 90 days, or both. In addition, the Chief Administrator or a law enforcement officer may seize or take possession of the motor vehicles or component parts and hold and dispose of them in accordance with the rules and regulations adopted by the Chief Administrator.

g. Members of the State and local law enforcement agencies or members of the division who are designated by the Chief Administrator for this function shall seize and confiscate a detached major motor vehicle component part if the manufacturer's part number, the identification number required by 39:10B-2, or the identification number assigned by the division under subsection e. of this section has been destroyed, removed, altered, defaced, or obliterated.

h. The entire motor vehicle shall be seized and confiscated if the manufacturer's part number, the identification number required by 39:10B-2, or the identification number assigned by the MVC under subsection (k) of a major motor vehicle component part has been destroyed, removed, altered, defaced, or obliterated.

i. Members of the State and local law enforcement agencies shall arrest the alleged owner or custodian thereof. It shall be the duty of the police to retain the custody of each motor vehicle or major motor vehicle component part seized pending the prosecution of the person arrested, which shall remain in the custody of the police until the ownership thereof is ascertained.

j. If a person other than the person arrested is the owner, the motor vehicle shall be returned to the owner as soon as the owner has arranged to have the division affix a new number to the major motor vehicle component part, and the MVC has done so, as provided in subsection (k). No person other than an authorized member of the MVC shall assign and affix a new number to the motor vehicle or major motor vehicle component

part. The MVC shall not release any vehicle or part so seized until it has affixed a new number to the part. At the time of the arrest the Chief Administrator shall be notified by the arresting officer.

k. If a detached major motor vehicle component part is seized and confiscated because it does not have a manufacturer's part number or the identification number required by 39:10B-2, or the appropriate number has been destroyed, removed, altered, defaced, or obliterated, or the entire vehicle has been seized because the appropriate number of a major motor vehicle component part has been destroyed, removed, altered, defaced, or obliterated, the number may be restored under the following conditions:

(1) If the owner or custodian of the motor vehicle or major motor vehicle component part can demonstrate that the damage to the manufacturer's part number or the number required by 39:10B-2 was done without that individual's knowledge, and can produce a bill of sale and, if applicable, title papers for the motor vehicle or major motor vehicle component part, the MVC shall return the motor vehicle or major motor vehicle part to the owner or custodian, provided that he or she arranges to have the MVC restore the damaged or obliterated number to the part, if possible, or affix a unique number to the part, as provided for in paragraph (2). The Chief Administrator is authorized to establish a reasonable fee for this service.

(2) If the owner or custodian of the motor vehicle or major motor vehicle component part cannot furnish title papers for the motor vehicle or a bill of sale for the major motor vehicle component part or if the alleged owner or custodian is arrested and convicted of the theft of the motor vehicle or major motor vehicle component part, the Chief Administrator or any police officer may seize and take possession of the vehicle or part and hold and dispose of it in accordance with rules and regulations adopted by the Chief Administrator, provided that the MVC first affixes a unique number to the major motor vehicle component part. The composition of this number shall indicate that it designates a used major motor vehicle component part. The Chief Administrator is authorized to establish a reasonable fee for this service, and this fee may be added to the price of the motor vehicle or major motor vehicle component part. The new number shall thereafter be used for identification, registration and all purposes of this chapter.

Source: 39:10B-2; 39:10B-3.

#### COMMENT

This section is substantially identical to the original sections. Subsection (a) is the former 39:10B-5. Subsections (b) – (f) are the former 39:10B-2. Subsections (g) – (k) are the former 39:10B-3.

### **39A:MVP-3. Violations; penalties; defenses; regulations**

a. It shall be unlawful for a person to sell or offer for sale or transport a major motor vehicle component part or motor vehicle if a manufacturer's part number, an identification number required by 39:10B-2, or a number assigned by the division under 39:10B-3 shall have been destroyed, removed, altered, defaced or so covered as to be concealed.

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

- (1) The name and address of the seller and the purchaser;
- (2) The price of the component part;
- (3) The year, make, model and color of the motor vehicle from which the component part was removed; and
- (4) The vehicle identification number of the motor vehicle from which the component part was removed.

c. It shall be unlawful for a person to purchase a major motor vehicle component part from a motor vehicle less than three years old without obtaining from the seller the invoice defined in subsection (b).

d. It shall be unlawful for a person to transport a major motor vehicle component part unless that component part has been marked with an identification number as required by 39:10B-2, or an identification number assigned by the division under 39:10B-3(k) and the transporter has in the transporter's possession an invoice indicating:

- (1) The name and address of the owner of the component part;
- (2) The price of the component part;
- (3) The year, make, model and color of the motor vehicle from which the component part was removed; and
- (4) The vehicle identification number of the motor vehicle from which the component part was removed.

e. A person selling, offering to sell, transporting or purchasing a major motor vehicle component part or a motor vehicle in violation of the provisions of this section is guilty of a crime of the fourth degree. A person who willfully removes, defaces, covers, alters or destroys a manufacturer's part number, an identification number required by 39:10B-2, or a number assigned by the division under 39:10B-3 is guilty of a crime of the third degree.

f. A person having possession of a major motor vehicle component part or a motor vehicle of which a manufacturer's part number, an identification number required by 39:10B-2, or a number assigned by the division under 39:10B-3 has been destroyed, removed, altered, defaced or so covered as to be concealed is guilty of a crime of the fourth degree. Upon prosecution under this section lack of knowledge of the condition of the number of the vehicle or part shall constitute a defense, but possession shall be prima facie evidence that the defendant had knowledge of the condition, and the burden of proof shall be upon the defendant that he had no knowledge.

g. The Chief Administrator shall prescribe rules and regulations necessary to carry out the provisions of this chapter.

Source: 39:10B-4; 39:10B-6.

#### COMMENT

This section is substantially identical to the original sections. Subsections (a) – (f) are the former 39:10B-4. Subsection (g) is the former 39:10B-6. The penalty provisions of this section have not been included in the new penalty classification system.