

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 343

Introduced by Brown, 6

Read first time January 12, 1999

Committee: Judiciary

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 28-101 and
2 60-2608, Reissue Revised Statutes of Nebraska; to
3 prohibit acts relating to stolen motor vehicles and major
4 component parts; to create a presumption; to authorize
5 inspections; to define terms; to provide penalties; to
6 harmonize provisions; and to repeal the original
7 sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-2608, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 ~~60-2608.~~ (1) Any ~~peace law enforcement~~ officer shall
4 seize and take possession of any motor vehicle or any major
5 component part, ~~as defined in section 60-2601,~~ of a vehicle
6 wherever found which the officer has probable cause to believe is
7 stolen, or on which the identification number has been obscured,
8 covered, removed, altered, or destroyed, and any motor vehicle
9 wherever found on which the officer has probable cause to believe a
10 stolen major component part has been installed. In addition, the
11 law enforcement officer shall seize and take possession of any
12 engine, tool, machine, implement, device, chemical, or substance
13 used or designed for altering, dismantling, reassembling, or in any
14 other way concealing or disguising the identity of a stolen motor
15 vehicle or major component part and any wrecker, car hauler, or
16 other motor vehicle that is knowingly used or has been knowingly
17 used to convey or transport a stolen motor vehicle or major
18 component part. A seizure pursuant to this section may be made
19 with or without a warrant.

20 (2) Property seized pursuant to this section shall not be
21 subject to a replevin action and:

22 (a) Shall be kept by the law enforcement agency which
23 employs the officer who seized such property, or by its designee,
24 for so long as it is needed as evidence in any trial; and

25 (b) When no longer required as evidence, such property
26 shall be disposed of pursuant to sections 29-818 to 29-821.

27 (3) Property seized pursuant to this section solely on
28 account of an obscured identification number ~~may~~ shall be restored

1 to the owner or his or her designee without court order unless such
2 property is required as evidence in a criminal action pending or
3 contemplated in this or another jurisdiction.

4 Sec. 2. (1) Any person who knowingly owns, operates, or
5 conducts a chop shop or who knowingly aids and abets another person
6 in owning, operating, or conducting a chop shop is guilty of a
7 Class III felony.

8 (2) A person who violates this section may, in addition
9 to any other punishment, be ordered to make restitution to the
10 rightful owner of a stolen motor vehicle or major component part,
11 or to the owner's insurer if the owner has already been compensated
12 for the loss by the insurer, for any financial loss sustained as a
13 result of the theft of the motor vehicle or major component part.
14 Restitution may be imposed in addition to any imprisonment or fine
15 imposed, but not in lieu thereof.

16 Sec. 3. (1) Any person who defaces, destroys, or alters
17 the vehicle identification number or major component part number or
18 other distinguishing number or identification mark of a motor
19 vehicle or major component part, including a rebuilt
20 identification, or who places or stamps a serial, engine, or other
21 number or mark upon a motor vehicle or major component part is
22 guilty of a Class III felony. This subsection does not prohibit
23 the restoration of an original vehicle identification number, major
24 component part number, or other number or mark or the attachment of
25 a new state-assigned vehicle identification number or prevent a
26 manufacturer from placing, in the ordinary course of business,
27 numbers or marks upon motor vehicles or major component parts.

28 (2) A person who knowingly buys, receives, disposes of,

1 sells, offers for sale, or has in the person's possession a motor
2 vehicle or a major component part, from which the vehicle
3 identification number, rebuilt identification, or component part
4 number has been removed, defaced, covered, altered, or destroyed
5 for the purpose of concealing or misrepresenting the identity of
6 the motor vehicle or major component part, is guilty of a Class IV
7 felony.

8 (3) It shall be a complete defense to a violation of this
9 section that the accused at the time of possession had in his or
10 her possession a certificate of title showing the original vehicle
11 identification number or major component part number and the
12 ownership of the motor vehicle or major component part and is able
13 to show good and sufficient reason why any numbers are defaced,
14 changed, or tampered with.

15 Sec. 4. Any person who knowingly conceals, barters,
16 sells, possesses, or disposes of any motor vehicle or major
17 component part which has been stolen, or any person who disguises,
18 alters, or changes the motor vehicle or major component part or the
19 vehicle identification number or component part number, removes or
20 changes the registration plate, or does any act designed to prevent
21 identification of the motor vehicle or major component part, shall
22 be presumed to have knowledge that the motor vehicle or major
23 component part had been stolen.

24 Sec. 5. For purposes of carrying out sections 1 to 4 of
25 this act, any law enforcement officer may inspect any junkyard,
26 scrap metal processing plant, motor vehicle salvage yard, motor
27 vehicle or motorboat dealer's lot, motor vehicle or motorboat
28 repair shop, motor vehicle body or rebuilding shop, motor vehicle

1 customizing shop, parking lot, public garage, towing and storage
2 facility, or other establishment dealing with salvaged motor
3 vehicle or motorboat parts. The physical inspection shall be
4 conducted during normal business hours and shall be for the purpose
5 of locating stolen motor vehicles or major component parts,
6 investigating the titling and registration of motor vehicles, or
7 inspecting motor vehicles wrecked or dismantled.

8 Sec. 6. For purposes of sections 1 to 5 of this act:

9 (1) Chop shop means any area, building, storage lot,
10 field, or other premises or place where one or more persons are
11 engaged or have engaged in altering, dismantling, reassembling, or
12 in any way concealing or disguising the identity of a stolen motor
13 vehicle or major component part, where there are two or more stolen
14 motor vehicles present, or where there are major component parts
15 from two or more stolen motor vehicles present;

16 (2) Major component part includes, but is not limited to,
17 any of the following subassemblies of a motor vehicle, regardless
18 of its actual market value: Front end assembly, including fenders,
19 grills, hood, bumper, and related parts; frame and frame assembly;
20 engine; transmission; T-tops; rear clip assembly, including quarter
21 panels and floor panel assembly; trunk lids; doors; and tires, tire
22 wheels, and continuous treads and other devices; and

23 (3) Motor vehicle includes every device in, upon, or by
24 which any person or property is or may be transported or drawn upon
25 a highway, which device is self-propelled or may be connected to
26 and towed by a self-propelled device, and also includes any and all
27 other land-based devices which are self-propelled but which are not
28 designed for use upon a highway, including, but not limited to,

1 farm machinery.

2 Sec. 7. Section 28-101, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 28-101. Sections 28-101 to 28-1348 and sections 1 to 6
5 of this act shall be known and may be cited as the Nebraska
6 Criminal Code.

7 Sec. 8. Original sections 28-101 and 60-2608, Reissue
8 Revised Statutes of Nebraska, are repealed.