

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 824

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GRIESHEIMER.

Pre-filed December 1, 2003, and ordered printed.

Read 2nd time January 20, 2004, and referred to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

Reported from the Committee March 8, 2004, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 17, 2004. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

3090S.01P

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## 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 licensed plates, with penalty provisions.

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Section A. Section 301.390, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.390, to read as follows: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

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

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

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

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

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

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

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