

1 SB170
2 115973-3
3 By Senator Waggoner
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 08-MAR-11

2
3
4 ENGROSSED

5
6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to boats and vessels manufactured and sold
12 after 1985; to prohibit the unauthorized alteration of
13 identification numbers on or the registration information
14 relating to vessels, outboard motors, vessel trailers, or
15 identifiable component parts thereof; to provide criminal
16 penalties for violations, including illegal possession
17 thereof; to provide for forfeiture procedures under certain
18 conditions; and in connection therewith would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds within the meaning of Amendment 621
21 of the Constitution of Alabama of 1901, now appearing as
22 Section 111.05 of the Official Recompilation of the
23 Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) A person who willfully removes or
26 falsifies an identification number of a vessel, outboard
27 motor, vessel trailer, or the engine, transmission, or other

1 identifiable component part of a vessel is guilty of a Class A
2 misdemeanor and shall be punished as required by law.

3 (b) A person who, willfully and with intent to
4 conceal or misrepresent the identity of a vessel, outboard
5 motor, vessel trailer, or the engine, transmission, or other
6 identifiable component part of a vessel, removes or falsifies
7 an identification number of the same, or possesses any part,
8 such as a boat identification plate or powerhead serial number
9 plug, of a vessel, outboard motor, or the engine,
10 transmission, or other identifiable component part of a vessel
11 which has an identification number on it that has been removed
12 from another vessel, outboard motor, or the engine,
13 transmission, or other identifiable component part of a
14 vessel, is guilty of a Class A misdemeanor and shall be
15 punished as required by law.

16 (c) A person who buys, receives, possesses, sells,
17 or disposes of a vessel, outboard motor, vessel trailer, or an
18 engine, transmission, or other identifiable component part of
19 a vessel, knowing that an identification number of the same
20 has been removed or falsified, is guilty of a Class A
21 misdemeanor and shall be punished as required by law.

22 Notwithstanding the foregoing, this subsection shall not apply
23 to a vessel, vessel trailer, or a component part of a vessel
24 lawfully recovered by the owner or an insurance company after
25 theft with an identification number removed or falsified if,
26 prior to any sale or other disposition of the vessel or part,
27 a correct identification number, as provided for in subsection

1 (g), is placed on the vessel, vessel trailer, or part and any
2 incorrect number is removed. Any sale or other disposition in
3 violation of this requirement shall be a Class A misdemeanor
4 and shall be punished as required by law.

5 (d) A person who buys, receives, possesses, sells,
6 or disposes of a vessel, outboard motor, vessel trailer, or
7 the engine, transmission, or other identifiable component part
8 of a vessel, with knowledge that an identification number of
9 same has been removed or falsified and with intent to conceal
10 or misrepresent the identity of same is guilty of a Class A
11 misdemeanor and shall be punished as required by law.

12 (e) A person who removes a registration number or
13 decal from a vessel or affixes to a vessel a registration
14 number or decal not authorized by law for use on it, in either
15 case with intent to conceal or misrepresent the identity of a
16 vessel or its owner, is guilty of a Class A misdemeanor and
17 shall be punished as required by law.

18 (f) As used in this section, the following words
19 have the following meanings:

20 (1) FALSIFY. The term includes alter and forge.

21 (2) IDENTIFIABLE COMPONENT PART. The term includes
22 any part of a vessel or outboard motor that has an identifying
23 number stamped, molded, engraved, cast, or placed on it by the
24 manufacturer or any part that can be identified by other means
25 as being a part of a particular vessel or outboard motor.

26 (3) IDENTIFICATION NUMBER. The term includes an
27 identifying number, engine number, outboard motor number, or

1 other distinguishing number or mark placed on a vessel,
2 outboard motor, vessel trailer, or the engine, transmission,
3 or other component part of a vessel, by its manufacturer or by
4 authority of the Department of Conservation and Natural
5 Resources or in accordance with the laws of another state or
6 country.

7 (4) REMOVE. The term includes deface, cover, and
8 destroy.

9 (5) VESSEL. As defined by Section 33-5-3 of the Code
10 of Alabama 1975, manufactured and sold after 1985.

11 (g) An identification number may be placed on a
12 vessel, outboard motor, vessel trailer, or the engine,
13 transmission, or other identifiable component part of a
14 vessel, by its manufacturer in the regular course of business
15 or placed or restored on same by authority of the Department
16 of Conservation and Natural Resources without violating this
17 section. An identification number so placed or restored is not
18 falsified.

19 (h) Any vessel, outboard motor, vessel trailer, or
20 the engine, transmission, or other identifiable component
21 part, wherein the identification number or numbers appear to
22 be altered, or removed may be seized and detained by law
23 enforcement officials for a period of time not to exceed 72
24 hours for determination of the true identity of the vessel,
25 outboard motor, or the engine, transmission, or other
26 component parts. The law enforcement officials shall inform in
27 writing the person from whom the property was seized as to the

1 disposition of the case within two days after the 72-hour time
2 frame ends. Any item seized by law enforcement officials,
3 wherein ownership cannot be determined shall be contraband and
4 subject to forfeiture. The law enforcement officials who
5 seized an item shall use reasonable efforts to determine the
6 existence of any lien or other security interest in that item.
7 If it is determined that a security interest exists in the
8 item, the law enforcement officials shall inform in writing
9 the holder of the security interest regarding the seized item,
10 and any action taken by the law enforcement officials with
11 respect to the item shall be subject to the rights of the
12 holder of the security interest.

13 (i) Any seized item taken or retained under this
14 section shall not be subject to replevin, but is deemed to be
15 in the custody of the state, county, or municipal law
16 enforcement agency subject only to the orders and judgment of
17 the court having jurisdiction over the forfeiture proceedings.

18 (j) Any vessel, vessel trailer, or outboard motor
19 which has been reported stolen and subsequently recovered by
20 law enforcement officials may be returned to the person
21 claiming ownership upon proper ownership documentation. Proper
22 ownership documentation may include the identification number
23 or other means of identification such as photographs, purchase
24 documents, or registration papers along with a stolen property
25 report showing ownership and theft. Any recovered vessel,
26 outboard motor, or other property where ownership is in

1 question shall be returned subject only to the orders of a
2 circuit court having jurisdiction of the matter.

3 (k) No civil liability shall attach to any
4 governmental agency or law enforcement official acting in good
5 faith under this section.

6 (1) When property is forfeited under this section,
7 the state, county, or municipal law enforcement agency, with
8 approval of a court of competent jurisdiction, may do any of
9 the following:

10 (1) Retain it for official use.

11 (2) Have it destroyed.

12 (3) Repair the vessel or other property or sell it
13 to the highest bidder with the proceeds deposited into the
14 general fund of the state, county, or municipal governing body
15 earmarked for law enforcement purposes, or both.

16 Any proceeds from the sale of any vessel or other
17 property forfeited under this section to any division of the
18 Department of Conservation and Natural Resources shall be
19 deposited to the credit of the respective fund out of which
20 the division's law enforcement activities are primarily
21 funded, and used for law enforcement purposes. No money shall
22 be withdrawn or expended from these funds for any purpose
23 unless the money has been allotted and budgeted in accordance
24 with Article 4, commencing with Section 41-4-80, of Chapter 4
25 of Title 41 of the Code of Alabama 1975, and only in the
26 amounts and for the purposes provided by the Legislature in
27 the general appropriations act or other appropriation acts.

1 (m) Any vessel, outboard motor, or other property
2 which is retained for official use under this section shall be
3 destroyed upon its becoming unserviceable.

4 (n) This section shall not be interpreted to require
5 any boat or vessel to obtain a title.

6 Section 2. This bill does not apply to components
7 that do not have a casted, engraved, molded, or stamped
8 identification number.

9 Section 3. Although this bill would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds, the bill is excluded from further
12 requirements and application under Amendment 621, now
13 appearing as Section 111.05 of the Official Recompilation of
14 the Constitution of Alabama of 1901, as amended, because the
15 bill defines a new crime or amends the definition of an
16 existing crime.

17 Section 4. This act shall become effective January
18 1, following its passage and approval by the Governor, or upon
19 its otherwise becoming a law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

Senate

Read for the first time and referred to the Senate
committee on Commerce, Transportation, and Utili-
ties..... 08-MAR-11

Read for the second time and placed on the calen-
dar..... 10-MAR-11

Read for the third time and passed as amended 31-MAR-11

Yeas 30
Nays 0
Abstaining 1

Patrick Harris
Secretary