

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

1 SB170

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4 ENROLLED, An Act,

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

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) A person who willfully removes or  
20 falsifies an identification number of a vessel, outboard  
21 motor, vessel trailer, or the engine, transmission, or other  
22 identifiable component part of a vessel is guilty of a Class A  
23 misdemeanor and shall be punished as required by law.

24 (b) A person who, willfully and with intent to  
25 conceal or misrepresent the identity of a vessel, outboard

1 motor, vessel trailer, or the engine, transmission, or other  
2 identifiable component part of a vessel, removes or falsifies  
3 an identification number of the same, or possesses any part,  
4 such as a boat identification plate or powerhead serial number  
5 plug, of a vessel, outboard motor, or the engine,  
6 transmission, or other identifiable component part of a vessel  
7 which has an identification number on it that has been removed  
8 from another vessel, outboard motor, or the engine,  
9 transmission, or other identifiable component part of a  
10 vessel, is guilty of a Class A misdemeanor and shall be  
11 punished as required by law.

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

18 Notwithstanding the foregoing, this subsection shall not apply  
19 to a vessel, vessel trailer, or a component part of a vessel  
20 lawfully recovered by the owner or an insurance company after  
21 theft with an identification number removed or falsified if,  
22 prior to any sale or other disposition of the vessel or part,  
23 a correct identification number, as provided for in subsection  
24 (g), is placed on the vessel, vessel trailer, or part and any  
25 incorrect number is removed. Any sale or other disposition in

1 violation of this requirement shall be a Class A misdemeanor  
2 and shall be punished as required by law.

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

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

16 (f) As used in this section, the following words  
17 have the following meanings:

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

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

24 (3) IDENTIFICATION NUMBER. The term includes an  
25 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

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

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

20 (j) Any vessel, vessel trailer, or outboard motor  
21 which has been reported stolen and subsequently recovered by  
22 law enforcement officials may be returned to the person  
23 claiming ownership upon proper ownership documentation. Proper  
24 ownership documentation may include the identification number  
25 or other means of identification such as photographs, purchase

1 documents, or registration papers along with a stolen property  
2 report showing ownership and theft. Any recovered vessel,  
3 outboard motor, or other property where ownership is in  
4 question shall be returned subject only to the orders of a  
5 circuit court having jurisdiction of the matter.

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

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

13 (1) Retain it for official use.

14 (2) Have it destroyed.

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

19 Any proceeds from the sale of any vessel or other  
20 property forfeited under this section to any division of the  
21 Department of Conservation and Natural Resources shall be  
22 deposited to the credit of the respective fund out of which  
23 the division's law enforcement activities are primarily  
24 funded, and used for law enforcement purposes. No money shall  
25 be withdrawn or expended from these funds for any purpose

1 unless the money has been allotted and budgeted in accordance  
2 with Article 4, commencing with Section 41-4-80, of Chapter 4  
3 of Title 41 of the Code of Alabama 1975, and only in the  
4 amounts and for the purposes provided by the Legislature in  
5 the general appropriations act or other appropriation acts.

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

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

11 Section 2. This bill does not apply to components  
12 that do not have a casted, engraved, molded, or stamped  
13 identification number.

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

22 Section 4. This act shall become effective January  
23 1, following its passage and approval by the Governor, or upon  
24 its otherwise becoming a law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB170

Senate 31-MAR-11

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris  
Secretary

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House of Representatives  
Amended and passed 05-MAY-11

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Senate concurred in House amendment 24-MAY-11

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By: Senator Waggoner