



1995 SENATE BILL 618

March 12, 1996 - Introduced by Senators ZIEN, WELCH, FARROW, SCHULTZ, DARLING, MOORE, PETAK, DRZEWIECKI, A. LASEE and FITZGERALD, cosponsored by Representatives NASS, MUSSER, GARD, HANDRICK, TURNER, F. LASEE, BRANCEL, ZUKOWSKI, WARD, AINSWORTH, KREIBICH, LORGE and GUNDERSON. Referred to Committee on Transportation, Agriculture and Local Affairs.

- 1 **AN ACT to amend** 342.30 (4) (a); and **to create** 342.30 (4) (d) of the statutes;
2 **relating to:** vehicles or vehicle parts having an altered or obliterated vehicle
3 identification number.

Analysis by the Legislative Reference Bureau

Under current law, a law enforcement officer may seize a vehicle or vehicle part (vehicle) having a vehicle identification number (VIN) that has been altered or obliterated. If the VIN cannot be identified, the seized vehicle is presumed to be contraband and a person must prove ownership to reclaim the property. If the VIN can be identified, the vehicle may be returned to its owner or may be retained as seized property. Any seized vehicle is subject to forfeiture in the same manner as stolen property, except that, if a criminal action is commenced in the matter, the forfeiture action may not commence until after a final determination is reached in the criminal action.

Under this bill, a law enforcement officer may not seize a vehicle that has an altered or obliterated VIN unless the officer has a reasonable basis to believe that the VIN was altered or obliterated with the intention to deceive another, and to induce such other person, in reliance upon such deception, to transfer, alter or terminate a right or obligation with respect to the property. The bill requires the custodian of a seized motorcycle or motorcycle part whose VIN can be identified to immediately return the motorcycle or motorcycle part to its registered owner if no forfeiture action is commenced within 30 days after the motorcycle or motorcycle part is seized.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

