

CHAPTER 5

**CALIFORNIA VEHICLE CODE SECTION 10751 DISPOSITION OF
VEHICLE/COMPONENT PARTS**

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CHAPTER 5

CALIFORNIA VEHICLE CODE SECTION 10751 DISPOSITION OF VEHICLE/COMPONENT PARTS

1. INTRODUCTION.

a. Purpose. This chapter is designed to assist departmental personnel in the enforcement of California Vehicle Code (CVC) Section 10751 and to provide a program for implementing standard procedures statewide for the disposition of vehicles and/or component parts that fall within the provisions of the section.

b. California Vehicle Code Section 10751.

(1) Subsection (a). “No person shall knowingly buy, sell, offer for sale, receive, or have in his or her possession, any vehicle, or component part thereof, from which any serial or identification number, including, but not limited to, any number used for registration purposes, that is affixed by the manufacturer to the vehicle or component part, in whatever manner deemed proper by the manufacturer, has been removed, defaced, altered, or destroyed, unless the vehicle or component part has attached thereto an identification number assigned or approved by the department in lieu of the manufacturer’s number.”

(2) Subsection (b). “Whenever a vehicle described in subdivision (a), including a vehicle assembled with any component part which is in violation of subdivision (a), comes into the custody of a peace officer, it shall be destroyed, sold, or otherwise disposed of under the conditions as provided in an order by the court having jurisdiction. No court order providing for disposition shall be issued unless the person from whom the property was seized, and all claimants to the property whose interest or title is on registration records in the Department of Motor Vehicles, are provided a post seizure hearing by the court having jurisdiction within 90 days after the seizure. This subdivision shall not apply with respect to a seized vehicle or component part used as evidence in any criminal action or proceeding. Nothing in this section shall, however, preclude the return of a seized vehicle or a component part to the owner by the seizing agency following presentation of satisfactory evidence of ownership and, if determined necessary, upon the assignment of an identification number to the vehicle or component part by the department.”

(3) Subsection (c). “Whenever a vehicle described in subdivision (a) comes into the custody of a peace officer, the person from whom the property was seized, and all claimants to the property whose interest or title is on registration

records in the Department of Motor Vehicles, shall be notified within five days, excluding Saturdays, Sundays, and holidays, after the seizure, of the date, time, and place of the hearing required in subdivision (b). The notice shall contain the information specified in subdivision (d).”

(4) Subsection (d). “Whenever a peace officer seizes a vehicle described in subdivision (a), the person from whom the property was seized shall be provided a notice of impoundment of the vehicle which shall serve as a receipt and contain the following information:”

(a) “(1) Name and address of person from whom the property was seized.”

(b) “(2) A statement that the vehicle seized has been impounded for investigation of a violation of Section 10751 of the California Vehicle Code and that the property will be released upon a determination that the serial or identification number has not been removed, defaced, altered, or destroyed, or upon the presentation of satisfactory evidence of ownership of the vehicle or a component part, if no other person claims an interest in the property; otherwise, a hearing regarding the disposition of the vehicle shall take place in the proper court.”

(c) “(3) A statement that the person from whom the property was seized, and all claimants to the property whose interest or title is on registration records in the Department of Motor Vehicles, will receive written notification of the date, time, and place of the hearing within five days, excluding Saturdays, Sundays, and holidays, after the seizure.”

(d) “(4) Name and address of the law enforcement agency where evidence of ownership of the vehicle or component part may be presented.”

(e) “(5) A statement of the contents of Section 10751 of the Vehicle Code.”

(5) Subsection (e). “A hearing on the disposition of the property shall be held by the superior court within 90 days after the seizure. The hearing shall be before the court without a jury. A proceeding under this section is a limited civil case.”

(a) “(1) If the evidence reveals either that the serial or identification number has not been removed, defaced, altered, or destroyed or that the number has been removed, defaced, altered, or destroyed but satisfactory evidence of ownership has been presented to the seizing agency or court, the property shall be released to the person entitled thereto. Nothing in this section precludes the return of the vehicle or a component part to a

good faith purchaser following presentation of satisfactory evidence of ownership thereof upon the assignment of an identification number to the vehicle or component part by the department.”

(b) “(2) If the evidence reveals that the identification number has been removed, defaced, altered, or destroyed, and satisfactory evidence of ownership has not been presented, the vehicle shall be destroyed, sold, or otherwise disposed of as provided by court order.”

(c) “(3) At the hearing, the seizing agency has the burden of establishing that the serial or identification number has been removed, defaced, altered, or destroyed and that no satisfactory evidence of ownership has been presented.”

(6) Subsection (f). “This section does not apply to a scrap metal processor engaged primarily in the acquisition, processing, and shipment of ferrous and nonferrous scrap, and who receives dismantled vehicles from licensed dismantlers, licensed junk collectors, or licensed junk dealers as scrap metal for the purpose of recycling the dismantled vehicles for their metallic content, the end product of which is the production of material for recycling and remelting purposes for steel mills, foundries, smelters, and refiners.”

c. California Vehicle Code Section 10751—Procedure Flow Chart. The flow chart in Annex A provides a graphic illustration of the procedures to be followed in conjunction with Section 10751 CVC.

2. ENFORCEMENT—OBVIOUS ALTERATIONS.

a. Impoundment of Vehicle or Component Part. Whenever a vehicle or component part possessing an obviously mutilated or removed vehicle identification number (VIN) comes into the custody of an officer, it should be impounded. The officer, with the immediate supervisor’s, the Division vehicle theft coordinators, or a vehicle theft investigator’s approval, may impound the vehicle (utilizing Section 22655.5 CVC) or component part for investigation of a violation of Section 10751 CVC. If the supervisor and/or coordinator are not available and the vehicle or component part is seized by an officer and a Division vehicle theft investigator, both officers shall notify their supervisors of the seizure as soon as practicable.

b. Required Documents. When the mutilation, alteration, or removal is obvious, no enforcement document will be issued at the time of impoundment. The documents required under these circumstances are the CHP 180, Vehicle Report; CHP 36, Property Receipt; CHP 181, Notice of Impoundment of Vehicle and/or

Component Parts; and CHP 216, Arrest – Investigation Report. The CHP 180 and CHP 36 are required in all instances where a vehicle or component part is impounded. When a vehicle or component part is seized for a suspected violation of Section 10751 CVC, a CHP 216 will serve as the investigation report for recording details of the violation.

3. ENFORCEMENT—POSSIBLE ALTERATIONS.

a. Issuance of CHP 215, Notice to Appear. Whenever a vehicle or component part appears to fall within the purview of Section 10751 CVC and there exists some reasonable doubt on the part of the officer as to the validity, cause, or purpose of the alteration and, in the opinion of the officer, circumstances do not warrant impounding the vehicle or component, an officer should prepare a CHP 215. List the Section 10751 CVC violation along with a detailed description of the discrepancy with the VIN or component part number on the CHP 215. Enter the appropriate court information and court date on the citation. Additional violations shall be listed on a CHP 215S, Continuation Document, leaving the violation Section 10751 CVC in the body of the citation by itself. The vehicle or component part number shall be released.

NOTE: An officer shall not issue a CHP 215 for a violation of Section 10751 CVC if the driver/owner is taken into custody for another violation, such as Section 23152 CVC. The vehicle or component part should be seized as prescribed in paragraphs 2.a. and 2.b. of this chapter. Additionally, a CHP 281, Notice to Correct Violation, shall not be used for a violation of Section 10751 CVC.

(1) Example of Possible Mutilation. The situation may arise where an officer suspects that a number has been restamped but is uncertain. This possibility, for example, may be the product of poor quality stamping at the factory.

(2) Example of Unintentional Removal. The 1964 Chevrolet VIN plates were attached by an inferior spot-welding process. These VIN plates often fall off accidentally.

b. Obtain the driver's/owner's signature on the CHP 215, and if appropriate, on the CHP 215S, and issue the violator's copy of the document to the driver/owner stressing that clearance is required through a California Highway Patrol (CHP) VIN officer only. The driver's/owner's home and business phone numbers should be recorded in the body of the citation to assist with the follow-up on Section 10751 CVC violation.

c. Clearance of CHP 215. Whenever a CHP 215 is issued for violation of Section 10751 CVC, the individual shall be instructed to clear the document

through a CHP VIN officer only. The comment "CLEAR THROUGH CHP VIN OFFICER ONLY," in addition to a contact phone number for the individual, shall be written on the front of the CHP 215. Upon clearing the Section 10751 CVC violation, the VIN officer shall advise the responsible party to clear the citation through the court.

d. Release the vehicle and route the court copy of any CHP 215 issued for violation of Section 10751 CVC, and the court copy of the CHP 215S, if issued, to the respective court. The remaining office and officer's copies are to be distributed and retained as outlined in Highway Patrol Manual (HPM) 100.9, Enforcement Documents Manual, Chapter 1, CHP 215, Notice to Appear. Additionally, route a copy of the CHP 215 to the Area VIN officer for appropriate follow-up investigation.

e. There are some court jurisdictions that will not accept a CHP 215 as a complaint for a misdemeanor without a CHP 216. Affected Areas should submit a CHP 216 to accompany the CHP 215. The VIN officer should then notify the court officer to ensure the citation is not adjudicated until the violation of Section 10751 CVC is cleared by the CHP VIN officer.

4. FOLLOW-UP IDENTIFICATION PROCESS.

a. Impounded Vehicles. In those instances where a vehicle or component part is impounded, the follow-up identification process should be coordinated by the Investigative Services Unit (ISU) if the identification process exceeds the capabilities of the Area. Areas should develop local procedures for notifying the ISU immediately, should ISU assistance be necessary, following an impoundment. With the approval of Division, Area VIN officers may be requested to handle the identification process if problems arise relating to geographical distances, time elements, etc. In any case, the follow-up identification process shall be conducted without unnecessary delay.

b. Request for Assistance. In those instances where Area VIN officers are unable to identify the vehicle or component part, an ISU investigator shall be contacted for assistance. To ensure consistent coordination between Areas and ISU personnel, Divisions shall appoint a Section 10751 CVC coordinator to act as a primary contact for Areas in need of guidance on Section 10751 CVC procedures. The Section 10751 CVC coordinator should be a full-time vehicle theft investigator with experience in the identification and disposition of altered vehicles.

5. RESULTS OF FOLLOW-UP IDENTIFICATION PROCESS.

a. Vehicle Identification Number Referrals. The Area VIN officer shall establish a file, filing the copy(ies) of Section 10751 CVC, CHP 215, and CHP 215S (if issued). After clearance, the document(s) shall be removed from the file and purged.

(1) California Vehicle Code Section 10751—Violation Only—Issued on CHP 215. The Area VIN officer shall review the circumstances determined during clearance of Section 10751 CVC violation. If it is determined no violation exists or no intent to violate the provisions of Section 10751 CVC existed (e.g., the owner is an innocent purchaser of a VIN-switched vehicle), an officer shall recommend that the violation of Section 10751 CVC be dismissed by the court (as outlined in HPM 100.9). After clearing the violator's copy, the VIN officer shall direct the violator to contact the court to adjudicate the violation for Section 10751 CVC.

(2) Clearing a CHP 215 Issued for California Vehicle Code Section 10751 Violation From Another Area. It shall be the sole responsibility of the Area VIN officer or a Division vehicle theft investigator to clear any violation of Section 10751 CVC issued on a CHP 215. When an Area VIN officer or Division vehicle theft investigator is clearing a CHP 215 issued for violation of Section 10751 CVC from another Area, the following procedures shall be followed:

(a) The Area VIN officer or Division vehicle theft investigator clearing a CHP 215 for Section 10751 CVC shall notify the issuing Area. Notification shall be made by duplicating the violator's copy of the CHP 215 and routing it to the issuing Area with a memorandum explaining the action taken. After clearing the violator's copy, the VIN officer shall direct the violator to contact the court to adjudicate the violation of Section 10751 CVC.

(b) If it is determined a violation or intent to violate did not exist, but the provisions of Section 10751 CVC exist (e.g., the owner is an innocent purchaser of a VIN-switched vehicle), the VIN officer shall submit a CHP 51, Memorandum, through channels to the Area of issuance outlining their recommendation that the Section 10751 CVC violation be dismissed by the court.

(c) The Area clerical staff will forward a copy of every Section 10751 CVC citation to the Area VIN officer. The Area VIN officer shall establish a Section 10751 CVC citation file and monitor the status of the inspection, clearance, and court adjudication. The VIN officer shall review all CHP 215s that have not been cleared and process them as outlined in this chapter.

(d) Area VIN officers should follow-up on any CHP 215 prior to sending it to Division. If not cleared within 45 days, any follow-up completed shall be documented and forwarded along with the CHP 215 to the ISU coordinator for further investigation, as may be appropriate.

b. Vehicle Disposition After Inspection.

(1) Identified, Not Stolen.

(a) In the event a CHP 215 was issued solely for a violation of Section 10751 CVC and the vehicle was determined to be properly identified by the existing public VIN or no intent to violate the provisions of Section 10751 CVC existed; the VIN officer shall recommend that the violation of Section 10751 CVC be dismissed by the court (as outlined in HPM 100.9). Furthermore, the VIN officer shall direct the violator to contact the court to adjudicate the violation if a CHP 215 was issued.

(b) If the manufacturer's secondary numbers are satisfactory and in usable condition, an unnumbered replacement VIN plate should be used repeating the **complete** identification number and attached to the vehicle. Under these circumstances, the individual involved is not referred to the California Department of Motor Vehicles (DMV) and a DMV Reg. 124, Application for Assigned Vehicle Identification Number, **is not** required. The identity of the vehicle has not been changed. The VIN officer will account for the use of the unnumbered plate by utilizing a DMV Reg. 256, Statement of Facts. A copy of the DMV Reg. 256, Section G, shall be included with VIN reports as required in Chapter 4, Replacement Vehicle Identification Number System, of this manual.

(c) If, in the opinion of the officer, circumstances require the assignment of a new identity to a vehicle or component part, the individual involved shall be referred to the DMV in order to obtain a DMV Reg. 124. The vehicle or component part will then be handled in the normal manner and processed through the VIN assignment program.

(2) Identified, Stolen.

(a) If the vehicle is identified and found to be stolen, it shall be recovered and, if appropriate, a complaint filed. Document requirements have been fulfilled as outlined in paragraph 2.b. of this chapter.

(b) The VIN officer should notify the ISU when circumstances indicate activities that may warrant further investigation, which exceed the capabilities of the Area.

(3) Unidentified, Unsatisfactory Ownership. If the vehicle or part cannot be identified and the Department is not satisfied with the proof of ownership that is offered, the vehicle or component part shall either be referred to the court on a petition for disposition (Annex B); or, if circumstances warrant, prosecution should be pursued for violation of Section 10751 CVC.

(4) Unidentified, Satisfactory Ownership. If the vehicle or component part cannot be identified, and the Department is satisfied with other evidence of ownership which may be available (e.g., receipt, manufacturer's certificate of origin), the vehicle may be processed through the VIN program and returned to the owner. This alternative should be used only in the rarest of situations.

6. CHP 181, NOTICE OF IMPOUNDMENT OF VEHICLE AND/OR COMPONENT PARTS.

a. Purpose of CHP 181. The CHP 181 does the following:

(1) It ensures compliance with due process procedures.

(2) It serves as a receipt and counter-receipt for departmental liability.

b. Completion of CHP 181. A CHP 181 **shall be** completed whenever a vehicle or component part is taken from the immediate possession of an individual.

(1) Individuals to whom CHP 181s are issued shall be advised they will receive a CHP 181A, Notice of Hearing - Impoundment of Vehicle and/or Component Parts, within five working days notifying them of a hearing date.

(2) The CHP 181 is available to employees and can be accessed on the CHP Intranet site under the Forms tab.

c. Availability of CHP 181. Field supervisory personnel and vehicle theft investigators will maintain a supply of these documents and will make them available to field personnel whenever needed.

d. No Enforcement Document Needed. When a vehicle or component part is impounded for Section 10751 CVC, an enforcement document will not be issued.

e. Refusal to Sign CHP 181. Should an individual refuse to sign the CHP 181, the comment "REFUSED TO SIGN" shall be entered at the bottom of the form in place of the recipient's signature. In this situation, all copies of the CHP 181 will be retained and submitted to the Area for processing. There are no provisions for

requiring an individual to sign. In the case of a refusal to sign, the issuing officer shall verbally make the individual aware of the information on the CHP 181.

f. Distribution of CHP 181. The CHP 181 shall be distributed as follows:

(1) Original: Superior court.

(2) Copy: Individual who possessed impounded vehicle and/or component part (if signature obtained), Area, Area VIN officer or vehicle theft investigator, and ISU.

7. CHP 181A, NOTICE OF HEARING - IMPOUNDMENT OF VEHICLE AND/OR COMPONENT PARTS.

a. Purpose of CHP 181A. The CHP 181A provides notifications of a civil hearing in the event criminal charges are not filed at the conclusion of the identification process.

b. Completion of CHP 181A. Upon the impoundment of any vehicle or component part, the court having jurisdiction shall be notified and a date set to provide a civil hearing within 90 days of the impoundment. The CHP 181A shall be sent within five working days to the person who was in possession of the impounded vehicle or component part, the registered owner and the legal owner, as determined by DMV records, advising them of the hearing date.

c. Assignment of Court Date. Assignment of a court date should allow for sufficient investigatory time prior to any civil or criminal hearing. The purpose of this hearing is to allow for due process and to afford the individual an opportunity to be heard with regard to the validity of the impoundment or the ultimate disposition of the vehicle or component part. The individual is not required to appear. (Refer to paragraph 9. of this chapter.)

d. Certification of Service by Mail. The CHP 181A contains a Certification of Service by Mail which meets the legal requirements for notification of affected parties.

(1) Certification of Service shall be completed by clerical personnel at the time the CHP 181A is completed and mailed to the appropriate parties.

(2) The Certification of Service cannot be completed by anyone who would be considered "a party to the action." This would include all uniformed personnel involved or assigned to the investigation.

e. Distribution of CHP 181A. The CHP 181A will be distributed as follows:

(1) Original: Superior court.

(2) Copy: Individual who possessed impounded vehicle and/or component part (if signature obtained), registered owner, legal owner, Area, Area VIN officer or vehicle theft investigator, ISU, district attorney, and any persons claiming an interest in the vehicle.

8. CHP 181B, CANCELLATION OF CIVIL HEARING.

a. Purpose of CHP 181B. The CHP 181B provides notification of the cancellation of the civil hearing originally scheduled by using the CHP 181A.

b. Completion of CHP 181B. Upon satisfactory identification of an impounded vehicle or component part and, if determined necessary, the assignment of an identification number to the vehicle or component part, and the Department has decided to release the vehicle or component part to the owner prior to the date of the civil hearing, the CHP 181B shall be sent to all parties originally notified of the hearing.

c. Certification of Service by Mail. The CHP 181B contains a Certification of Service by Mail which meets the legal requirements for notification of affected parties.

(1) Certification of Service shall be completed by clerical personnel at the time the CHP 181B is completed and mailed to the appropriate parties.

(2) The Certification of Service cannot be completed by anyone who would be considered “a party to the action.” This would include all uniformed personnel involved or assigned to the investigation.

d. Distribution of CHP 181B. The CHP 181B will be distributed as follows:

(1) Original: Superior court.

(2) Copy: Individual who possessed impounded vehicle and/or component part (if signature obtained), registered owner, legal owner, Area, Area VIN officer or vehicle theft investigator, ISU, district attorney, and any persons claiming an interest in the vehicle.

9. FINAL DISPOSITION OF VEHICLE OR COMPONENT PART.

a. Disposing of Vehicle—No Criminal Complaint. In those instances where no criminal complaint is filed, but the Department desires the court to dispose of the vehicle or component part, the due process hearing provided for by the CHP 181 will allow for a court disposition. This hearing is civil in nature. Procedures

described in paragraph 7 of this chapter shall be followed. Once a judgment has been issued at the civil hearing, the court may provide an order for destruction, donation, issuance, or seizure for the vehicle or component part in the absence of a criminal complaint.

b. Disposition of Vehicle—Criminal Complaint Issued. In those instances where the identification process indicates a need for a criminal complaint, the individual will be notified either at the time they appear for the civil hearing or by mail. In those instances where a criminal complaint is issued, no civil hearing is necessary. Due process is afforded via a criminal trial.

c. Released to Owner. Should a vehicle or component part be identified, it will be returned to the owner. The identification eliminates the need for a civil hearing. The Department will contact the court to cancel the scheduled hearing and coordinate with the court to ensure all parties concerned are notified.

d. Recommended Methods for Disposal. Under those instances described in paragraphs 9.a. and 9.b. of this chapter, the court is required to make a final determination of the method by which the vehicle or component part is to be disposed. It is the policy of this Department to encourage positive methods of disposal. Departmental officers should recommend to the court methods of disposal other than destruction. Should the court issue an Order of Destruction, ensure no appeals have been filed before executing the order. If towing/storage charges exist, the court should be encouraged to use methods other than awarding the property directly to the towing entity to satisfy the charges (e.g., the lien sale process). This Department will not routinely accept title to property stemming from a court action except as permitted in Chapter 6, Departmental Use of Seized Vehicles and Acquisition of Vehicles from National Insurance Crime Bureau (NICB), of this manual.

e. Towing and Storage Charges. The following guidelines concerning towing and storage fees of vehicles stored (utilizing Section 22655.5 CVC) pursuant to the provisions of CVC Section 10751 should be followed:

(1) Vehicles should normally be stored at the Area evidence contract tow yard. In an effort to reduce excessive storage fees, if an adequate, secure storage area is available at the Area office, it may be utilized at the discretion of the commander.

(2) When criminal charges are filed against a party for violation of Section 10751 CVC, the reimbursement of towing and storage charges should be sought through court-ordered restitution from the defendant.

(a) When the proceedings for a violation of Section 10751 CVC are civil in nature, the party to whom the property is awarded must pay the towing and storage charges.

(b) The Division ISU coordinators should review all cases where the question of liability arises over the payment of towing and storage charges. In those cases where it is determined that an innocent party was required to pay the charges, the coordinator should assist the claimant in filing a claim with the California Victim Compensation Board (CalVCB). This claim should be immediately forwarded to Administrative Services Division for the claimant.

(c) Administrative Services Division will take steps to expedite the processing of the claim through the CalVCB.

10. SELECTION OF THE PROPER COURT.

a. Introduction. California Vehicle Code 10751 states, in part, that “the court having jurisdiction” is responsible for the ultimate disposition of a vehicle or component part. The following information is provided regarding the proper court to be used in conjunction with this section (Annex C).

b. Disposition of Vehicle—No Criminal Complaint. In the absence of a criminal complaint, the disposal of a vehicle or component part pursuant to Section 10751(a) CVC is an action involving title to personal property. It is an “in rem” proceeding, as it seeks to affect the interests of all persons in the property. The ultimate disposition of a vehicle or component part, in the absence of any criminal proceedings, **is civil in nature**. As a result of an amendment to the Code of Civil Procedure, superior courts have jurisdiction to tie the title to property in all cases where the value does not exceed \$15,000.

c. Disposing of Vehicle—Criminal Complaint Issued. In those instances where a criminal complaint is filed, the disposition of the vehicle or component part is handled at the conclusion of the criminal proceeding. The “court having jurisdiction” is the court which possesses the original jurisdiction in the criminal action. In those instances where criminal complaints are filed, superior courts are permitted to dispose of the vehicle and component parts pursuant to Section 10751 CVC. This action is not civil in nature; provisions of Sections 1417-1419 of the Penal Code apply. The disposition of the vehicles or component parts in these instances is not a matter of tying the title to property, as they pertain to the disposition of exhibits or evidence in criminal trials. Disposition of vehicles and component parts may be made regardless of the ultimate verdict in a criminal proceeding. In criminal courts, no restrictions on vehicle value exist.

d. Departmental Legal Representation. In any instance where the court requires legal representation for the Department, the Office of Legal Affairs (OLA) shall be contacted. The OLA will provide direction and coordination with the Office of the Attorney General.

11. PROCESSING OF CHP 181 AT DIVISION/AREA LEVEL.

a. Area Clerical. Area clerical staff will receive all related forms (CHP 180, 181, 215, and 216) and should follow these procedures:

- (1) Immediately notify the court listed on the CHP 181 and set a court date.
- (2) Complete and mail the CHP 181A.
- (3) Forward copies of all reports to the VIN officer, or the vehicle theft investigator, if one is assigned to the respective Area.
- (4) Suspend the entire file until one week prior to the civil hearing, then verify court date with the court, district attorney's office, and vehicle theft investigator.
- (5) Send copies of all reports to the district attorney's office when advised to do so by the investigating officer.
- (6) Call the court and district attorney's office and cancel the hearing date if the vehicle or component part has been identified and ownership established.
- (7) Coordinate the notification of hearing cancellations or continuances with the court and all concerned parties.

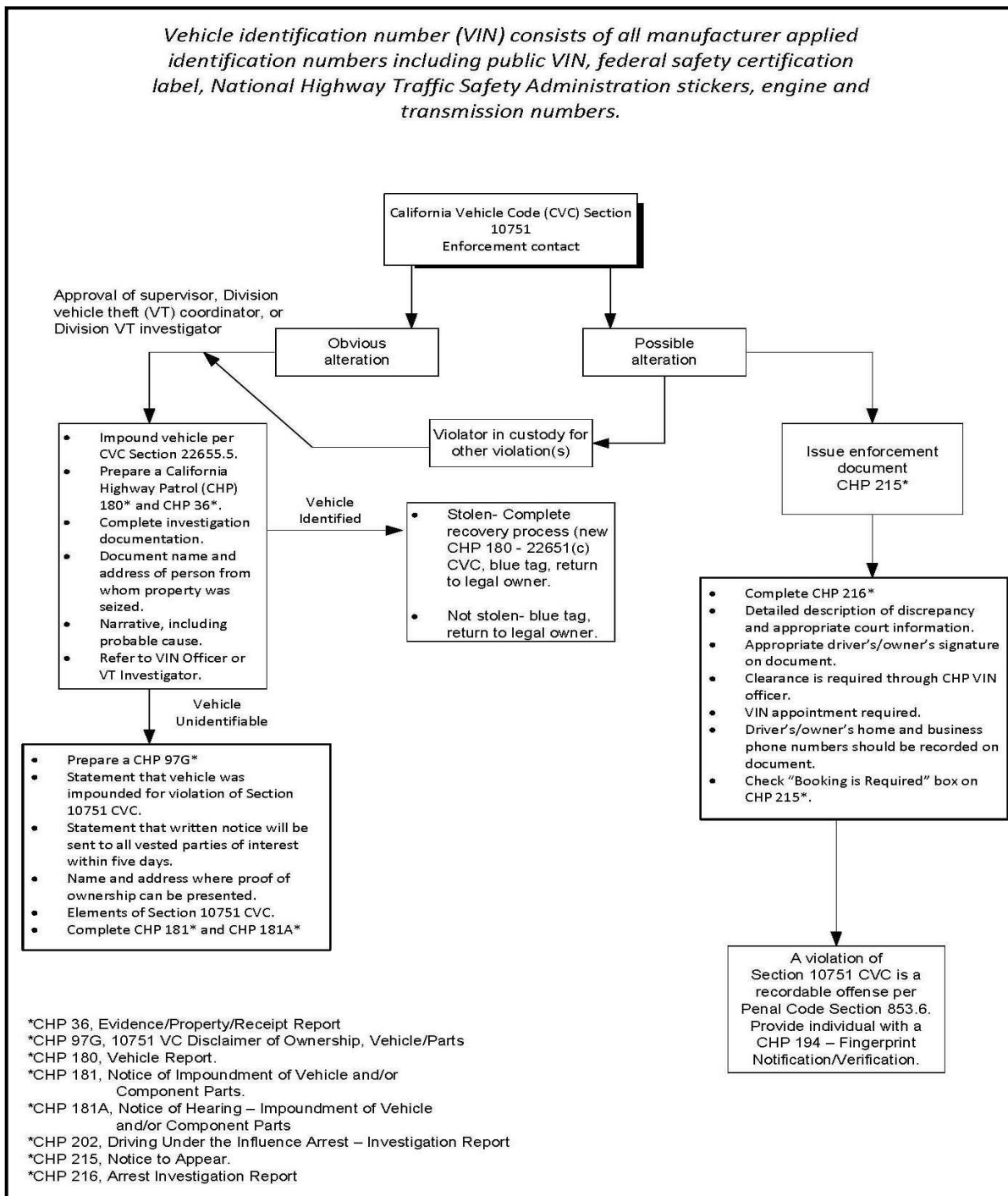
b. Vehicle Theft Investigator. The vehicle theft investigator shall complete the following:

- (1) Receive and review copies of all reports.
- (2) Identify vehicle or component part without unnecessary delay.
- (3) Instruct Division/Area clerical staff to either cancel the civil hearing, or forward reports to the district attorney's office after identification process.

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ANNEX A

CALIFORNIA VEHICLE CODE SECTION 10751—FLOW CHART PROCEDURE



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ANNEX B

CALIFORNIA VEHICLE CODE SECTION 10751 (b)—PETITIONS

**PETITION FOR ORDER DISPOSING OF ALTERED VEHICLE/COMPONENT
PART
(California Vehicle Code Section 10751[b])**

Motion and Affidavit

I, Adam Adamson, #30001, Officer, employed by the California Highway Patrol (CHP), hereby request that the Court issue an order awarding the transmission associated with the 1997 Honda Accord passenger vehicle with vehicle identification number (VIN) 1HGCD7201VA000000 to the CHP, Rivercity CHP Investigative Services Unit (ISU). The ISU's primary function is the detection and investigation of vehicle theft and related crimes. This component would aid in the ISU's ability to implement programs and training aimed at reducing vehicle theft and related crimes within their jurisdiction.

On April 15, 2016, this Honda Accord was presented for a salvage vehicle inspection and VIN verification. As part of this process all identification numbers on component parts are verified against ownership documents and official records. While examining the 1997 Honda Accord referenced above, the identification number on the transmission associated with this vehicle appeared to be ground off, rendering it unreadable. Efforts to identify the transmission ended with negative results.

I spoke with Mr. Jason Doe, who presented the vehicle for inspection, asking whether he had any knowledge of the transmission having been replaced. Jason Doe replied that he had no such knowledge. Additionally, I made contact with Mr. John Doe, the registered owner of the 1997 Honda Accord. John Doe indicated that he had purchased the vehicle in March and had no knowledge that the transmission had been replaced or tampered with. I asked if John Doe could tell me the name and address of the person from whom he had purchased the vehicle, and he related that he could not remember, and no longer had copies of the purchase documents.

An inquiry by me, through the Department of Motor Vehicles for registration history on the 1997 Honda Accord, produced documents that only substantiated that the vehicle had a salvage title and that John Doe had initiated the registration process in March of 2016.

Based on the identification number being altered and unreadable, and all efforts to identify the transmission ended with negative results, the transmission was seized for a violation of California Vehicle Code Section 10751, altered identification number.

The transmission is currently being held at the Rivercity CHP, ISU facility, located at 4321 River Court, Rivercity, CA 99999.

ANNEX B

CALIFORNIA VEHICLE CODE SECTION 10751 (b)—PETITIONS (*continued*)

Due to the fact that there are no documents to establish rightful ownership, the identification numbers have been altered and are unreadable, and the party in possession of the vehicle of which the transmission was a component part cannot produce a viable explanation for the existence of the transmission in the vehicle, I believe that the transmission does not belong on this 1997 Honda Accord, VIN 1HGCD7201VA000000.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

Executed at River County, California, this 12th day of May, 2016.

Affiant's Signature: _____

ANNEX B

CALIFORNIA VEHICLE CODE SECTION 10751 (b)—PETITIONS *(continued)*

**ORDER FOR DISPOSITION OF VEHICLE/COMPONENT PART
WITH ALTERED SERIAL OR IDENTIFICATION**

Court Order

In the matter of the transmission associated with the 1997 Honda Accord bearing vehicle identification number (VIN) 1HGCD7201VA000000:

Good cause having been shown by Affidavit, IT IS HEREBY ORDERED that the above described transmission associated with the 1997 Honda Accord bearing VIN 1HGCD7201VA000000, be awarded as requested.

Dated: _____ Judge's Signature: _____

Judge of the Superior Court, State of California, County of River.

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ANNEX C

ATTORNEY GENERAL'S OPINION—CALIFORNIA VEHICLE CODE SECTION 10751

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

JOHN K. VAN DE KAMP
Attorney General

OPINION : No. 88-301
:
JOHN K. VAN DE KAMP : MAY 10, 1988
Attorney General :
:
RONALD M. WEISKOPF :
Deputy Attorney General :
:

THE HONORABLE J.E. SMITH, Commissioner, California Highway Patrol has requested an opinion on the following questions:

1. Do the provisions of Vehicle Code section 10751 apply to vehicle component parts from which the identification number, affixed or inscribed by the manufacturer in accordance with the 1984 Federal Motor Vehicle Theft Law Enforcement Act, has been removed, altered, defaced or destroyed?
2. If a VIN number affixed or inscribed by the manufacturer in accordance with the 1984 Federal Motor Vehicle Theft Law Enforcement Act has been removed, altered, defaced or destroyed from one component part of a vehicle, does the California Highway Patrol have the authority to seize the entire vehicle or only the component part?
3. Is the California Highway Patrol responsible for renumbering the component parts of vehicles covered under the 1984 Federal Motor Vehicle Theft Law Enforcement Act, when the part's labels have been removed, altered, defaced or destroyed?

ANNEX C

ATTORNEY GENERAL'S OPINION—CALIFORNIA VEHICLE CODE SECTION 10751 (continued)

CONCLUSIONS

1. The provisions of Vehicle Code section 10751 do apply to the component parts of vehicles from which the VIN, affixed by the manufacturer, has been removed, altered, defaced, or destroyed, including those which are affixed in accordance with the Federal Motor Vehicle Theft Prevention Act.

2. If a VIN number affixed or inscribed by the manufacturer in accordance with the 1984 Federal Motor Vehicle Theft Law Enforcement Act has been removed, altered, defaced or destroyed from one component part of a vehicle, the California Highway Patrol has authority to seize the entire vehicle and not just the component part.

3. The Department of Motor Vehicles not the California Highway Patrol bears the responsibility for renumbering the component parts of vehicles covered under the 1984 Federal Motor Vehicle Theft Law Enforcement Act, when the part's labels have been removed, altered, defaced or destroyed.

ANALYSIS

This opinion discusses how the provisions of section 10751 of the Vehicle Code work with respect to a recent development in automobile component part identification brought about by the 1984 Federal Motor Vehicle Theft Law Enforcement Act.

Section 10751 of the Vehicle Code makes it illegal for anyone to knowingly have in his possession, "any vehicle, or component part thereof, from which the manufacturer's serial or identification number has been removed, defaced, altered, or destroyed, unless the vehicle or component part has attached thereto an identification number assigned or approved by the department [of Motor Vehicles] in lieu of the manufacturer's number." (Veh. Code, § 10751, subd. (a).) The section provides that whenever such "a vehicle or component part" comes into the custody of a peace officer, it shall be destroyed, sold, or otherwise disposed of pursuant to court order." (Id., subd. (b).)

Essentially, the section contemplates: (i) the seizure of the vehicle or component part by the peace officer, (ii) its impoundment for investigation of a violation of section 10751, and (iii) the giving of formal notice of such to the person from whom the property was seized and to all claimants to it whose interest or title is on registration records in the Department of Motor Vehicles. Such notice also informs that a postseizure hearing on the disposition of the property will be held in municipal or justice court. (Id., subd. (b).)

If no one other than the person from whom the property was seized claims an interest in it, the seizing agency may release the property to him or her upon a determination that the identification number has not been removed, defaced, altered, or destroyed, or upon the presentation of satisfactory evidence of ownership of the vehicle or component part. If some other person claims

ANNEX C

ATTORNEY GENERAL'S OPINION—CALIFORNIA VEHICLE CODE SECTION 10751 (continued)

an interest in the property, a court hearing on its disposition must take place within 60 days of the seizure. (§ 10751, subds. (b),(d),(e)). If evidence at the hearing reveals either that the identification number was not removed, altered, or destroyed, or that it was but satisfactory evidence of ownership has been presented to the seizing agency or court, "the property [is to] be released to the person entitled thereto." (*Id.*, subd. (e)(1).) If, on the other hand, the evidence reveals that the identification number had been removed, altered, or destroyed, and satisfactory evidence of ownership is not presented, "the property [is to] be destroyed, sold, or otherwise disposed of as provided by court order." (*Id.*, subd. (e)(2).)¹ (See, 68 Ops. Cal. Atty. Gen 94, 99-100 (1983).)

In 1984 Congress adopted the Motor Vehicle Theft Law Enforcement Act. (P.L. 98-547 [H.R. 6257], 98 Stat. 2754, classified to 15 U.S.C. § 2021, et seq.) Its purpose was to deter thefts of motor vehicles which occur in order to dismantle them to resell their major parts; this would be done by having each of those parts individually marked with an identifier unique to the vehicle to decrease the ease with which they could be "fenced." (See House Report [Energy and Commerce Committee] No. 98-1087, Sept. 26, 1984, [to accompany H.R. 6257] at pp. 1-5, 26, reprinted in 1984 U.S. Code Cong. & Admin. News. 4628, 4628-4631, 4651; see also, 15 U.S.C. § 2021.) The Act requires certain parts of "high theft line" vehicles to be numbered according to a uniform, standard identification system, based on the vehicles so-called "VIN" number. Theft of such vehicles for those parts would thus be much more risky because the parts would be traceable and recoverable, and law enforcement officials would be aided in tracking and prosecuting the thieves and theft rings. (House Report, supra, at 5, 11; 1984 U.S. Code Cong. & Admin. News, supra, at pp. 4631, 4636.)²

¹The provisions of section 10751 do not apply with respect to vehicles or component parts used as evidence in any criminal action or proceeding. (§ 10751, subd. (b).) Disposition of such property is governed by sections 1417-1417.7 of the Penal Code, and might be subject to sections 1407-1411 of that Code which deal with the disposition of property which has been stolen or embezzled. (Cf., Hughes v. Neth (1978) 80 Cal.App.3d 952, 957.)

²The Vehicle Identification Number or VIN is a seventeen-character formula designation that is assigned to a vehicle at the time it is manufactured to provide a unique description of the vehicle to which it is assigned. (49 C.F.R. § 571.115, S.4.) Since no two vehicles can bear the same VIN, the VIN designation distinguishes one particular motor vehicle from all others. It is composed in such a way that it discloses the vehicle's manufacturer, its particular make, its line and body type, its engine and transmission type, its horsepower and weight, its model year, its plant of manufacture, and its sequential production number. (49 C.F.R. § 565.4.)

The VIN was selected as the basis for the "vehicle theft prevention standard" under the Motor Vehicle Theft Law Enforcement Act of 1984 because it provides a uniform standard identification system to help law enforcement. (House Report, supra, at 10; 1984 U.S. Code Cong. & Admin. News, supra, at p. 4636.) Having learned the exact position of the various numbers and letters in the VIN formula and what they stand for, peace officers are able to detect

ANNEX C

ATTORNEY GENERAL'S OPINION—CALIFORNIA VEHICLE CODE SECTION 10751 (continued)

More specifically, the Act and the implementing regulations of the Secretary of Transportation require that the "major parts" of "high theft line" vehicles be appropriately indelibly inscribed and/or permanently affixed with the vehicles' VIN number. (15 U.S.C. §§ 2021(10), 2022; 49 C.F.R., Pts. 541, 542; cf., *id.*, Pts. 565, 567, 571.) A "high theft line vehicle" is one in a manufacturer's "line" of vehicles that is found to be, or found likely to be, above the median theft rate for all new passenger motor vehicles. (15 U.S.C. § 2023; 49 C.F.R., §§ 541.3, 542.1. Pt. 541, Appendices A & C.) If they are present on such a car, the following parts must have the identifying VIN number affixed or inscribed on them: the engine, the transmission, the right front fender, the left front fender, the hood, the right front door, the left front door, the right rear door, the left rear door, the front bumper, the rear bumper, the right rear quarter panel, the left rear quarter panel, and the deck lid, tailgate, or hatchback. (49 C.F.R., § 541.5(a) & (b)(1); cf., 15 U.S.C. §§ 2021(7), 2022(a) & (d), 2023(a)(2).)

Members of the California Highway Patrol are peace officers whose primary duty is the enforcement of the provisions of the Vehicle Code and other laws relating to the use or operation of vehicles upon the highways. (Pen. Code, § 830.2, subd. (a); Veh. Code, §§ 2400, 2409, 2268; 69 Ops.Cal.Atty.Gen. 36, 37, 45 (1986).) "The statutory duties and powers of the CHP include the authority to seize vehicles and other items which are evidence of the commission of a crime." (69 Ops.Cal.Atty.Gen., *supra*, at 45.) We are asked several questions regarding their enforcement of section 10571 in light of this recent development in automobile component part identification.

1. Do the Provisions of Vehicle Code Section 10751 Apply to Vehicle Component Parts From Which the VIN Number, Affixed or Inscribed By The Manufacturer in Accordance With the 1984 Federal Motor Vehicle Theft Law Enforcement Act, Has Been Removed, Altered, Defaced, or Destroyed?

We are first asked whether the provisions of Vehicle Code section 10751, relating to the seizures of vehicles or component parts from which a manufacturer's identification number has been removed, applies to the fourteen parts which the federal Motor Vehicle Theft Law Enforcement Act of 1984 requires automobile manufacturers to mark with the vehicle's VIN. Essentially we are asked whether the new wine fits into the old bottle. We conclude that it does.

In construing section 10751 in this respect, our primary consideration is to ascertain the intent of the Legislature so as to effectuate the purpose of the law. (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 256; *Great Lakes Properties, Inc. v. City of El Segundo* (1977) 19 Cal.3d 152, 163; *Select Base Materials v. Board of Equal.* (1959) 51 Cal.2d 640, 645.) This is done at the outset by examining the words of the statute themselves. (*People v. Craft* (1986)

improper sequences, or VIN's that do not properly describe a motor vehicle as it was assembled by the manufacturer.

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ATTORNEY GENERAL'S OPINION—CALIFORNIA VEHICLE CODE SECTION 10751 (continued)

41 Cal.3d 554, 560; People v. Belleci (1979) 24 Cal.3d 879, 884; People v. Knowles (1950) 35 Cal.2d 175, 182.)

Looking to the wording of section 10751 we see that it applies to,

"any vehicle, or component part thereof, from which the manufacturer's serial or identification number has been removed, defaced, altered, or destroyed . . ." (Id., subd. (a); emphases added.)

We first direct our attention to the descriptive clause "from which the manufacturer's serial or identification number has been removed, [etc.]." A "manufacturer's serial or identification number" would be any "number" placed by a manufacturer on a vehicle or part to distinguish it from all other like vehicles or parts. The "number" may consist of alphabetic, numeric or other symbols. The VIN is one such "number."

Next, directing our attention to the application of the clause, we see that section 10751, subdivision (a) speaks of "any vehicle, or component part thereof, from which [such an identification number] has been removed. . . ." That particular wording dates from 1967 (Stats. 1967, ch. 1110, p. 2755, § 2) and has survived subsequent amendment to the section in 1974 (Stats. 1974, ch. 8, p. 14, § 2), 1979 (Stats. 1979, ch. 328, p. 1181, § 1) and 1981 (Stats. 1981, ch. 599, p. 2312, § 2).³ Its construction indicates that the descriptive clause "from which the manufacturer's . . . identification number has been removed" was meant to apply to both of its antecedents, i.e., it applies to both the "vehicle" as well as to the "component part[s] thereof." (Cf., Wholesale T. Dealers v. National Etc. Co. (1938) 11 Cal.2d 634, 659; and compare Furnish v. Board of Medical Examiners (1957) 149 Cal.App.2d 326, 329-330, with Board of Trustees v. Judge (1975) 50 Cal.App.3d 920, 927-928 & fn. 2.) Indeed, the very next clause of subdivision (a)--"unless the vehicle or component part has attached thereto an identification number assigned or approved by the department in lieu of the manufacturer's number"--contemplates that the manufacturer's identifier spoken of might appear on the vehicle itself as well as its component parts. The subsequent subdivisions of section 10751 also consistently describe the property affected by the section as the "vehicle or component part." (See e.g., subs. (b),(c),(d),(e).)

When this particular wording of subdivision (a) of section 10751 was adopted in 1967 (Stats. 1967, ch. 1110, supra), automobile manufacturers were already marking vehicles, engines, and perhaps some component parts, with an identification number, the vehicle's VIN. That identifier was standardized the year before when Congress adopted the National Traffic and Motor Vehicle

³The section actually traces its lineage to 1917 when section 26, subdivision (c) of the Vehicle Code made it illegal for any person to knowingly have in his possession "any motor vehicle from which the manufacturer's serial number or motor number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed. . . ." (Stats. 1917, ch. 218, p. 409, § 19.)

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ATTORNEY GENERAL'S OPINION—CALIFORNIA VEHICLE CODE SECTION 10751 (continued)

Safety Act and the implementing regulations of the Secretary of Transportation prescribed its format, content, placement and usage. (Cf., 15 U.S.C. §§ 1392 (a) & (d), 1395, 1397, 1398,, 1400, 1401, 1403; 49 C.F.R., Pt. 565, § 565.1, et eq.; id., § 571.115.)

However, there is nothing in wording of section 10751 to indicate that the Legislature intended to "freeze" its application to that particular identifier, or to the particular parts of vehicles that were being identified by it at the time. The section speaks prospectively about "numbers" which manufacturers may use in the future just as it contemplates vehicles which may be manufactured in the future. Thus the fact that automobile manufacturers might not have identified all of the fourteen parts of high theft line vehicles which are now required to be identified with the automobile's VIN, does not detract from the clause's present reach to them. (Cf., Estate of Woodward (1964) 230 Cal.App.2d 113, 119, citing 2 Sutherland, Statutory Construction (3rd ed.), § 5109, pp. 509-510.)

The plain wording of section 10751, subdivision (a) applies to "any vehicle, or component part thereof, from which the manufacturer's . . . identification number has been removed, defaced, altered, or destroyed." There, the use of the indefinite adjective "any" indicates that the application is without restriction or limitation. (Emmolo v. Southern Pacific Co. (1949) 91 Cal.App.2d 87, 92; 64 Ops.Cal.Atty.Gen. 192, 202 (1981); 62 Ops.Cal.Atty.Gen 394, 395-386; 20 Ops.Cal.Atty.Gen. 31, 33 (1952).) Section 10751 applies to all the component parts of a vehicle which bear a manufacturer's identification number, whether required by the federal Act or not.

Accordingly we conclude that the provisions of Vehicle Code section 10751 do apply to the component parts of vehicles from which the VIN, affixed by the manufacturer, has been removed, altered, defaced, or destroyed, including those which are affixed in accordance with the Federal Motor Vehicle Theft Prevention Act.

2. If A VIN Number, Affixed Or Inscribed By The Manufacturer In Accordance With the Federal Motor Vehicle Theft Law Enforcement Act Has Been Removed, Altered, Defaced, Or Destroyed From One Component Part of A Vehicle, Does the California Highway Patrol Have The Authority To Seize The Entire Vehicle Or Only The Component Part?

We are next asked whether a member of the California Highway Patrol, who discovers that a VIN number on one of the fourteen parts of a vehicle has been removed, altered, defaced, or destroyed, has authority to seize the entire vehicle or only the component part. We assume that the particular part is still in place on the vehicle, but that the officer has either detected that its VIN identification does not properly "match" the rest of the vehicle, or that the part's VIN is missing. We conclude that under such circumstances the officer has authority to seize the entire vehicle and not just the questionable part.

Returning again to the wording of section 10751, we see that it provides that

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ATTORNEY GENERAL'S OPINION—CALIFORNIA VEHICLE CODE SECTION 10751 (continued)

"(b) Whenever a vehicle or component part described in subdivision (a) [i.e., one from which the manufacturer's identification number has been removed, defaced, altered or destroyed], it shall be destroyed, sold, or otherwise disposed of under the conditions as provided in an order by the court having jurisdiction." (Emphases added.)

Subdivisions (c) and (d) of the section also speak of "a vehicle or component part" being seized by a peace officer. For example, subdivision (d) provides:

"(d) Whenever a peace officer seizes a vehicle or component part as provided in subdivision (b), the person from whom the property was seized shall be provided a notice of impoundment of the vehicle or component part which shall serve as a receipt and contain the following information. . . ." (Emphases added.)

Section 10751 thus uses the disjunctive "or" to describe the property which is to be seized. That construction often indicates an "either . . . or" choice--i.e., that either the vehicle or the offending part can be seized, but not both. However, that particular meaning behind the use of the word "or" is not absolute. The word is also used to formulate an "inclusive" "and/or" situation which accepts both alternatives which it separates. (See, e.g., Dickerson, "The Difficult Choice Between 'And' and 'Or,'" 60 A.B.A. Journal 310 [Mar. 1960].) Indeed, courts have substituted "and" for "or" and vice versa, according to context in which the words are used and to give effect to the legislature's intent. (See e.g., Arnold v. Hopkins (1928) 203 Cal. 553, 563, citing Washburn v. Lyons (1893) 97 Cal. 314 ["and" construed to mean "or"] and Abbey v. Board of Directors (1922) 58 Cal.App. 757 ["or" construed to mean "and"]; see also, Citizen Advocates, Inc. v. Board of Supervisors (1983) 146 Cal.App.3d 171, 177; Hennigan v. United Pacific Ins. Co. (1975) 53 Cal.App.3d 1, 5.)

We believe that context here requires that the phrase "a vehicle or component part" be construed as permitting seizure of both the vehicle and the component part when the part is still attached to the vehicle. Statutes are to be interpreted "so as to make them workable and reasonable" (City of Santa Clara v. Von Raesfeld (1970) 3 Cal.3d 239, 248) and so in construing them, one considers the consequences that would flow from a particular interpretation. (Estate of Ryan (1923) 21 Cal.2d 498, 513.) Thus, unless the statutory language permits no alternative, a literal or other construction leading to absurd consequences should not be chosen. (California Mfrs. Assn. v. Public Utilities Com. (1979) 24 Cal.3d 836, 844; Younger v. Superior Court (1978) 21 Cal.3d 102, 113-114; People v. Kuhn (1963) 216 Cal.App.2d 695, 698.) Particularly, "where the language of a statutory provision is susceptible of two constructions, one of which, in application, will render it reasonable, fair and harmonious with its manifest purpose, and another which would be productive of absurd consequences the former construction will be adopted." (Clements v. T. R. Bechtel Co. (1954) 43 Cal.2d 227, 233; accord, In re Eric J. (1979) 25 Cal.3d 522, 537.)

We have assumed that the situation presented is one in which a CHP Officer comes upon an automobile, and the VIN on one or more of its major parts (i) has been removed, defaced, or destroyed, or (ii) does not "fit" the car, showing that it has been altered. The parts that would be

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ATTORNEY GENERAL'S OPINION—CALIFORNIA VEHICLE CODE SECTION 10751 (continued)

involved--viz., the engine, the transmission, the fenders, the hood, the doors, the bumpers, the rear quarter panels, and the deck lid, tailgate, or hatchback--are major components of the automobile and are not easily removed. Furthermore, removal of some would render the automobile inoperable, or make it dangerous to operate, or could work permanent damage on the car. We therefore do not think it reasonable that the Legislature would have intended that a CHP Officer would have to remove the offending part from the car in order to impound it. Rather, we believe the Legislature intended to authorize the seizure of the entire vehicle as well as the offending part. We therefore conclude that if a VIN number has been removed, altered, defaced or destroyed from one or more of the major component parts of a vehicle to which it is still attached, the California Highway Patrol has the authority to seize the entire vehicle and not just the component part.⁴

3. Responsibility For Renumbering Component Part(s)

We are asked last whether the California Highway Patrol is responsible for renumbering the component parts of vehicles whose VIN identifications have been removed, altered, defaced or destroyed. We conclude it is not.

Section 201 of the federal Motor Vehicle Theft Law Enforcement Act of 1984 deals with the alteration and removal of VIN numbers from motor vehicle parts and contemplates their subsequent restoration or replacement. It first provides as follows:

"(a) Whoever knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle, or motor vehicle part, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

"(b)(1) Subsection (a) of this section [18 U.S.C. § 511] does not apply to a removal, obliteration, tampering, or alteration by a person specified in paragraph (2) of this subsection (unless such person knows that the vehicle or part involved is stolen).

"(2) The persons referred to in paragraph (1) of this subsection are-- . . . (C) a person who restores or replaces an identification number for such vehicle or part in accordance with applicable state law." (18 U.S.C. § 511; emphases added.)

⁴In the event we concluded otherwise--i.e., that the California Highway Patrol could only seize the component part of a vehicle that had an altered or missing VIN identification, we were asked to address the questions of: (1) who would bear the responsibility for removing the part from the vehicle and for later reattaching it after it was identified; and (2) who would bear responsibility for any damage that might occur during the part's removal or reassembly. Since we concluded that the California Highway Patrol does have authority to seize an entire vehicle and not just the particular part that has an altered or missing identification number, those questions are rendered moot.

ANNEX C

ATTORNEY GENERAL'S OPINION—CALIFORNIA VEHICLE CODE SECTION 10751
(continued)

The federal Act then provides that,

"(a) If an identification number for a motor vehicle or motor vehicle part is removed, obliterated, tampered with, or altered, such vehicle or part shall be subject to seizure and forfeiture to the United States unless--

"(1)

"(2) such motor vehicle or part has a replacement identification number that--

"(A) is authorized by the Secretary of Transportation under the National Traffic and Motor Vehicle Safety Act of 1966; or

"(B) conforms to applicable State law" (18 U.S.C. § 512; emphasis added.)

The term "identification number" is defined in both of these sections to mean, inter alia, "a number or symbol that is inscribed or affixed for purposes of identification under the National Traffic and Motor Vehicle Safety Act of 1966" (18 U.S.C. §§ 511(c)(1), 512(c).) That, as we have seen is the vehicle's VIN, and the federal Act thus contemplates that a missing or altered VIN might be replaced in conformity with applicable state law. California law addresses the problem of replacing, missing or altered VIN's.

Section 10751 of the Vehicle Code provides that a vehicle or component part from which a manufacturer's identification number has been removed, altered, defaced or destroyed, may be returned to the owner by the seizing agency "following presentation of satisfactory evidence of ownership, and if determined necessary, upon the assignment of an identification number to the vehicle or component part by the department." (Id., subd. (b).) The section also contemplates the return of the vehicle or component part to a good faith purchaser following presentation of satisfactory evidence of ownership thereof upon the assignment of an identification number to the vehicle or component part by the department." (Id., subd. (e)(1).) The "department" spoken of in the section, is the state Department of Motor Vehicles. (Veh. Code, § 290.)

In addition, section 1800, subdivision (a) of the Vehicle Code requires the Department of Motor Vehicles to file each application received for the registration of a vehicle and keep a record of each vehicle registered, under, inter alia "the motor or a permanent identifying number of the vehicle as may be determined by the department." (Id., subd. (a)(3).) Section 4166 of the Code provides that department may assign a distinguishing vehicle identification number to a motor vehicle "whenever the motor or other identifying number thereon is removed, destroyed or obliterated, and any motor vehicle to which a distinguishing vehicle identification number is [so] assigned . . . shall be registered under the number so assigned. . . ."

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**ATTORNEY GENERAL'S OPINION—CALIFORNIA VEHICLE CODE SECTION 10751
(continued)**

It would thus appear that the Legislature has made it the responsibility of the Department of Motor Vehicles, and not the California Highway Patrol, to provide a replacement number for the component part of a vehicle when its VIN identifier is removed, defaced, altered, or destroyed.

Accordingly we conclude that the California Highway Patrol is not responsible for renumbering the component parts of vehicles covered under the 1984 Federal Motor Vehicle Theft Law Enforcement Act. The Department of Motor Vehicles bears that responsibility.

* * * * *