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National Conference on Street and Highway Safety

Honorable ROBERT P. LAMONT

Secretary of Commerce, *Chairman*

ACT II—UNIFORM MOTOR VEHICLE ANTI-THEFT ACT

This Act is part of a
UNIFORM VEHICLE CODE

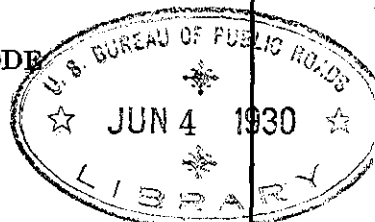
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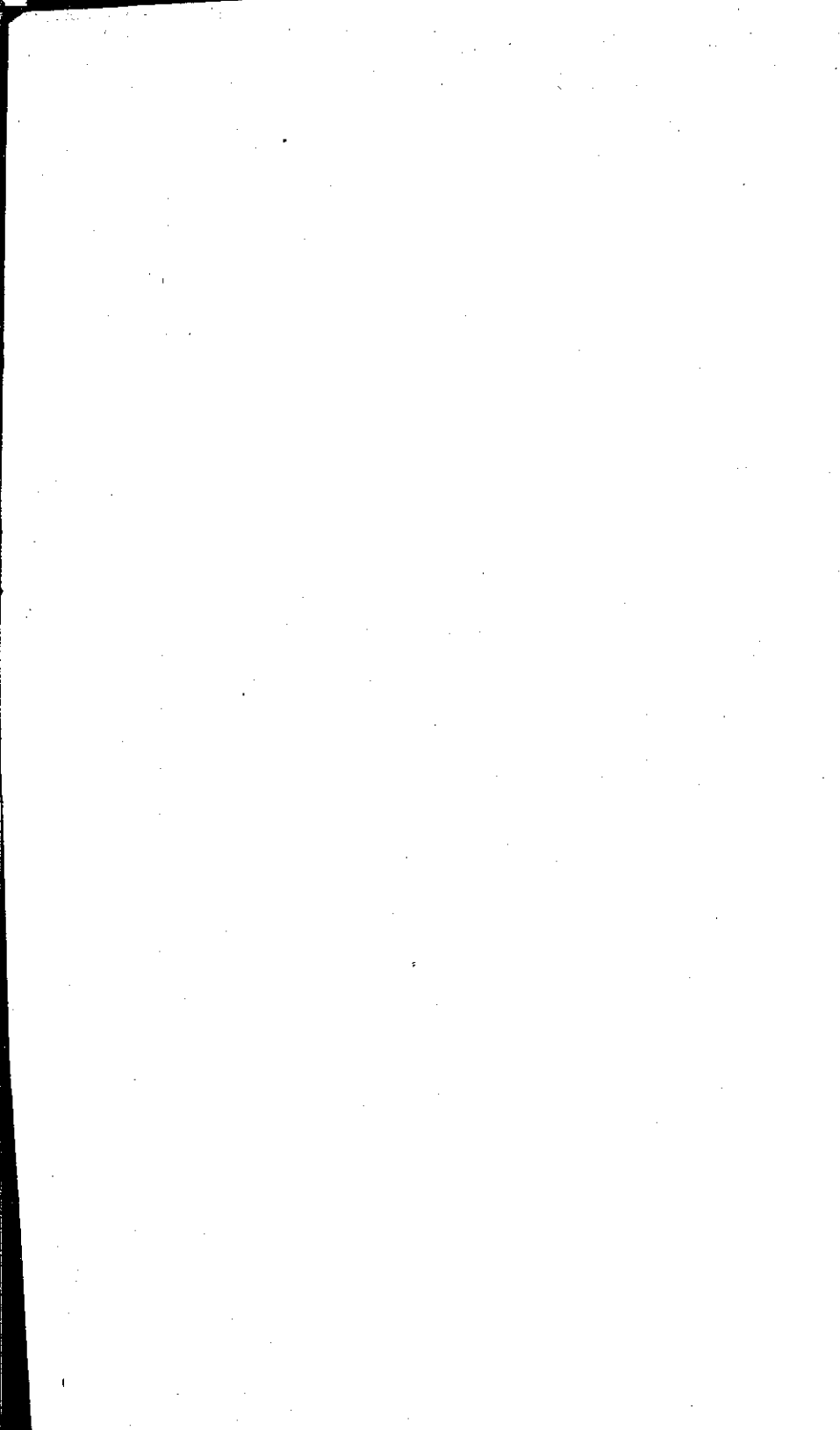
- I "A Uniform Motor Vehicle Registration Act"
- II "A Uniform Motor Vehicle Anti-Theft Act"
- III "A Uniform Motor Vehicle Operators' and Chauffeurs' License Act"
- IV "A Uniform Act Regulating Traffic on Highways"

As approved by the National Conference on Street and Highway Safety
March 23-24-25, 1926, and endorsed by the National Conference of
Commissioners on Uniform State Laws and the American Bar
Association, with modifications recommended by the
Committee on Uniform Traffic Regulation after
review of experience of the past four years

WASHINGTON, D. C.

April 22, 1930





FOREWORD

The foundation of uniform traffic regulation is the state law. The proposed Act here presented is one of four Acts which constitute the Uniform Vehicle Code proposed for state enactment.

The Code was originally prepared in 1925-26 by the Committee on Uniformity of Laws and Regulations of the National Conference on Street and Highway Safety in cooperation with a committee of the National Conference of Commissioners on Uniform State Laws. It adopted many provisions of existing state laws, a thorough study of which had previously been made.

The proposed Code was considered in detail and certain revisions were made by the Second National Conference on Street and Highway Safety, March 23-24-25, 1926, which was participated in by delegates from every state in the Union, including official delegates appointed by the Governors of forty-three states. It was subsequently endorsed by the Commissioners on Uniform State Laws and the American Bar Association.

President Hoover, as Chairman of the National Conference on Street and Highway Safety when the Code was originally drafted in 1926, said:

"This proposed Code was formulated with the widest cooperation of those having understanding and experience in these matters, with a view to advancing uniformity in our traffic laws and regulations. The urgency of such action requires no emphasis from me. It has been demanded from every state in the Union. Without uniformity in essential laws and regulations, reduction in loss of life, personal injury and property damage upon our streets and highways is virtually impossible."

The Code has been adopted in whole or substantial part, or has been used as the basis for revision of existing motor vehicle laws, by approximately half of the states. A substantial number of cities and towns have also adopted the Model Municipal Traffic Ordinance based on the Code, and two states, New Jersey and Wisconsin, have incorporated most of the Ordinance in their state laws.

Thus there has been developed considerable experience in the actual operation of the Code and Ordinance. During 1929 and

1930 the Committee on Uniform Traffic Regulation has reviewed them in the light of this experience and of changed traffic conditions. The Committee finds that both Code and Ordinance have proved distinctly successful, but recommends certain changes to meet present conditions more fully. The amended Act III (Uniform Operators' and Chauffeurs' License Act) is here presented.

Explanatory notes setting forth the purpose of each provision follow the text of the Act.

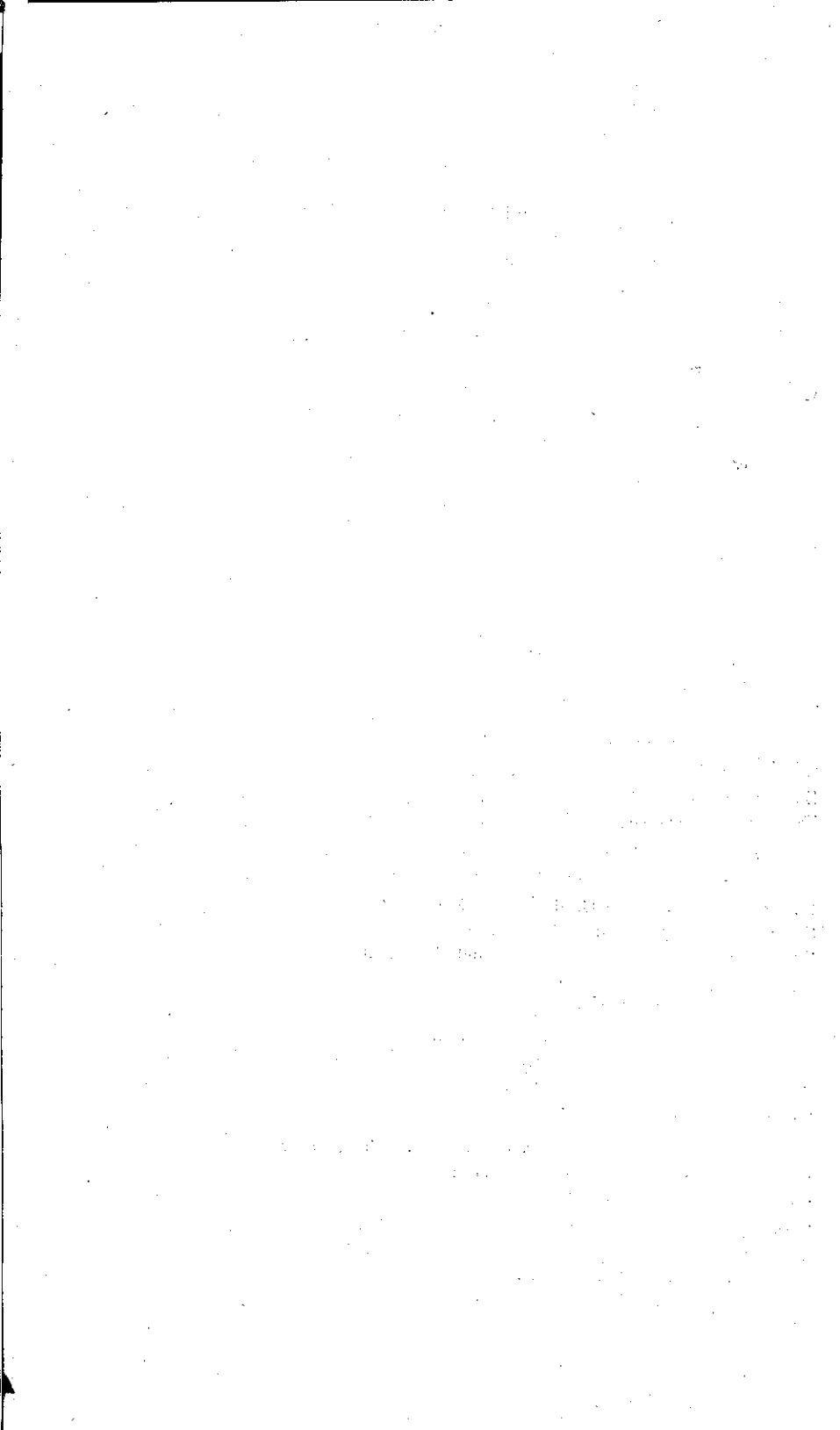
ROBERT P. LAMONT,
Secretary of Commerce,
Chairman.

Washington, D. C.,
May 6, 1930.

UNIFORM MOTOR VEHICLE ANTI-THEFT ACT

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UNIFORM MOTOR VEHICLE ANTI-THEFT ACT

TITLE OF ACT

An Act to require certificates of title for registered motor vehicles; to facilitate the recovery of stolen or unlawfully taken motor vehicles; to provide for the licensing of dealers in used motor vehicles, trailers or semi-trailers; to prescribe the powers and duties of the Vehicle Department; to impose certain fees to carry out the purpose of this act; to impose penalties for violations of this act and to make uniform the law relating to the subject matter of this act.

Be it Enacted

ARTICLE I

DEFINITIONS OF TERMS AND APPLICATION OF ACT

SECTION 1. [*Definitions.*]

The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

(a) "*Vehicle.*" Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "*Motor Vehicle.*" Every vehicle, as herein defined, which is self-propelled.

(c) "*Used Vehicle.*" Every motor vehicle, which has been sold, bargained, exchanged, given away or title transferred from the person who first acquired it from the manufacturer or importer, dealer or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second hand" within the ordinary meaning thereof.

(d) "*Person.*" Every natural person, firm, co-partnership, association or corporation.

(e) "*Owner.*" A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the

conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

(f) "*Manufacturer.*" Every person engaged in the business of manufacturing motor vehicles.

(g) "*Dealer.*" Every person engaged in the business of buying, selling or exchanging motor vehicles.

(h) "*State.*" A state, territory, organized or unorganized, or district of the United States of America.

(i) "*Department.*" The Department or branch of the Government of this state charged by law with the duty of registering motor vehicles.

(j) "*Commissioner.*" The officer of this state in charge of the Department.

SECTION 2. [*Application of Act to Certain Vehicles—Exemptions.*]

The provisions of this act shall apply to every motor vehicle required to be registered with the Department under the laws of this state except any said vehicles owned by the Federal Government or by this state or any political subdivision thereof or any state institution or municipality in this state and excepting also any traction engine, road roller or any motorcycle operated by a police officer in the performance of his duty as such officer.

ARTICLE II

CERTIFICATES OF TITLE AND REGISTRATION CARDS

SECTION 3. [*Certificates of Title Must be Obtained for Registered Vehicles.*]

(a) The Department shall not after [date] register or renew the registration of any motor vehicle, unless and until the owner thereof shall make application for and be granted an official certificate of title for such vehicle or present satisfactory evi-

dence that a certificate of title for such vehicle has been previously issued to such owner by the Department.

(b) The owner of a motor vehicle registered in this state shall not after [date] operate or permit the operation of any such vehicle upon any highway without first obtaining a certificate of title therefor from the Department nor shall any person operate any such vehicle upon the highways knowing or having reason to believe that the owner has failed to obtain a certificate of title therefor and any person violating this subsection shall be punished as provided in Section 20 of this act.

SECTION 4. [*Application for a Certificate of Title.*]

(a) The application for a Certificate of Title shall be made upon the appropriate form furnished or approved by the Department and shall contain a full description of the motor vehicle including the name of the maker, the engine and serial numbers and any distinguishing marks thereon and whether the vehicle is new or used, together with a statement of the applicant's title and of any liens or encumbrances upon said vehicle and the name and address of the person to whom the Certificate of Title shall be delivered and such other information as the Department may require [and every application shall be accompanied by a fee of one dollar, which shall be in addition to any fee charged for the registration of such vehicle.]

Whenever a new motor vehicle is purchased from a dealer the application for a Certificate of Title shall include a statement of transfer by the dealer and of any lien retained by such dealer.

{(b) The owner shall verify every application for a Certificate of Title before a person authorized to administer oaths, and officers and employees of the Department designated by the [Commissioner] are hereby authorized to administer oaths and it is their duty to do so without fee for the purpose of this act.}

SECTION 5. [*Department to Issue Certificate of Title.*]

(a) The Department shall maintain engine and serial number indexes of registered motor vehicles and upon receiving an application for a Certificate of Title shall first check the engine and serial number shown in the application against said

index and against the Stolen and Recovered Motor Vehicle Index required to be maintained by Section 13 of this act. The Department when satisfied that the applicant is the owner of the vehicle, shall thereupon issue in the name of the owner a certificate of title bearing a serial number and the signature of the Commissioner and the seal of his office and setting forth the date issued and a description of the vehicle as determined by the Department together with a statement of the owner's title and of all liens and encumbrances upon the vehicle therein described and whether possession is held by the owner under a lease, contract or conditional sale, or other like agreement. The Certificate of Title shall also contain, upon the reverse side, forms for assignment of title or interest and warranty thereof by the owner with space for notation of liens and encumbrances upon such vehicle at the time of a transfer. The Department shall deliver the Certificate of Title to the person designated for that purpose in the application.

(b) Said certificate shall be good for the life of the vehicle so long as the same is owned or held by the original holder of such certificate.

SECTION 6. [*Registration Cards.*]

(a) The Department upon registering a motor vehicle shall issue to the owner a registration card which shall set forth upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner, also a description of the registered vehicle, including the engine and serial numbers and with reference to every new vehicle hereafter sold in this state, the date of sale by the manufacturer or dealer to the person first operating such vehicle and such other statement of facts as may be determined by the Department, and shall provide a space for the signature of the owner and upon the reverse side a form for endorsement of notice to the Department upon a transfer of the vehicle.

(b) An owner upon receiving a registration card shall sign the usual signature or name of such owner with pen and ink in the space provided upon such card.

(c) The registration card issued for a vehicle shall at all times while the vehicle is being operated upon a highway within this state be in the possession of the operator or chauffeur thereof or carried in the vehicle and subject to inspection by any peace officer.

Note to Sec. 6.

This section may be omitted from this act in those states where the Uniform Motor Vehicle Registration Act, which contains identical provisions, is enacted.

SECTION 7. [*Endorsement and Delivery of Certificate of Title Upon a Transfer of Title or Interest.*]

(a) The owner of a motor vehicle for which a certificate of title is required hereunder shall not, after [date], sell or transfer his title or interest in or to such vehicle unless he shall have obtained a certificate of title thereto nor unless having procured a certificate of title he shall in every respect comply with the requirements of this section and any person who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 21 of this act.

(b) The owner who sells or transfers his title or interest in or to such motor vehicle after [date] shall endorse an assignment and warranty of title upon the certificate of title for such vehicle with a statement of all liens or encumbrances thereon [which statement shall be verified under oath by the owner] and the owner shall deliver the certificate of title to the purchaser or transferee at the time of delivering the vehicle.

(c) The transferee except as provided in the next succeeding paragraph shall thereupon present such certificate endorsed and assigned as aforesaid to the Department [accompanied by a transfer fee of one dollar] and make application for and obtain a new certificate of title for such vehicle.

(d) When the transferee of a vehicle is a dealer who holds the same for resale and operates the same only for purposes of demonstration under dealer's number plates, or when the transferee does not drive such vehicle nor permit such vehicle to be

driven upon the highways; such transferee shall not be required to forward the certificate of title to the Department, as provided in the preceding paragraph, but such transferee upon transferring his title or interest to another person shall execute [and acknowledge] an assignment and warranty of title upon the certificate of title and deliver the same to the person to whom such transfer is made.

(e) Whenever the ownership of any motor vehicle shall pass otherwise than by voluntary transfer, the new owner may obtain a certificate of title therefor from the Department upon application therefor [and payment of a fee of one dollar] accompanied with such instruments or documents of authority, or certified copies thereof, as may be required by law to evidence or effect a transfer of title or interest in or to chattels in such case. The Department, when satisfied of the genuineness and regularity of such transfer shall issue a new certificate of title to the person entitled thereto.

SECTION 8. [*Department to Maintain Transfer File.*]

(a) The Department shall retain and appropriately file every surrendered certificate of title, such file to be so maintained as to permit the tracing of title of the vehicles designated therein.

(b) The Department within thirty days after the taking effect of this act shall have printed copies of this act and shall mail a copy thereof with a blank form of application for a certificate of title to every owner of a registered motor vehicle in this state.

SECTION 9. [*Refusal to Issue Certificate of Title or Register Car or Rescission of Registration or Certificate of Title.*]

If the Department shall determine that an applicant for a Certificate of Title to a motor vehicle is not entitled thereto, it may refuse to issue such certificate or to register such vehicle, and in that event unless the Department reverses its decision or its decision be reversed by a Court of competent jurisdiction the applicant shall have no further right to apply for a Certificate of Title or registration on the statements in said application. The Department may for a like reason after notice and hearing revoke registration already acquired or any outstanding Certificate of

Title. Said notice shall be served in person or by registered mail. An appeal may be taken from any decision of the Department as from the decision of a [Justice of Peace].

SECTION 10. [*Duplicate Certificates Where Original is Lost.*]

In the event of the loss of a certificate of title or registration card, the loss of which is accounted for to the satisfaction of the Department, a duplicate or substitute may be issued [the charge therefor to be fifty cents].

SECTION 11. [*Making False Statement.*]

It shall be unlawful for any person knowingly to make any false statement in any application or other document required by the terms of this act and any person violating this provision shall upon conviction be punished as provided in Section 18.

SECTION 12. [*Altering or Forging Certificate of Title a Felony.*]

Any person who shall alter with fraudulent intent any certificate of title or registration card issued by the Department, or forge or counterfeit any certificate of title or registration card purporting to have been issued by the Department under the provisions of this act or who shall alter or falsify with fraudulent intent or forge any assignment thereof, or who shall hold or use any such certificate, registration card or assignment knowing the same to have been altered, forged or falsified, shall be guilty of a felony and upon conviction thereof shall be punished as provided in Section 22 of this act.

ARTICLE III

SPECIAL ANTI-THEFT PROVISIONS

SECTION 13. [*Report of Stolen and Recovered Motor Vehicles.*]

(a) Every county sheriff and every police commissioner and chief of police or peace officer of every jurisdiction, upon receiving information that a motor vehicle has been stolen or that a motor vehicle having been stolen has been recovered shall immediately report such information upon the appropriate official form to the Department.

(b) The Department shall file all such reports of stolen or recovered motor vehicles and appropriately index the same

and shall also file similar reports received from other states. The Department at least once each month shall either publish or post upon public bulletin boards in each of its offices a report of stolen and recovered motor vehicles and shall furnish copies of such records to every county sheriff and the police department in every municipality of over [] population within this state and shall forward copies of such records to the motor vehicle department of each other state.

SECTION 14. [*Altered or Changed Engine or Serial Numbers.*]

(a) The owner of a motor vehicle, the engine or serial number of which has been altered, removed or defaced, may, within thirty days from the date this act takes effect, make application in form prescribed by the Department [accompanied by a fee of one dollar] for a special number. He shall furnish such information as will satisfy the Department that he is the owner, whereupon the Department shall assign a special number for the motor vehicle preceded by a symbol indicating this State. A record of special numbers so assigned shall be maintained by the Department.

The owner shall stamp said number upon the engine or otherwise as directed by the Department and upon receipt by the Department of a certificate by a peace officer that he has inspected and found said number stamped upon the motor vehicle as directed in a workmanlike manner, together with application for a certificate of title such special number shall be regarded as the engine or serial number of said motor vehicle.

(b) Any person who with fraudulent intent shall deface, destroy or alter the engine or serial number of a motor vehicle or shall place or stamp other than the original engine or serial number upon a motor vehicle, or shall sell or offer for sale any motor vehicle bearing an altered or defaced engine or serial number or a number other than the original or a number assigned as above provided shall be guilty of a felony and upon conviction shall be punished as provided in Section 22 of this act.

This section is not intended to prohibit the restoration by the owner of an engine or serial number of a motor vehicle for which a certificate of title has been issued by this State, nor to

prevent any manufacturer or importer, or agents, thereof, other than a dealer, from placing or stamping in the ordinary course of business, numbers on motor vehicles, or parts thereof removed or changed and replacing the numbered parts.

SECTION 15. [*Receiving or Transferring Stolen Vehicles.*]

Any person who with intent to procure or pass title to a motor vehicle which he knows or has reason to believe has been stolen shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen and who is not an officer of the law engaged at the time in the performance of his duty as such officer shall be guilty of a felony and upon conviction shall be punished as provided in Section 22 of this act.

Note to Sec. 15.

This section may be omitted from this act in those states where the Uniform Motor Vehicle Registration Act, which contains identical provisions, is enacted.

ARTICLE IV

LICENSES FOR DEALERS IN USED MOTOR VEHICLES AND
AUTO THEFT FUND

SECTION 16. [*Dealers in Used Vehicles Must be Licensed.*]

(a) It shall be unlawful for any person from and after the [date] to carry on or conduct the business of buying, selling or dealing in used motor vehicles, trailers or semi-trailers, unless licensed so to do by the Department under the provisions of this act except that any manufacturer, or importer of motor vehicles or his subsidiary or selling agent may buy or take in trade and sell any used motor vehicle of his own make without such license.

(b) Application for a dealer's license required hereunder shall be made upon the form prescribed by the Department and shall contain the name and address of the applicant and when the applicant is a partnership the name and address of each partner or when the applicant is a corporation the names of the principal officers of the corporation and the state in which

incorporated and the place or places where the business is to be conducted and such other information as may be required by the Department. Every such application shall be verified by the oath or affirmation of the applicant if an individual or in the event the applicant is a partnership or corporation then by a partner or officer thereof.

(c) The Department before issuing a license shall collect from the applicant a fee of [five dollars] except that when application is made after July first of any year the fee for a license shall be [three dollars.]

SECTION 17. [*Department to Issue License Certificate.*]

(a) The Department upon receiving an application for a license accompanied by the proper fee and when satisfied that the applicant is of good character and so far as can be ascertained has complied with and will comply with the laws of this state with reference to the registration of vehicles and certificates of title therefor, shall issue to the applicant a license certificate which shall entitle the licensee to carry on and conduct the business of a dealer in used vehicles during the calendar year in which the license is issued. Every such license shall expire on December 31st of each year and may be renewed upon application and payment of the fee required herein.

(b) The Department may refuse to issue a license or after notice by registered mail to the licensee and a hearing, may cancel a license when satisfied that the applicant for a license or the licensee has failed to comply with the provisions of this act.

(c) Supplemental Licenses. Any licensee before removing any one or more of his places of business or opening any additional place of business shall apply to the department for and obtain a supplemental license, for which no fee shall be charged.

SECTION 18. [*Records of Purchases and Sales and Possession of Certificates of Title.*]

(a) Every licensee shall maintain a record in form as prescribed by the Department of every used motor vehicle, trailer or semi-trailer bought, sold or exchanged by the licensee or

received or accepted by the licensee for sale or exchange which record shall contain a description of every said vehicle, including the name of the maker, type, engine and serial number and other distinguishing marks and whether any numbers thereon have been defaced, destroyed, or changed and shall state with reference to each such vehicle the name and address of the person from whom purchased or received and when sold or otherwise disposed of by the licensee the name and address of the person to whom sold or delivered.

(b) Every licensee shall have in possession a separate certificate of title assigned to such licensee or other documentary evidence of his right to the possession of and for every motor vehicle in his possession.

SECTION 19. [*Auto Theft Fund and Enforcement.*]

[The Department shall deposit all fees and revenues received under this act in the state treasury and such monies shall be placed in the "Auto Theft Fund," which is hereby created, and said fund shall be used and expended by and under the direction of the Department in paying the expenses which it may incur in carrying out the provisions of this act. Initial expenses incurred hereunder may be paid in the first instance out of the registration fee receipts, the latter to be reimbursed as sufficient funds accrue under this act.]

The Department is hereby authorized with the written approval of the Governor to appoint all necessary deputies and other assistants to carry out the provisions of this act in addition to the present officers of the law and such deputies, assistants and existing officers of the law are hereby declared to be peace officers and are hereby given police power and authority throughout the state to arrest without writ, rule, order or process, any person in the act of violating or attempting to violate in the presence of such officer any of the provisions of this act.

[Any money remaining in the "Auto Theft Fund" and not expended or obligated at the end of each fiscal year shall thereupon be transferred to and deposited in the [State Highway Fund.]]

ARTICLE V PENALTIES

SECTION 20. [*Punishment for False Statement.*]

Any person convicted of making a false statement in any application or document under Section 11 of this act shall be punished by a fine of not more than [one thousand dollars] or imprisonment for not more than one year or by both such fine and imprisonment.

SECTION 21. [*Penalty for Misdemeanor.*]

(a) It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony.

(b) Unless another penalty is in this act or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of this act shall be punished by a fine of not more than [five hundred] dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

SECTION 22. [*Penalty for Felony.*]

Any person who shall be convicted of a violation of any of the provisions of this act herein or by the laws of this state declared to constitute a felony shall, unless a different penalty is prescribed herein or by the laws of this state, be punished by imprisonment for a term not less than one year nor more than five years, or by a fine of not less than five hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment.

ARTICLE VI

EFFECT OF AND SHORT TITLE OF ACT

SECTION 23. [*Uniformity of Interpretation.*]

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 24. [*Short Title.*]

This act may be cited as the Uniform Motor Vehicle Anti-Theft Act.

SECTION 25. [*Constitutionality.*]

If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

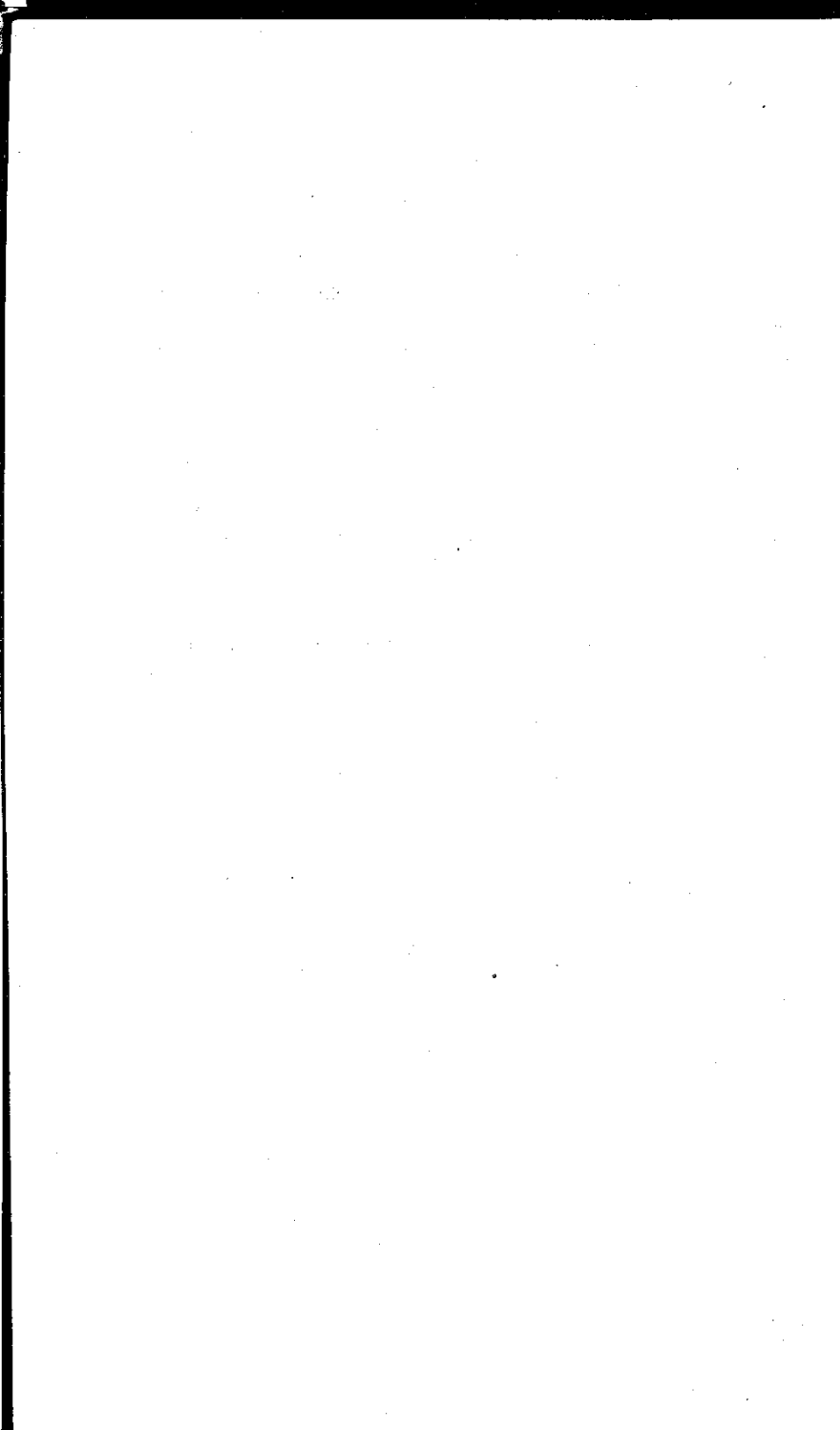
SECTION 26. [*Repeal.*]

The [existing Certificate of Title Act, or Anti-Theft Act] is hereby repealed and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 27. [*Time of Taking Effect.*]

This act shall take effect from and after the _____ day of

_____.



MOTOR VEHICLE ANTI-THEFT ACT

Although definite statistics are not available, it is well known that automobile accidents often involve stolen cars. The individual who steals a machine is likely to be a dangerous and reckless driver. He may not be accustomed to driving a car, or, if he is, he may be unfamiliar with the make or type he has stolen, and thus be a still greater menace to other persons using the road. After stealing an automobile, the thief is naturally fearful of detection and, therefore, drives with little or no thought for the safety of others, particularly when being pursued.

In recognition of the problem of stolen car accidents, the First National Conference on Street and Highway Safety stated that:

“All of the states should adopt the principle of certification and registration of automobile titles as one of the most important and effective means for reducing thefts, and, by virtue of this result, owing to the causal relation between the theft and accident hazards, also a measure of improving the present public accident situation. This legislation should be uniform and should contain adequate provision for enforcement, with proper penalties for violation.”

Automobiles attract thieves because in many localities they may be disposed of easily and with little risk. In some states they may be transferred and the vehicle be registered under the new owner's or supposed owner's name with practically no check on the actual ownership.

To meet the problem an Anti-Theft Act has been included in the Uniform Vehicle Code. In considering the Act, and particularly Article II, it may be borne in mind that the Act includes several more or less independent provisions designed to prevent or discourage the theft of motor vehicles. Thus the certificate of title provisions could be omitted without invalidating the remainder of the Act where the existing law already provides for such certificate or where it is deemed inadvisable to require it. However, it should be emphasized that the Act has been drafted to deal with the whole subject in a comprehensive way, based on the best experience in states having title laws, and if enacted in its entirety will insure proper coordination of all provisions.

Definitions

Section 1 of the Act consists of definitions. It is suggested that in considering the Act its substantive matters be read first without prior detailed consideration of the definitions. Standing alone these definitions might raise numerous questions, but they are prepared to fit the context of the Act. It is suggested that if, upon reading the provisions of the Act, any question arises as to the meaning of the terms used therein, reference then be made to the particular definition to determine whether or not the provision is clear and explicit and conveys the thought that is intended.

Exemptions

Section 2 exempts government owned cars under the Act, the desirability of which is apparent. These two sections constitute Article I.

Certificates Required for Registered Vehicles

Section 3 requires that the owner of every motor vehicle, in order to have it registered or reregistered, must present a certificate of title or satisfactory evidence that one has previously been issued to him by the Vehicle Department. To make this provision effective, subdivision (b) prohibits the operation of any vehicle without such certificate.

Application for Certificate

The application for a certificate of title requires certain information to be filed by the motor vehicle owner as outlined in Section 4. This information, which furnishes a permanent record of the vehicle, is divided into two general classes—that whereby the vehicle itself can be positively identified, and that affecting the owner's title to the vehicle. In the first class, besides the make and type of vehicle, are included the engine and serial numbers; in the second class, any liens or encumbrances against the vehicle.

All of this information is deemed necessary to determine whether the applicant is in fact the true owner of the vehicle and entitled to a certificate.

Issuance of Certificate

Section 5 provides that the Vehicle Commissioner, when satisfied that the applicant is the owner of the vehicle, shall issue a certificate of title containing the information required in the application therefor, with forms on the reverse side for assignment of title or interest.

The most important part of the Section and, in fact, of the whole Act, is the requirement that the Department shall maintain an engine number index and a serial number index of registered motor vehicles, and shall check all applications against these indexes, as well as against the Stolen and Recovered Motor Vehicle Index provided for in Section 12. The automobile thief can readily disguise the stolen car by altering or mutilating the engine and serial numbers, but with indexes of these numbers maintained by the Vehicle Department and checked against in the case of each application for a certificate and registration, the stolen car becomes unsalable.

Subdivision (b) of Section 5 makes the certificate good for the life of the vehicle, provided it does not change owners. It is believed that the certificate plan should be regarded solely as a protection to vehicle owners, and not as a means of revenue.

Registration Cards

Section 6 treats of the issuing of a registration card to the owner. This section is unnecessary in those states where the Uniform Motor Vehicle Registration Act, which contains identical provisions, is enacted, or where the state law already contains them.

Endorsement and Delivery of Certificate of Title

The owner who sells or transfers his title or interest in a motor vehicle must follow a simple procedure, as embodied in Section 7. In the transfer of the ownership the certificate of title must be endorsed by the owner to the transferee. The transferee thereupon presents the certificate to the Department with application for a new certificate.

Sections 8, 9 and 10 give certain administrative powers to the

Department. Sections 11 and 12 deal respectively with the offenses of making a false statement and altering with fraudulent intent any certificate of title, the latter offense being designated a felony.

Report of Stolen and Recovered Motor Vehicles

County sheriffs and police officers are required under Section 13 to report stolen cars to the Department, which is required to index them by motor and serial numbers. The Department is also required to file similar reports received from other states. This procedure is deemed important to centralize the information on stolen cars within the state and bring about coordination of action among the various states.

Sections 4 and 5, as previously pointed out, make it practically impossible to obtain a certificate of title for a motor vehicle with altered engine or serial numbers. It becomes necessary, therefore, to provide for a certificate and registration for the rightful owner of a stolen car whose number or numbers have been altered or mutilated. Section 14, therefore, provides for the assignment of a special engine or serial number to such rightful owner. Subdivision (b) of Section 14 defines as a felony the act of a person who with fraudulent intent shall deface, destroy or alter any engine or serial number.

Receiving or Transferring Stolen Vehicles

Section 15 designates as a felony receiving or transferring stolen motor vehicles. The importance of such a provision is obvious.

Licenses for Dealers in Used Motor Vehicles and Automobile Theft Fund

Inasmuch as used car dealers have opportunity either to assist in preventing the disposal of stolen vehicles, or, through negligence or lack of interest, to allow this to go on unhampered, it is deemed proper to require that they be licensed, and that they maintain records of purchases and sales and possession of certificates of title. Sections 16, 17 and 18 so provide.

A fund is created in Section 19 wherein all fees and renewals received under the Act shall be deposited, and such fund shall be used in paying the expenses incurred by the Act. This avoids any extra burden of expense being put upon the state.

Section 19 also authorizes the Department with the written approval of the Governor to appoint deputies to assist in carrying out the Act.

Penalties

Penalties are covered in Sections 20-22, dealing respectively with false statement, misdemeanor and felony. In the case of felony, minimum as well as maximum penalties are specified; in the case of the other two offenses, maximum penalties only.

Effect of Act

Sections 23-27 are standard provisions the desirability of which is apparent.

