

# ENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1206  
 SPONSOR: Senator Webster  
 SUBJECT: Chop shops/Air Bags  
 DATE: January 28, 2004      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
2.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Senate Bill 1206 includes “any airbag and airbag assemblies” in the definition of “major component part” in the operation of a chop shop, which is prohibited under s. 812.16, F.S. This inclusion of airbags gives law enforcement the authority to seize and forfeit air bags pursuant to the Florida Contraband Forfeiture Act when they are discovered at a chop shop and the chop shop operator is unable to produce proper documentation for the airbags.

This bill substantially amends section 812.16 of the Florida Statutes.

**II. Present Situation:**

Section 812.16, F.S., makes it illegal (third degree felony) for someone to knowingly own, operate, or conduct a chop shop or to knowingly aid and abet someone in operating a chop shop. A “chop shop” includes the following: any place where one or more persons are altering, dismantling, reassembling, or concealing the identity of a stolen motor vehicle or of any major component part of a stolen motor vehicle; where there are two or more stolen motor vehicles present; or where there are major component parts from two or more stolen motor vehicles.

The statute also defines “major component part” to include the following: front-end assembly, frame and frame assembly, engine, transmission, T-tops, rear clip assembly, doors, and tires. It does not specifically include airbags. (Airbags are covered, however, under the definition of “major component parts” in s. 319.30, F.S., which regulates and prohibits selling and delivering dismantled or destroyed motor vehicles and motor homes without proper title registration.)

The chop shop statute provides for restitution to the victim in addition to any other penalty imposed on the offender. It allows law enforcement to seize and forfeit any stolen vehicle and

major component part found at a chop shop. It also allows the seizure and forfeiture of any device used to conceal the stolen vehicle's identity or any vehicle knowingly used to transport a stolen vehicle or major component part. s. 812.16(4), F.S.

Section 860.145, F.S., contains the Airbag Antitheft Act. It defines an airbag as an inflatable restraint system in a motor vehicle which activates in the event of a crash, and a salvaged airbag as an airbag which has been removed from a motor vehicle. It requires any person, who is engaged in the business of purchasing, selling, or installing salvaged airbags, to disclose to the consumer that the airbag is salvaged and to maintain a manual or electronic record of the purchase, sale, or installation.

This record must include: the identification number of the salvaged airbag; the vehicle identification number (VIN) of the vehicle from which a salvaged airbag was removed; the name, address, and driver license number or other means of identification of the person from whom the salvaged airbag is purchased; and in the event a salvaged airbag is installed, the VIN of the vehicle into which the airbag is installed. This record must be maintained for thirty-six months following the transaction, and may be inspected by law enforcement officers or other authorized agency representatives. Moreover, information contained in the record must be provided, upon request, to an insurer or consumer. See s. 860.145(3), F.S.

Section 860.145(4), F.S., makes it a first degree misdemeanor for any person to fail to maintain complete and accurate records, to provide information within the transaction record to an insurer or consumer, or to disclose that an airbag is salvaged. Furthermore, it is a third degree felony for any person to knowingly possess, sell, or install a stolen uninstalled airbag, any airbag with a missing or altered identification number, or an airbag taken from a stolen motor vehicle.

Section 860.146, F.S., makes it a second degree felony to knowingly purchase, sell, or install a fake airbag or junk-filled airbag compartment, as defined under this section.

### **III. Effect of Proposed Changes:**

Senate Bill 1206 would include "any airbag and airbag assemblies" in the definition of "major component part" in the operation of a chop shop, which is prohibited under s. 812.16, F.S. This inclusion of airbags would give law enforcement the authority to seize and forfeit air bags pursuant to the Florida Contraband Forfeiture Act when they are discovered at a chop shop and the chop shop operator does not have proper documentation for them. According to a law enforcement officer specializing in auto theft, being able to seize the airbag will enable law enforcement to research its ownership and return it to the rightful owner.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Chop shop operators could have their stolen airbags seized and forfeited under this bill.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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