

CHAPTER 904

H.B. No. 1939

AN ACT

relating to the removal or alteration of serial numbers on tractors, farm implements, or special mobile equipment; providing a penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 286, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6687-10, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. It shall be unlawful for any person, firm, association, or corporation to remove, alter, deface, cover, or destroy the manufacturer's serial number or other manufacturer's number or other distinguishing identification mark upon any tractor, [ø] farm implement, or unit of special mobile equipment for the purpose of concealing or destroying the identity of any such tractor, [ø] farm implement, or unit of special mobile equipment.

Sec. 2. It shall be unlawful for any person, firm, association, or corporation to possess with intent to deliver to another, sell, or offer for sale, any tractor, [ø] farm implement, or unit of special mobile equipment whose serial number or manufacturer's number, or other distinguishing identification mark has been removed, altered, defaced, covered, or destroyed upon said tractor, [ø] farm implement, or unit of special mobile equipment.

Sec. 3. *An offense under this Act is a Class A misdemeanor.* The provision of this Act shall not apply to the machinery of any bona fide farmer who has had such machinery in his possession for a period of six (6) months and has used the same in the operation of his farm enterprise ~~nor to any second-hand machinery in the possession of an established dealer at the time of the passage of this Act~~.

Sec. 4. (a) *Any tractor, farm implement, or unit of special mobile equipment found to be in violation of this Act may be seized by a peace officer and disposed of as provided by Section 49(d), Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes).*

(b) *Any person determined to be the rightful owner of any tractor, farm implement, or unit of special mobile equipment seized under this Act for having the serial number, manufacturer's number, or other distinguishing mark removed, altered, defaced, covered, or destroyed shall, within thirty (30) days after reclaiming the property, die stamp, affix, or cause to be affixed the original serial number or manufacturer's number on the tractor, farm implement, or unit of special mobile equipment at or near the location of the original serial number or manufacturer's number.*

(c) *If the rightful owner of the tractor, farm implement, or unit of special mobile equipment seized pursuant to this Act is unknown and cannot be determined, the tractor, farm implement, or unit of special mobile equipment shall be forfeited to the state as provided by Section 49(d), Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes).*

(d) *A law enforcement agency seizing any tractor, farm implement, or unit of special mobile equipment forfeited under the provisions of this Act shall die stamp or otherwise affix a property inventory control number issued by the agency to the property at or near the location of the original serial number or manufacturer's number before the property may be used for official purposes or sold at public auction* ~~[Any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars or by confinement in the county jail not to exceed six (6) months, or by both such fine and imprisonment].~~

SECTION 2. This Act takes effect September 1, 1987.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 7, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1939 on June 1, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 30, 1987, by a viva-voce vote.

Approved June 19, 1987.

Effective Sept. 1, 1987.