§ 423-a. Enforcement procedures for insuring the retention of vehicle identification numbers on vehicles. 1. Seizure of vehicle. (a) Members of the state police, any local police department or any peace officer acting pursuant to his special duties shall seize and confiscate a motor vehicle or trailer if any original identification number or special identification number is destroyed, removed, altered, defaced or so covered as to be effectually concealed.

(b) The commissioner shall establish standards for determining whether an identification number on a motor vehicle, trailer or part thereof is destroyed, removed, altered, defaced or so covered as to be effectually concealed. Whenever a vehicle described in paragraph (a) of this subdivision is seized or confiscated, members of the state police, local police department or peace officers acting pursuant to their special duties, if warranted, shall arrest the supposed owner or custodian thereof, and cause prosecution to be brought in a court of competent jurisdiction. It shall be the duty of the appropriate agency or the department of motor vehicles to retain the custody of each motor vehicle, trailer or part seized pending the prosecution of the person arrested until the ownership of such motor vehicle, trailer or part shall have been ascertained. If the ownership of such motor vehicle, trailer or part cannot be ascertained, or if the owner or custodian is convicted of the theft or unlawful possession of said motor vehicle, trailer or part, such motor vehicle, trailer or part, if in the possession of the state police or any other state agency shall, at the direction of the office of general services, be held for, or delivered into the possession of, such office, and title shall vest in such office, or if in the possession of a local police department or other local authority, such motor vehicle or trailer shall be treated as an abandoned vehicle pursuant to section twelve hundred twenty-four of this chapter, or such part may be sold by the local authority to a registered dealer or to a registered vehicle dismantler or certified scrap processor as defined in subdivision nine of section four hundred fifteen-a of this chapter.

2. Assignment of a new identification number. If a person other than the person arrested be the owner, the motor vehicle, trailer or part shall be returned to him as soon as he has arranged to have the

department of motor vehicles affix a new number, or in the case of a part, inspect such part, and the department has done so, as provided in section four hundred twenty-two of this chapter. Prior to the return of the motor vehicle, trailer or part, or the transfer of custody of said motor vehicle, trailer or part, the arresting officer shall transmit notice of the arrest to the commissioner.

3. Disposition of certain motor vehicles, trailers and parts. (a) If the owner of a motor vehicle or trailer cannot be ascertained, or if the owner or custodian is arrested and convicted of the theft or unlawful possession of said motor vehicle or trailer, and such motor vehicle or trailer is held for or is in the possession of the office of general services, the office of general services shall sell the motor vehicle or trailer at public auction or by bid, or, it may be registered for use by the office or by a state agency in the performance of the duties of the office or of such state agency, provided that the department of motor vehicles first affixes a special identification number to the motor vehicle or trailer, if required. The special identification number shall thereafter be used for identification, registration and all purposes of this chapter, and the purchaser thereof may sell and transfer the motor vehicle or trailer bearing such a special identification number or numbers.

(b) If the owner of a part or parts of a motor vehicle or trailer cannot be ascertained, or if the owner or custodian is arrested and convicted of the theft or unlawful possession thereof, and such part is held for or is in the possession of the office of general services, the office of general services shall sell such part or parts to a registered dealer or to a registered vehicle dismantler or a certified scrap processor as defined in subdivision nine of section four hundred fifteen-a of this chapter.

(c) Notwithstanding any other provision of this section, ownership of an unidentifiable part in an otherwise identifiable vehicle, other than a stolen vehicle, held by the department or by a police department may be transferred to the owner of such vehicle provided that the department or police department has made findings that such owner had no knowledge that the part was unidentifiable and that such owner was neither responsible for rendering such part unidentifiable nor acting in concert

with any person who rendered or had such part rendered unidentifiable. Such a transfer may be made to a person who is presumed to have determined and to know identification numbers on motor vehicles and parts pursuant to subdivision one of section four hundred twenty-one of this article only upon payment to the department or to the police department of an amount equal to the reasonable wholesale value of the part. Such a transfer may be made to any other person without any payment being made to the department or police department provided that the department or police department is satisfied that the person has been the owner of the vehicle with the unidentifiable part contained therein for a period of at least eighteen months. Such findings may only be made after an investigation and, if appropriate, a hearing. Such investigation shall be made promptly by the department or the police department upon the request of such owner. Proceeds from the transfer of any such part shall be paid into the general fund of the state if transferred by the department or the division of state police, or into the general fund of the appropriate local authority, if transferred by a local police department. No such part shall be so transferred until a special identification number has been affixed to such part and the appropriate fee has been paid by the owner of the vehicle.

4. Whenever a vehicle or part which is in the possession of the state police or any other state agency or a local police agency or other local authority is returned to an owner, the cost of making delivery of the vehicle or part shall be a charge upon such owner. With respect to motor vehicles, trailers and parts held by the state police or any other state agency, the commissioner of the office of general services, after consultation with the commissioner of motor vehicles, shall promulgate regulations to effectuate the provisions of this section. Such regulations may include, but shall not be limited to, provisions for the removal of parts from vehicles, the storage and sale of vehicles and parts and the recovery of costs incurred in performing the duties required herein.

5. Notwithstanding any other provision of law, if the commissioner is holding a vehicle or vehicle part, upon determination of the rightful owner of the vehicle or vehicle part, the commissioner shall give

written notice to the owner to retrieve such vehicle or vehicle part. Fifteen days after the receipt of such notice by certified mail, the commissioner shall impose a storage charge of ten dollars a day for a vehicle and five dollars a day for a vehicle part or parts. Unpaid storage charges shall be a lien upon the vehicle or vehicle part and such lien may be foreclosed in accordance with article nine of the lien law. Any moneys collected as storage charges or as the result of foreclosure of liens for storage shall be used to fund the motor vehicle theft prevention program established by section two hundred twenty-three of this chapter.