

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1503

By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO CREATE THE OFFENSE OF OPERATING A CHOP SHOP; TO CREATE THE OFFENSE OF DEALING IN STOLEN OR FORGED MOTOR VEHICLE PARTS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE OFFENSE OF OPERATING A CHOP SHOP; AND TO CREATE THE OFFENSE OF DEALING IN STOLEN OR FORGED MOTOR VEHICLE PARTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 5, Chapter 36, Subchapter 1, is amended to add an additional section to read as follows:

5-36-109. Operating a chop shop – Dealing in stolen or forged motor vehicle parts.

(a) As used in this section:

(1) “Chop shop” means a place used for the purpose of selling, transferring, purchasing, or receiving a motor vehicle or a motor vehicle part with the purpose to misrepresent the identity of or prevent the identification of the motor vehicle or motor vehicle part by modifying the vehicle identification number;

(2) "Modify" means to:

- (A) Alter;
- (B) Counterfeit;
- (C) Deface;
- (D) Destroy;



- (E) Disguise;
- (F) Falsify;
- (G) Forge;
- (H) Obliterate; or
- (I) Remove; and

(3)(A) "Motor vehicle" means a device:

(i) In, upon, or by which a person or property is or may be transported or drawn upon a highway; and

(ii) That is self-propelled or may be connected to and towed by a self-propelled device.

(B) "Motor vehicle" includes a land-based, self-propelled device not designed for use upon a highway, including without limitation:

(i) Farm machinery; and

(ii) A steam shovel.

(b)(1) A person commits operating a chop shop if he or she knowingly:

(A) Owns, operates, or conducts a chop shop;

(B) Transports a motor vehicle or motor vehicle part to or from a chop shop;

(C) Sells, transfers, purchases, or receives a motor vehicle or motor vehicle part either to or from a chop shop; or

(D) Modifies or removes a vehicle identification number with the purpose of misrepresenting the identity or preventing the identification of a motor vehicle or motor vehicle part.

(2) Operating a chop shop is a Class C felony.

(c)(1) A person commits dealing in stolen or forged motor vehicle parts if he or she knowingly sells, transfers, purchases, possesses, or receives a motor vehicle or motor vehicle part with a modified vehicle identification number.

(2) Dealing in stolen or forged motor vehicle parts is a Class D felony.

(d) This section does not apply to:

(1) A motor vehicle scrap processor who, in the normal course of a legal business and in good faith, processes a motor vehicle or motor vehicle part by crushing, compacting, or other similar method, if the vehicle identification number is not removed from the motor vehicle or motor vehicle part before or during processing; or

(2)(A) An owner or authorized possessor of a motor vehicle or motor vehicle part:

(i) That has been recovered by a law enforcement agency or law enforcement officer after having been stolen; or

(ii) With a vehicle identification number that has been modified and the modification of the vehicle identification number of the motor vehicle or motor vehicle part is known to or has been reported to a law enforcement agency or law enforcement officer.

(B) It is presumed that a law enforcement agency or law enforcement officer has knowledge of all vehicle identification numbers on a motor vehicle or motor vehicle part that are modified when the law enforcement agency or law enforcement officer delivers or returns the motor vehicle or motor vehicle part to its owner or authorized possessor after it has been recovered by a law enforcement agency or law enforcement officer after having been reported stolen.

(e) In addition to any other sentence authorized by law, a person who commits operating a chop shop or dealing in stolen or forged motor vehicle parts upon conviction shall be ordered to make restitution to:

(1) A lawful owner of the stolen motor vehicle or the stolen motor vehicle part;

(2) A lawful owner's insurer if the lawful owner has been compensated by the insurer; and

(3) Any other person who sustained financial loss as a result of the commission of operating a chop shop or dealing in stolen or forged motor vehicle parts.

APPROVED: 4/10/23