

Introduced by Senator Alquist

February 18, 2005

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An act to add Section ~~11713.15~~ 11713.18 to the Vehicle Code, relating to dealers.

LEGISLATIVE COUNSEL'S DIGEST

SB 504, as amended, Alquist. ~~Vehicle~~ *Vehicles*: dealerships: identity theft.

~~Existing~~

(1) ~~Existing~~ law generally regulates *motor* vehicle dealerships.

This bill would ~~provide that no licensed~~ *prohibit a motor vehicle dealer shall sell licensed under the Vehicle Code from selling or leasing a vehicle without having first obtaining* obtained the right thumbprint of the purchaser or lessee, except as provided, and a photocopy of his or her valid form of identification. *The bill would impose various conforming requirements upon vehicle dealers. The bill would authorize a peace officer to inspect or copy a fingerprint card obtained by a dealer under these provisions and utilize it pursuant to an investigation of an identity theft or vehicle theft.*

~~Because this bill would create a new crime, this a violation of these requirments and prohibitions would be a misdemeanor under other provisions of existing law, the bill would impose a state-mandated local program by creating new crimes.~~

~~The~~

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 11713.15 is added to the Vehicle Code,~~  
2 ~~to read:~~

3 *SECTION 1. This act shall be known and may be cited as the*  
4 *Identity and Automobile Theft Prevention Act.*

5 *SEC. 2. Section 11713.18 is added to the Vehicle Code, to*  
6 *read:*

7 *11713.18. (a) A dealer issued a license under this article*  
8 *shall not sell or lease a vehicle without first having obtained both*  
9 *of the following documents from the purchaser or lessee:*

10 *(1) A fingerprint card containing a print of the purchaser's or*  
11 *lessee's right thumb, unless the purchaser or lessee has a*  
12 *disfigured right thumb, in which case the dealer shall obtain a*  
13 *print of the left thumb or any available finger. If the purchaser or*  
14 *lessee is physically unable to provide a thumbprint or*  
15 *fingerprint, the dealer or his or her authorized representative*  
16 *shall so indicate on the fingerprint card and shall also provide*  
17 *an explanation of the purchaser's or lessee's physical condition.*

18 *(2) A photocopy of a valid form of identification for the*  
19 *purchaser or lessee.*

20 *(b) (1) A thumbprint or fingerprint required to be taken under*  
21 *this section may be taken only by a person licensed under this*  
22 *article or Article 2 (commencing with Section 11800).*

23 *(2) The person taking the thumbprint or fingerprint shall be*  
24 *clearly identified by name on the fingerprint card.*

25 *(c) (1) The dealer shall maintain the fingerprint card for*  
26 *seven years, or for the duration of any conditional sales contract,*  
27 *whichever period is longer, and then shall destroy the card.*

28 *(2) If the vehicle is sold pursuant to a conditional sales*  
29 *contract, the dealer shall maintain the fingerprint card with the*  
30 *documents required to be kept under Section 2984.5 of the Civil*  
31 *Code.*

1 (d) (1) The dealer shall store all documents required to be  
2 obtained from a purchaser or lessee under this section in an area  
3 that is not accessible by the public.

4 (2) In storing the documents, the dealer shall comply with all  
5 applicable provisions of Federal Trade Commission's  
6 Safeguards Rule, as set forth in Part 314 (commencing with  
7 Section 314.1) of Title 16 of the Code of Federal Regulations.

8 (e) During business hours pursuant to an investigation of a  
9 crime relating to identity theft or vehicle theft, a peace officer  
10 may inspect or copy a fingerprint card obtained by a dealer  
11 under this section. The peace officer may retain the original  
12 fingerprint or thumbprint as evidence in a criminal investigation.

13 (f) The fingerprint card shall include a statement informing  
14 the purchaser or lessee that state law prohibits a vehicle sales or  
15 lease transaction from being finalized until the purchaser or  
16 lessee has provided a thumbprint or fingerprint in compliance  
17 with this section and that state law may require the thumbprint or  
18 fingerprint to be made available to law enforcement for the  
19 purposes of investigating vehicle theft or identity theft cases.

20 (g) The dealer may not finalize a sales or lease transaction  
21 until the purchaser or lessee has provided a thumbprint or  
22 fingerprint and a copy of his or her valid identification form, as  
23 required under this section.

24 ~~11713.15. No dealer issued a license pursuant to this article~~  
25 ~~shall sell a vehicle without first obtaining the right thumbprint of~~  
26 ~~the purchaser and a photocopy of his or her valid form of~~  
27 ~~identification.~~

28 ~~SEC. 2.~~

29 SEC. 3. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 the only costs that may be incurred by a local agency or school  
32 district will be incurred because this act creates a new crime or  
33 infraction, eliminates a crime or infraction, or changes the  
34 penalty for a crime or infraction, within the meaning of Section  
35 17556 of the Government Code, or changes the definition of a  
36 crime within the meaning of Section 6 of Article XIII B of the  
37 California Constitution.

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