

Amendments to Senate Bill No. 181
1st Reading Copy

Requested by Senator Jon Ellingson

For the Senate Judiciary Committee

Prepared by Valencia Lane
January 14, 2005 (8:11am)

1. Page 2, line 2.

Following: "owner."

Insert: "The term does not include money, in any form, identification documents, or wallets, purses, bags, or similar items that are generally used to carry money or documents. For purposes of subsection (2)(a), all personal property in a vehicle is presumed to be the property of the owner of the vehicle unless there is evidence on or attached to an item of personal property indicating that it belongs to someone other than the owner of the vehicle or unless there is a signed statement of ownership as provided in subsection (2)(c).

(c) A person, other than the owner of a vehicle subject to a lien under subsection (2)(a), who claims ownership of an item of personal property in the vehicle may provide the lienholder with a signed statement containing the person's name, address, and phone number, a description of the personal property, a statement that the person is the lawful owner of the personal property, and a request for return of the personal property. Upon receipt of the signed statement, the lienholder shall release the personal property to the person submitting the statement. The signed statement must be treated as a statement under oath or equivalent affirmation for the purposes of 45-7-202, relating to the criminal offense of false swearing. Receipt of property under this subsection (2)(c) by a person with the intent to deprive the lawful owner of the property must be treated as theft under 45-6-301."

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