CHAPTER 21

Offenses Involving Motor Vehicle Titles

**SECTION 16‑21‑10.** Altering, forging or counterfeiting certificate of title, registration card or license plate; misrepresentation or concealment in application.

 (A) It is unlawful for a person to:

 (1) alter, forge, or counterfeit a certificate of title, registration card, or license plate;

 (2) alter or forge an assignment of a certificate of title or an assignment or release of a security interest on a certificate of title or on a form the department prescribes;

 (3) possess or use a certificate of title, registration card, or license plate, knowing it to have been altered, forged, or counterfeited; or

 (4) use a false or fictitious name or address, make a material false statement, fail to disclose a security interest, or conceal any other material fact in an application for a certificate of title or for registration.

 (B) A person violating the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not more than five years.

HISTORY: 1962 Code Section 46‑150.81; 1957 (50) 595; 1960 (51) 1602; 1993 Act No. 184, Section 38.

CROSS REFERENCES

Seizure of altered, defaced or misused license plates, see Section 56‑3‑1370.

Library References

Automobiles 326, 359.1.

Forgery 7(1), 16, 51.

Westlaw Topic Nos. 48A, 181.

C.J.S. Forgery Sections 3, 14 to 19, 22, 24 to 26, 28 to 34, 74.

C.J.S. Motor Vehicles Sections 1529, 1545, 1572, 1628 to 1638, 1656, 1707, 1714, 1730 to 1731, 1743, 1748, 1751.

Attorney General’s Opinions

There is no criminal statute specifically dealing with the disposition of a motor vehicle on which a lien exists with intent to defraud the lienholder, but such an act may be a violation of Section 16‑21‑10 if the debtor actually sells the encumbered vehicle with intent to defraud the lienholder. 1983 Op.Atty.Gen., No 83‑58, p 91 (1983 WL 142729).

**SECTION 16‑21‑20.** Permitting misuse of certificate of title, registration card or license plate; failing to deliver certificate or application; fraudulent application.

 A person is guilty of a misdemeanor who:

 (1) with fraudulent intent, permits another to use or have possession of a certificate of title, registration card, or license plate who is not entitled to it;

 (2) wilfully fails to mail or deliver a certificate of title or application to the department within forty‑five days after the time required by Chapter 19 of Title 56;

 (3) wilfully fails to deliver to his transferee a certificate of title within forty‑five days after the time required by Chapter 19 of Title 56; or

 (4) commits a fraud in an application for a title or registration.

HISTORY: 1962 Code Section 46‑150.82; 1957 (50) 595; 1995 Act No. 42, Section 1.

Library References

Automobiles 324 to 326.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1504 to 1505, 1508 to 1510, 1628 to 1638, 1659, 1728 to 1731, 1747 to 1748, 1750 to 1751.

NOTES OF DECISIONS

In general 1

1. In general

A defendant on trial for grand larceny of a vehicle was entitled to a charge on the lesser offense of the use of a vehicle without permission where the defendant, while intoxicated, had taken a car which had been left for servicing in his employer’s lot, and had totalled the vehicle, but had asserted at sentencing that he merely had been joyriding and planned to return the vehicle; implicit in the definition of larceny is an intent to permanently deprive the owner of possession. Kerrigan v. State (S.C. 1991) 304 S.C. 561, 406 S.E.2d 160.

**SECTION 16‑21‑30.** Lending certificate of title.

 No person shall lend to another any certificate of title issued to him if the person desiring to borrow the certificate would not be entitled to the use thereof, nor shall any person knowingly permit the use of any such certificate by one not entitled thereto. Any violation of this section is a misdemeanor.

HISTORY: 1962 Code Section 46‑150.83; 1957 (50) 595.

Library References

Automobiles 324 to 326.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1504 to 1505, 1508 to 1510, 1628 to 1638, 1659, 1728 to 1731, 1747 to 1748, 1750 to 1751.

**SECTION 16‑21‑40.** Removing or falsifying identification number of vehicle or engine; buying, receiving or selling vehicle or engine.

 (A) A person who:

 (1) wilfully removes or falsifies an identification number of a vehicle or an engine for a vehicle is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days, or both.

 (2) wilfully and with intent to conceal or misrepresent the identity of a vehicle or engine removes or falsifies an identification number of the vehicle or engine is guilty of a felony and, upon conviction, must be imprisoned not more than five years.

 (3) buys, receives, possesses, sells, or disposes of a vehicle or an engine for a vehicle, knowing that an identification number of the vehicle or engine has been removed or falsified, is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days, or both.

 (4) buys, receives, possesses, sells, or disposes of a vehicle or an engine for a vehicle, with knowledge that an identification number of the vehicle or engine has been removed or falsified and with intent to conceal or misrepresent the identity of the vehicle or engine, is guilty of a felony and, upon conviction, must be imprisoned not more than five years.

 (B) An identification number may be placed on a vehicle or engine by its manufacturer in the regular course of business or placed or restored on a vehicle or engine by authority of the department without violating this section. An identification number so placed or restored is not falsified.

 (C) As used in this section:

 (1) “Identification number” includes an identifying number, serial number, engine number, or other distinguishing number or mark, placed on a vehicle or engine by its manufacturer or by authority of the department or in accordance with the laws of another state or country;

 (2) “Remove” includes deface, cover, and destroy; and

 (3) “Falsify” includes alter and forge.

HISTORY: 1962 Code Section 46‑150.84; 1957 (50) 595; 1960 (51) 1602; 1993 Act No. 184, Section 39.

Library References

Automobiles 340, 359.1.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1529, 1545, 1572, 1656, 1707, 1714, 1743, 1745 to 1746.

**SECTION 16‑21‑50.** Removing or affixing license plates to conceal or misrepresent identity of vehicle or owner.

 A person who removes a license plate from a vehicle or affixes to a vehicle a license plate not authorized by law for use on it, in either case with intent to conceal or misrepresent the identity of the vehicle or its owner, is guilty of a misdemeanor. As used in this section “remove” includes deface, cover and destroy.

HISTORY: 1962 Code Section 46‑150.85; 1957 (50) 595.

CROSS REFERENCES

Seizure of altered, defaced or misused license plates, see Section 56‑3‑1370.

Library References

Automobiles 326, 339.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1628 to 1638, 1715 to 1727, 1730 to 1731, 1748, 1751.

**SECTION 16‑21‑60.** Use of vehicle without permission.

 (A) It is unlawful for a person not entitled to possession of a vehicle to take, use, or drive a vehicle, without the consent of the owner and with intent to deprive him, temporarily or otherwise, of the vehicle or its possession.

 A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years.

 (B) But if the deprivation of the owner was for a temporary purpose only, unconnected with the commission of or intent to commit a crime other than the taking of the vehicle, the person is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year, or both.

HISTORY: 1962 Code Section 46‑150.86; 1957 (50) 595; 1960 (51) 1602; 1971 (57) 914; 1993 Act No. 184, Section 188.

Library References

Automobiles 339, 359.1.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1529, 1545, 1572, 1656, 1707, 1714 to 1727, 1743.

RESEARCH REFERENCES

ALR Library

29 ALR 5th 59 , Participation in Larceny or Theft as Precluding Conviction for Receiving or Concealing the Stolen Property.

Attorney General’s Opinions

Possible charges that could be brought for a stolen automobile. SC Op.Atty.Gen. (March 28, 1995) 1995 WL 803348.

NOTES OF DECISIONS

In general 1

1. In general

A defendant on trial for grand larceny of a vehicle was entitled to a charge on the lesser offense of the use of a vehicle without permission where the defendant, while intoxicated, had taken a car which had been left for servicing in his employer’s lot, and had totalled the vehicle, but had asserted at sentencing that he merely had been joyriding and planned to return the vehicle; implicit in the definition of larceny is an intent to permanently deprive the owner of possession. Kerrigan v. State (S.C. 1991) 304 S.C. 561, 406 S.E.2d 160.

**SECTION 16‑21‑70.** Use of bicycle or certain other vehicles without permission.

 Whoever knowingly and wilfully shall take and use any bicycle or other vehicle, except as defined in Section 56‑19‑10, without the consent of the owner thereof, but without intent to steal such vehicle, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars or by imprisonment for a period of not more than one year or both fine and imprisonment, in the discretion of the court.

HISTORY: 1962 Code Section 46‑150.87; 1952 Code Section 46‑803; 1942 Code Section 1209; 1932 Code Section 1209; Cr. C. ‘22 Section 97; Cr. C. ‘12 Section 228; Cr. C. ‘02 Section 175; R. S. 170; 1883 (18) 434; 1917 (30) 43‑47; 1957 (50) 595.

Library References

Automobiles 339, 359.1.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1529, 1545, 1572, 1656, 1707, 1714 to 1727, 1743.

**SECTION 16‑21‑80.** Receiving, possessing, concealing, selling, or disposing of stolen vehicle.

 A person not entitled to the possession of a vehicle who receives, possesses, conceals, sells, or disposes of it, knowing it to be stolen or converted under circumstances constituting a crime, is guilty of a:

 (1) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the value of the vehicle is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both;

 (2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both, if the value of the vehicle is more than two thousand dollars but less than ten thousand dollars;

 (3) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the value of the vehicle is ten thousand dollars or more.

HISTORY: 1962 Code Section 46‑150.88; 1957 (50) 595; 1960 (51) 1602; 1993 Act No. 184, Section 120; 2010 Act No. 273, Section 16.X, eff June 2, 2010.

CROSS REFERENCES

Receiving stolen property, see Section 16‑13‑180.

Library References

Receiving Stolen Goods 4, 10.

Westlaw Topic No. 324.

C.J.S. Receiving or Transferring Stolen Goods and Related Offenses Sections 5, 8 to 10.

RESEARCH REFERENCES

ALR Library

29 ALR 5th 59 , Participation in Larceny or Theft as Precluding Conviction for Receiving or Concealing the Stolen Property.

Encyclopedias

S.C. Jur. Receiving Stolen Properties Section 30, Stolen Vehicles.

Attorney General’s Opinions

A prior conviction pursuant to Section 16‑21‑80 would qualify as a property offense for enhancement purposes under Section 16‑1‑57. SC Op.Atty.Gen. (August 1, 2003) 2003 WL 21998993.

NOTES OF DECISIONS

In general 1

Lesser included offenses 2

Sufficiency of evidence 3

1. In general

Grand larceny and possession of a stolen vehicle are separate and distinct offenses because the possession of a stolen vehicle statute requires the defendant receive the goods from someone who actually stole them; a thief cannot receive the stolen goods from himself. State v. McNeil (S.C.App. 1994) 314 S.C. 473, 445 S.E.2d 461. Receiving Stolen Goods 1

2. Lesser included offenses

Use of a vehicle without permission, which requires an intent to temporarily deprive the owner of possession, is a lesser included offense of larceny, because larceny requires an intent to permanently deprive the owner of possession. State v. McNeil (S.C.App. 1994) 314 S.C. 473, 445 S.E.2d 461. Indictment And Information 191(5)

Receiving stolen goods is not a lesser‑included offense of grand larceny; the receiving goods statute requires receipt of the goods by someone other than the person who actually stole them. State v. McNeil (S.C.App. 1994) 314 S.C. 473, 445 S.E.2d 461. Receiving Stolen Goods 1

3. Sufficiency of evidence

Circumstantial evidence sufficiently established defendant’s knowledge that motorcycle was stolen to support conviction of possession of stolen motor vehicle despite defendant’s statement that he thought motorcycle was not stolen because no one came for it; defendant had possession of motorcycle soon after it was stolen, he took flight when he realized owner and owner’s wife had spotted him riding it, and he had no explanation for how his friends got motorcycle in early morning hours after he drove them to motorcycle owner’s neighborhood. State v. Williams (S.C.App. 2002) 350 S.C. 172, 564 S.E.2d 688. Receiving Stolen Goods 8(4)

**SECTION 16‑21‑90.** Damaging or tampering with vehicle.

 A person who, with intent and without right to do so, damages a vehicle or damages or removes any of its parts or components is guilty of a misdemeanor.

 A person who, without right to do so and with intent to commit a crime, tampers with a vehicle or goes in or on it or works or attempts to work any of its parts or components or sets or attempts to set it in motion is guilty of a misdemeanor.

HISTORY: 1962 Code Section 46‑150.89; 1957 (50) 595.

Library References

Automobiles 348.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1690 to 1691.

NOTES OF DECISIONS

Lesser included offenses 1

1. Lesser included offenses

Tampering with a motor vehicle is not a lesser included offense of breaking into a motor vehicle; the auto‑tampering offense but not the auto‑breaking offense require intentional damage to the vehicle or intentional removal of vehicle parts, and auto‑tampering statute listed four means of committing the offense that would not constitute auto‑breaking. State v. Arthur (S.C.App. 2004) 357 S.C. 566, 593 S.E.2d 522. Indictment And Information 191(.5)

**SECTION 16‑21‑100.** False reports of stolen or converted vehicles.

 A person who knowingly makes a false report of the theft or conversion of a vehicle to a peace officer or to the Department is guilty of a misdemeanor.

HISTORY: 1962 Code Section 46‑150.90; 1957 (50) 595.

Library References

Obstructing Justice 120.

Westlaw Topic No. 282.

C.J.S. Obstructing Justice or Governmental Administration Sections 74, 80.

**SECTION 16‑21‑110.** Failing to report unclaimed vehicle in garage, repair shop and the like.

 A person who fails to report a vehicle as unclaimed in accordance with Section 56‑19‑840 is guilty of a misdemeanor and punishable by a fine of not more than twenty‑five dollars.

HISTORY: 1962 Code Section 46‑150.91; 1957 (50) 595.

**SECTION 16‑21‑120.** Other violations.

 A person is guilty of a misdemeanor who wilfully violates any other provision of Chapter 19 of Title 56, except as otherwise provided therein.

HISTORY: 1962 Code Section 46‑150.92; 1957 (50) 595.

**SECTION 16‑21‑130.** Penalties.

 A person who violates the provisions of this chapter, except as specifically provided, is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days, or both.

HISTORY: 1962 Code Section 46‑150.93; 1957 (50) 595; 1960 (51) 1602; 1971 (57) 914; 1993 Act No. 184, Section 40.

Library References

Automobiles 359.1.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1529, 1545, 1572, 1656, 1707, 1714, 1743.

**SECTION 16‑21‑140.** Accessories, aiders or abettors.

 A person who, whether present or absent, aids, abets, induces, procures, or causes the commission of an act under a provision of this chapter is guilty of the principal offense and must be punished accordingly.

HISTORY: 1962 Code Section 46‑150.94; 1957 (50) 595; 1960 (51) 1602; 1993 Act No. 184, Section 41.

CROSS REFERENCES

Accessories before the fact of felonies, see Section 16‑1‑40.

Library References

Automobiles 323.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1511, 1646, 1664, 1710, 1721.

**SECTION 16‑21‑150.** Admissibility of evidence of prior similar acts.

 In a prosecution for a crime specified in this chapter evidence that the defendant has committed a prior act or acts of the same kind is admissible to prove criminal intent or knowledge.

HISTORY: 1962 Code Section 46‑150.95; 1957 (50) 595.

Library References

Criminal Law 371.45, 371.71.

Westlaw Topic No. 110.