



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 102
May 1, 1986

ENTRY INTO VEHICLE TO EXAMINE
VEHICLE IDENTIFICATION NUMBER

Reference: New York
v.
Benigno Class

U. S. Supreme Court
~~No. 84-1181~~
~~38 CIL 3128~~ **471 45**
February 25, 1986

FACTS:

Two police officers observed Class driving above the speed limit in a car with a cracked windshield, both of which are traffic violations under New York law. When stopped, Class emerged from his car and approached one of the officers. Class provided the officer with a registration certificate and proof of insurance, but stated that he had no driver's license. Meanwhile, the second officer attempted to get the vehicle identification number (VIN) from the dashboard, but there were papers obscuring it. The officer opened the car door to remove the papers and subsequently saw the handle of a gun protruding from beneath the seat. The officer seized the gun and arrested Class for a weapon violation; summonses were also issued to him for the traffic violations.

ISSUE:

Can the officer make warrantless entry into the passenger compartment of a vehicle to move papers obscuring the VIN after the driver was stopped for traffic violations and had already exited the car?

HELD: Yes.

REASONING:

1. The officer's action in searching the car did not violate the Fourth Amendment. Because of the important role played by the VIN in the pervasive governmental regulation of automobiles and the efforts by the Federal Government through regulations to ensure that the VIN is placed in plain view, there is no reasonable expectation of privacy in the VIN. The placement of the papers obscuring the VIN was insufficient to create a privacy interest in the VIN.
2. Every operator of a motor vehicle must expect that the State, in enforcing its regulations, will intrude to some extent upon the operator's privacy.
3. A motorist must expect that regulations will, on occasion, require the State to determine the VIN of his or her vehicle; the individual's reasonable expectation of privacy in the VIN is thereby diminished. This is especially true in the case of a driver who has committed a traffic violation. (emphasis added)
4. It is unreasonable to have any expectation of privacy in an object required by law to be located in a place ordinarily in plain view from the exterior of the automobile.

NOTES:

This case was decided by the United States Supreme Court on the Fourth Amendment.

The court went on to state, "Our holding does not authorize police officers to enter a vehicle to obtain a dashboard-mounted VIN when the VIN is visible from outside of the vehicle." (emphasis added)

The officer, in this case, made an "inadvertent discovery" of the weapon in his "plain view" while examining the VIN.

Review of the following cases is recommended:

Utegraff v. State, Legal Bulletin No. 44--investigator stop of vehicle where gun in plain view lead to search incident to arrest.

New York v. Belton, Legal Bulletin No. 50--search of vehicle as incident to arrest.

Texas v. Brown, Legal Bulletin No. 68--plain view exception to the warrant requirement applying to automobiles.