

Dual-Identity Cars

Continuous History Car vs. Original Component Car? You decide



Two tubs, two subframes...



Two D-types identical in every way, almost

In a perfect world, every historic car would boast a spotless provenance and a documented list of distinguished owners, none of whom ever “abused” the car by changing a major component, let alone by crashing it. The real world is different. Witness competition cars, which in their heyday were used very hard and crashed frequently. The urgency then was to get it to its next race. It got whatever it needed—a new frame, another engine, a new body... Just fix it!

As a lawyer I have been involved in numerous disputes involving what I call “dual-identity” cars: two machines with some legitimate claim to the same identity. Because the term “chassis number” is ambiguous (meaning either the VIN or the number that is physically stamped on the frame), in this article I propose to use the term “identity” for that letter/number set which identifies a single vehicle.

The story goes something like this. The original car, for whatever reason, has suffered a change of chassis frame, tub, or unitary body shell (which we will call the “chassis”). It has been rebuilt on a new chassis, and the old chassis discarded. The car, in its second iteration, then marches on still bearing the original identity. Often in period it was important to retain that identity in order to maintain the car’s registration and/or its *carnet de passage* for international Customs purposes. We will call this the “Continuous History Car,” or CHC.

Sometime later an enthusiast rescues the discarded chassis and uses it to build up another car to a similar specification as the original. Either he, or a later owner, then claims for that second car entitlement to the original identity. We will call this the “Original Component Car,” or OCC. (In simplest terms, we most often mean a “chassis-trumps-all” car.)

With the increase in classic car values in the 1980s, a pattern emerges: Both cars “come out,” each owner claiming the single, original identity for his car. Today, typically, that dispute first rears its head on the Internet. In earlier times, the hypothetical owner of the CHC might have enjoyed his pride and joy long into his dot-

age. No longer... If you own a valuable, historic car, bad news does not come much worse than hearing your car has a rival for its identity. Even if you don’t call your attorney, you should probably contact your insurance broker. You may as well reduce your insurance premium to match the reduction in the value of your car!

The conundrum of the Dual-Identity Car is this: Which machine is entitled to the identity? A complicated issue with the answer often resting on two determinants—which marque are we talking about, and who is the arbiter?

A look at a few prominent marques

ALFA ROMEO: Pre-WWII, Alfa bought its chassis frames from a subcontractor. These were numbered sequentially with a different number series from the car’s actual chassis number (“identity” to us), which was later stamped by the factory elsewhere on the frame. Because many were used in competition in the 1930s, these Alfas frequently saw a change of frame, engine, or body, without any change of identity, which generally remained constant. On that basis, where the continuity of identity is of primary consideration, the CHC (continuous history) wins in the Alfa Romeo camp.

ASTON MARTIN: The Aston Martin Owners Club, which has been nurturing this once-tiny marque since 1935, is clearly the arbiter here and does not entertain a car built up on a discarded frame. Early Astons are known by their chassis number, and the identity will always belong to the CHC.

BUGATTI: While identification of race cars is a minefield, I am informed that the factory never stamped the chassis number (identity) of the car on the frame, and (like Alfa) the frame itself bore a different number from the chassis number. The identity was stamped on a brass plate, usually mounted on the bulkhead (firewall), and also somewhere on the engine. The problem of identification may arise where the brass plate is lost and the car has undergone an engine change. However, that continuous history is more important in Bugatti circles than the mere frame itself, so the CHC wins.

FERRARI: The factory’s Classiche office now rules the roost as the arbiter of what is a genuine Ferrari (of any identity). If a Ferrari is to be awarded a certificate, the factory will insist on the car being built on its original frame and fitted with original, factory-sourced components. Unless, of course, they have been lost, in which case the factory can supply replacement parts. Certification at a price! Which (shall we say *sotto voce*) somewhat stretches the concept of “original” and causes some consternation. A conditional victory for the Original Component Car, where the frame is the ultimate determinant of identity?

JAGUAR: The general view is that the CHC wins. The revolutionary D-type is interesting. A central monocoque tub was bolted to a triangular subframe, which extended the length of the tub and to which the front suspension, engine, and gearbox were mounted. Which then was the main “identity” structure, the subframe or the tub? This has been the subject of many an argument given the number of D-types where

the original tub and subframe have become separated.

The difference in value between a bombproof D-type and a moody one has caused several owners of dual-identity D-types to resort to a clever solution—buy the other claimant to your car’s identity, then restore both vehicles, so that one has all the best, original bits to that identity, making sure that this process is independently verified. You can either drive the “leftover” as a carefree replica, or sell it to a friend who has sworn never to claim for his machine your car’s identity.

MG: In my experience, mainly with the K3 racing model, examples of which often changed their spots many times in the 1930s, the OCC (frame-based) will often be recognized by the Triple-M Register of the MG Car Club ahead of the continuous history (CHC) car; viz the MG K3 number 015 (see Miles Collier’s SCM profile, December 2009, p. 36).

PORSCHE: Most dual-identity Porsches (often racing 911s) have received a new shell or chassis frame in period, the motive of which is to just keep the car going by the easiest method. The factory itself was not averse to disposing of a race-damaged car, nor to having another car re-emerge later under the same identity. The rapid rise in Porsche values and historic race eligibility has resulted in questionable re-creations of cars known or believed to have been destroyed. Typically for a German manufacturer, Porsche keeps accurate records and numbered all of the main components, all very helpful in identifying real cars and components. Production cars carry unique production numbers, if you know where to look, and thus they can often be used to prove

a car’s identity beyond any doubt. One for the CHC?

SHELBY: Cobras have been particularly susceptible to this dual-identity problem, probably because in period the car’s performance often outstripped its tire grip and driver skill. The AC Owners Club in the U.K. and SAAC in the U.S. jointly operate a structured seven-tier categorization of Cobras, with only the top five categories being original cars and qualifying for the Registry. These range from “original-original” to “original-rebuilt.” Below the line are the extra categories of “replica” and “kit car,” which do not qualify. One rule shared by both clubs is that one car cannot form the basis of two (or more) cars on the Registry. Where multiple cars claim the same identity, there will be one winner and one or more losers. SAAC and ACOC favor the history (CHC) over the frame (OCC).

Turning to other arbiters, when considering applications for FIVA passports, the Technical Committee of FIVA tends to favor the frame (OCC). In contrast, while it was issuing Heritage Certificates, which it has now stopped doing, the FIA Heritage Committee clearly preferred the history (CHC). The U.K.’s Vintage Sports Car Club, when issuing their race papers, does not seem particularly bothered about the concept of identity, but instead concentrates on the rule that if “three out of five” of a car’s major components are original, it qualifies for papers.

So what is the right answer? The careful lawyer will normally sit on the fence saying, “On the one hand this, on the other hand that.” Jumping down off that fence, I will side with the continuous history (CHC). In my view, where a chassis has been discarded, the identity of the vehicle on which it was built (its soul, if you like) has flown away, and has taken up residence in the vehicle as rebuilt on the new chassis. Sitting forlornly against the wall of the garage, that discarded frame no longer has any identity. If later it has the good fortune to be reclaimed, it does not deserve to reclaim its former identity, not least because most of its other components will have come from other vehicles. A bitsa, if you like. Of course, that’s just my opinion. I’d like to hear yours; send them to bitsa@sportscarmarket.com. ♦

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