

CF SB 603

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**By: Delegates Malone and Rudolph**

Introduced and read first time: February 17, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Failure to Return Rented or Leased Vehicle - Penalties**

3 FOR the purpose of making it a misdemeanor for a person to willfully fail to return a  
4 rented or leased motor vehicle for a certain amount of time; making it a felony for  
5 a person to willfully fail to return a rented or leased vehicle for a certain amount of  
6 time; prohibiting the prosecution of these crimes unless certain notice is provided;  
7 imposing certain penalties; and generally relating to rented and leased motor  
8 vehicles.

9 BY repealing and reenacting, with amendments,  
10 Article 27 - Crimes and Punishments  
11 Section 342A  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 27 - Crimes and Punishments**

17 342A.

18 (a) In this section, "owner" means any person who has a lawful interest in or is in  
19 lawful possession of a motor vehicle by consent or chain of consent of the actual title  
20 owner.

21 (b) A person, or the person's aiders or abettors, may not knowingly and willfully  
22 take a motor vehicle out of the lawful custody, control, or use of the owner without the  
23 owner's consent.

24 (C) (1) A PERSON MAY NOT WILLFULLY FAIL TO RETURN A RENTED OR  
25 LEASED MOTOR VEHICLE.

26 (2) A PERSON WHO WILLFULLY FAILS TO RETURN A RENTED OR  
27 LEASED VEHICLE FOR NOT MORE THAN 10 DAYS IS GUILTY OF A MISDEMEANOR  
28 AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR  
29 IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BOTH.

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1 (3) A PERSON WHO WILLFULLY FAILS TO RETURN A RENTED OR  
2 LEASED VEHICLE FOR MORE THAN 10 DAYS IS GUILTY OF A FELONY AND ON  
3 CONVICTION IS SUBJECT TO A FINE OF UP TO \$3,000 OR IMPRISONMENT FOR UP TO 1  
4 YEAR OR BOTH.

5 (4) A PROSECUTION MAY NOT BE INSTITUTED UNDER THIS SUBSECTION  
6 UNLESS:

7 (I) A WRITTEN DEMAND FOR RETURN OF THE MOTOR VEHICLE  
8 HAS BEEN MAILED BY THE OWNER OF THE VEHICLE BY CERTIFIED MAIL, RETURN  
9 RECEIPT REQUESTED, TO THE PERSON WHO RENTED OR LEASED THE MOTOR  
10 VEHICLE AT THE ADDRESS LISTED ON THE RENTAL OR LEASING DOCUMENT; AND

11 (II) THE PERSON HAS NOT RETURNED THE MOTOR VEHICLE TO  
12 THE OWNER WITHIN 2 DAYS AFTER THE OWNER RECEIVED NOTICE THAT THE  
13 PERSON RECEIVED THE CERTIFIED MAIL REQUIRED UNDER ITEM (I) OF THIS  
14 PARAGRAPH.

15 [(c)] (D) (1) A person who violates this section shall restore the motor vehicle  
16 so taken and carried away, or, if unable to do so, shall pay to the owner the full value of  
17 the motor vehicle.

18 (2) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF THIS  
19 SUBSECTION, A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION SHALL  
20 PAY THE OWNER THE AMOUNT OWED FOR THE RENTED OR LEASED VEHICLE.

21 [(d)] (E) A person who violates SUBSECTION (B) OF this section is guilty of the  
22 felony of taking a motor vehicle and on conviction is subject to a fine of not more than  
23 \$5,000 or imprisonment for not more than 5 years or both.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 1997.