

CF 7r2897

By: Senator Jimeno

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 1997

CHAPTER ____

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.

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

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

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

11 (4) A PROSECUTION MAY NOT BE INSTITUTED UNDER THIS SUBSECTION
12 UNLESS:

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

17 (II) THE PERSON HAS NOT RETURNED THE MOTOR VEHICLE TO
18 THE OWNER;

19 1. WITHIN 2 DAYS AFTER THE OWNER RECEIVED NOTICE
20 THAT THE PERSON RECEIVED THE CERTIFIED MAIL REQUIRED UNDER ITEM (I) OF
21 THIS PARAGRAPH; OR

22 2. WITHIN 5 DAYS AFTER THE NOTICE REQUIRED UNDER
23 ITEM (I) OF THIS PARAGRAPH WAS MAILED .

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

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

30 [(d)] (E) A person who violates SUBSECTION (B) OF this section is guilty of the
31 felony of taking a motor vehicle and on conviction is subject to a fine of not more than
32 \$5,000 or imprisonment for not more than 5 years or both.

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

