

SENATE BILL 226

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SB 603/97 - JPR

1998 Regular Session
8r1665

By: **Senator Jimeno**

Introduced and read first time: January 30, 1998

Assigned to: Judicial Proceedings

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
5 for a person to willfully fail to return a rented or leased vehicle for a certain
6 amount of time; prohibiting the prosecution of these crimes unless certain notice
7 is provided; imposing certain penalties; and generally relating to rented and
8 leased motor 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 and 1997 Supplement)

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
19 is in lawful possession of a motor vehicle by consent or chain of consent of the actual
20 title owner.

21 (b) A person, or the person's aiders or abettors, may not knowingly and
22 willfully take a motor vehicle out of the lawful custody, control, or use of the owner
23 without the 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 LEASED
27 VEHICLE FOR NOT MORE THAN 10 DAYS IS GUILTY OF A MISDEMEANOR AND ON

1 CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT
2 FOR NOT MORE THAN 60 DAYS OR BOTH.

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

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

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

12 (II) THE PERSON HAS NOT RETURNED THE MOTOR VEHICLE TO
13 THE OWNER:

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

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

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

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

25 [(d)] (E) A person who violates SUBSECTION (B) OF this section is guilty of the
26 felony of taking a motor vehicle and on conviction is subject to a fine of not more than
27 \$5,000 or imprisonment for not more than 5 years or both.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1998.