

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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 4, 1998

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 after the expiration of the term of the rental
5 agreement or lease for a certain amount of time; making it a felony for a person
6 to willfully fail to return a rented or leased motor vehicle for a certain amount of
7 time; prohibiting the prosecution of these crimes unless certain notice is
8 provided; imposing certain penalties; providing for the construction of this Act;
9 and generally relating to rented and leased motor vehicles.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 342A
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1997 Supplement)

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

17 **Article 27 - Crimes and Punishments**

18 342A.

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

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

4 (C) (1) A PERSON MAY NOT WILLFULLY FAIL TO RETURN A RENTED MOTOR
5 VEHICLE AFTER THE EXPIRATION OF THE TERM OF THE RENTAL AGREEMENT OR
6 LEASED MOTOR VEHICLE AFTER THE EXPIRATION OF THE TERM OF THE LEASE.

7 (2) A PERSON WHO WILLFULLY FAILS TO RETURN A RENTED OR LEASED
8 MOTOR VEHICLE FOR NOT MORE THAN 10 DAYS AFTER THE EXPIRATION OF THE
9 TERM OF THE RENTAL AGREEMENT OR LEASE IS GUILTY OF A MISDEMEANOR AND
10 ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR
11 IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BOTH.

12 (3) A PERSON WHO WILLFULLY FAILS TO RETURN A RENTED OR LEASED
13 MOTOR VEHICLE FOR MORE THAN 10 DAYS AFTER THE EXPIRATION OF THE TERM OF
14 THE RENTAL AGREEMENT OR LEASE IS GUILTY OF A FELONY AND ON CONVICTION IS
15 SUBJECT TO A FINE OF UP TO \$3,000 OR IMPRISONMENT FOR UP TO 1 YEAR OR BOTH.

16 (4) A PROSECUTION MAY NOT BE INSTITUTED UNDER THIS SUBSECTION
17 UNLESS:

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

23 (II) THE PERSON HAS NOT RETURNED THE MOTOR VEHICLE TO
24 THE OWNER:

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

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

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

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

36 [(d)] (E) A person who violates SUBSECTION (B) OF this section is guilty of the
37 felony of taking a motor vehicle and on conviction is subject to a fine of not more than
38 \$5,000 or imprisonment for not more than 5 years or both.

1 (F) THIS SECTION MAY NOT BE CONSTRUED TO PRECLUDE A PROSECUTION
2 FOR THEFT OF A MOTOR VEHICLE UNDER § 342 OF THIS SUBHEADING.

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