

HOUSE BILL 111

E1

(2lr0326)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Anderson, Braveboy, Cane, Carter, Conaway, Glenn, Haynes, Holmes, McDermott, McIntosh, Mitchell, Nathan-Pulliam, Oaks, Pena-Melnyk, B. Robinson, Rosenberg, Washington, and Zucker**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Failure to Return Rental Vehicle – ~~Repeal~~ Notice**

3 FOR the purpose of ~~repealing a certain crime of abandonment of a rented motor~~
4 ~~vehicle or refusal or willful neglect to return a rented motor vehicle at the end of~~
5 ~~the leasing or rental period; making a certain conforming change; providing for~~
6 ~~the application of this Act~~ providing that a person may not be prosecuted under
7 a certain provision of law prohibiting the abandonment or refusal to return a
8 rented motor vehicle if, within a certain number of days after a written demand
9 for the return of the motor vehicle is mailed in a certain manner to the person
10 who leased or rented the motor vehicle, the person returns or accounts for the
11 motor vehicle to the person who delivered the motor vehicle; providing that a
12 certain prosecution may not be started until a certain number of days after a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 ~~certain written demand is mailed; and generally relating to~~ ~~repealing a certain~~
 2 ~~crime of failure to return a rental vehicle.~~

3 BY repealing and reenacting, with amendments,
 4 Article – Criminal Law
 5 Section 7–205
 6 Annotated Code of Maryland
 7 (2002 Volume and 2011 Supplement)

8 ~~BY repealing and reenacting, with amendments,~~
 9 ~~Article – Transportation~~
 10 ~~Section 14–105~~
 11 ~~Annotated Code of Maryland~~
 12 ~~(2009 Replacement Volume and 2011 Supplement)~~

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

15 **Article – Criminal Law**

16 ~~§~~7–205.

17 (a) A person who leases or rents a motor vehicle under an agreement to
 18 return the motor vehicle at the end of the leasing or rental period may not abandon
 19 the motor vehicle or refuse or willfully neglect to return it.

20 **(B) (1) A PERSON MAY NOT BE PROSECUTED UNDER THIS SECTION IF,**
 21 **WITHIN 10 5 DAYS AFTER A WRITTEN DEMAND FOR THE RETURN OF THE MOTOR**
 22 **VEHICLE IS MAILED BY REGULAR MAIL AND CERTIFIED UNITED STATES MAIL,**
 23 **RETURN RECEIPT REQUESTED, TO THE PERSON WHO LEASED OR RENTED THE**
 24 **MOTOR VEHICLE AT THE LAST ADDRESS KNOWN TO THE PERSON WHO**
 25 **DELIVERED THE MOTOR VEHICLE, THE PERSON RETURNS OR ACCOUNTS FOR**
 26 **THE MOTOR VEHICLE TO THE PERSON WHO DELIVERED THE MOTOR VEHICLE.**

27 **(2) A PROSECUTION MAY NOT BE STARTED UNTIL 10 5 DAYS**
 28 **AFTER A WRITTEN DEMAND DESCRIBED IN PARAGRAPH (1) OF THIS**
 29 **SUBSECTION IS MAILED.**

30 ~~(b)~~ (C) A person who violates this section is guilty of a misdemeanor and
 31 on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding
 32 \$500 or both.†

33 ~~Article – Transportation~~

34 ~~14–105.~~

1 ~~(a) If a police officer receives reliable information that a vehicle has been~~
2 ~~stolen, the police officer shall immediately report the theft to the Administration and~~
3 ~~the Department of State Police, unless the police officer has received reliable~~
4 ~~information of the recovery of the vehicle.~~

5 ~~(b) [An alleged violation under § 7-205 of the Criminal Law Article shall be~~
6 ~~a reportable theft of a vehicle for purposes of subsection (a) of this section.~~

7 ~~(c) If a police officer receives reliable information that a vehicle which he~~
8 ~~previously reported stolen has been recovered, he shall immediately report the~~
9 ~~recovery to the Administration and the Department of State Police.~~

10 ~~[(d)] (C) If a vehicle titled or registered in this State has been stolen, the~~
11 ~~owner or secured party may notify the Administration of the theft.~~

12 ~~[(e)] (D) Every person who has given notice under subsection [(d)] (C) of~~
13 ~~this section shall notify the Administration of a recovery of the vehicle.~~

14 ~~[(f)] (E) The Administration shall maintain and appropriately index~~
15 ~~cumulative public records of stolen vehicles reported to it under this section.~~

16 ~~[(g)] (F) The Administration may suspend the registration of a vehicle~~
17 ~~whose theft is reported to it under this section.~~

18 ~~[(h)] (G) Until the Administration learns of the recovery of the vehicle or~~
19 ~~that the report of its theft was erroneous, it may not issue a certificate of title for the~~
20 ~~vehicle.~~

21 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be~~
22 ~~construed to apply only prospectively and may not be applied or interpreted to have~~
23 ~~any effect on or application to any offense committed before the effective date of this~~
24 ~~Act.~~

25 ~~SECTION 2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
26 effect October 1, 2012.