

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

House Bill 111
Judiciary

(Delegate Anderson, *et al.*)

Judicial Proceedings

Criminal Law - Failure to Return Rental Vehicle - Notice

This bill prohibits a person from being prosecuted for abandoning or failing to return a rental vehicle if the person returns the motor vehicle or accounts for the motor vehicle with the person who delivered the motor vehicle within a specified five-day grace period. The grace period begins after a written demand for the return of the motor vehicle is mailed by regular mail and certified mail (with return receipt requested) to the person who rented the motor vehicle at the last address known to the person who delivered the motor vehicle. A prosecution for abandoning or failing to return a rental vehicle may not be commenced until after the five-day grace period has lapsed.

Fiscal Summary

State Effect: Potential minimal decrease in State revenues from fines imposed in the District Court. Potential minimal decrease in State incarceration expenditures to the extent that individuals avoid prosecution and conviction as a result of the bill.

Local Effect: Potential minimal decrease in local incarceration expenditures to the extent that individuals avoid prosecution and conviction as a result of the bill. Local revenues are not materially affected.

Small Business Effect: None.

Analysis

Current Law: A person who leases or rents a motor vehicle under an agreement to return the motor vehicle at the end of the leasing or rental period may not abandon the motor vehicle or refuse or willfully neglect to return it. Violators are guilty of a

misdemeanor and subject to maximum penalties of imprisonment for up to one year and/or a fine of \$500.

Background: According to the Judiciary, in fiscal 2011, the District Court handled 1,020 cases involving failure to return a rental car, resulting in 65 convictions. The State Commission on Criminal Sentencing Policy reports that there was one conviction for failure to return a rental car in the State's circuit courts in fiscal 2011.

According to the National Conference of State Legislatures, 18 states have separate statutes for failure to return or theft of a rental vehicle (including leasing or renting a vehicle with the intent to defraud). The severity of the penalties for the offense compared to the penalties for motor vehicle or general theft varies among these states.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of State Police; National Conference of State Legislatures; Department of Legislative Services

Fiscal Note History: First Reader - January 31, 2012
mc/kdm Revised - House Third Reader - March 23, 2012
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