

SENATE BILL REPORT

SB 5723

As Reported By Senate Committee On:
Law & Justice, February 23, 1995

Title: An act relating to criminal possession of leased or rented machinery, equipment, or motor vehicles.

Brief Description: Failing to return leased or rented machinery, equipment, or motor vehicles.

Sponsors: Senators Smith and Roach.

Brief History:

Committee Activity: Law & Justice: 2/21/95, 2/23/95 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5723 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Staff: Lidia Mori (786-7755)

Background: A person is guilty of criminal possession of leased or rented machinery, equipment, or a motor vehicle if the value of the property exceeds \$1,500 and the person fails to return the property when due under the terms of a written agreement. The person must have been served with a written demand to return the property within 72 hours and willfully neglected to return the property within five business days of the date of service.

Summary of Substitute Bill: A person is guilty of criminal possession of leased or rented machinery, equipment, or a motor vehicle if the value of the item exceeds \$1,500, the person fails to return the item despite a written agreement to do so, and is 15 business days late in honoring the terms of the agreement. The person must receive notice sent by certified mail with a return receipt demanding that the item be returned within 72 hours from the time of service of the demand.

When a rented motor vehicle is not returned to the owner within 15 days of the date specified in the rental agreement and the person has received notice demanding the item be returned, the vehicle is considered a stolen vehicle by law enforcement officials.

It is a defense for the lessor to any civil action arising out of the arrest or detention of the lessee that the lessee failed to return the item within five business days after receiving a written demand to return the item.

Substitute Bill Compared to Original Bill: The original bill provides that the notice demanding return of the rented or leased item within 72 hours may be served by registered or certified mail. The substitute requires that the notice be served by certified mail.

Appropriation: None.

Fiscal Note: Requested on February 20, 1995.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill allows a rented motor vehicle that has not been returned to its owner after 15 days to be treated as a stolen vehicle. Law enforcement can then enter the information with the "National Crime Information Center," which enters data on stolen vehicles, but not on criminal possession.

Testimony Against: None.

Testified: Rick Jensen, WA State Patrol Troopers Association (pro).