**5266 AMS OBAN S1822.2 - NOT FOR FLOOR USE**

**SB 5266** - S AMD **48**

By Senator O'Ban

**ADOPTED 03/01/2017**

On page 1, beginning on line 16, after "rental" strike all material through "loaned" on line 17

On page 1, line 21, after "property." insert "Rental property agreements must contain a warning that failure to return property and pay all outstanding obligations pursuant to the terms of the agreement may result in charges up to and including a gross misdemeanor. For purposes of this subsection, applicable rental charge is determined pursuant to the late return provisions in the written agreement; however, if the written agreement contains no late return provisions, applicable rental charge means a value equal to the terms of the written rental agreement prorated from the due date of the rental period through the receipt of the returned property. This subsection applies only to rental property agreements, and does not apply to leased property, lease-purchased property, rent to own property, and motor vehicles."

On page 2, beginning on line 36, after "(d)" strike all material through "misdemeanor" on line 37 and insert "(i)(A) Theft of rental property under subsection (2) of this section is a gross misdemeanor if the outstanding obligation is valued at seven hundred fifty dollars or more;

(B) Theft of rental property under subsection (2) of this section is a misdemeanor if the outstanding obligation is valued at two hundred fifty dollars or more but less than seven hundred fifty dollars;

(C) Theft of rental property under subsection (2) of this section is a class 1 civil infraction if the outstanding obligation is valued at fifty dollars or more but less than two hundred fifty dollars.

(ii) This subsection (6)(d) applies only to rental property, and does not apply to leased property, lease-purchased property, rent to own property, and motor vehicles"

EFFECT: (1) Rental property agreements must contain a warning that failure to return property and pay all outstanding obligations may result in charges up to a gross misdemeanor.

(2) "Applicable rental charge" is determined by specified late return provisions in the written rental agreement, or where there are no specified provisions, by the rental rate in the agreement prorated from the due date to the receipt of the returned property.

(3) Theft of rental property is a gross misdemeanor if the value of the outstanding obligation is 750 dollars or more; a misdemeanor if the value of the outstanding obligation is 250 dollars or more but less than 750 dollars; and a class 1 civil infraction if the value of the outstanding obligation is 50 dollars or more but less than 250 dollars.

(4) The new crime of theft of rental property applies only to rental property, and does not apply to leased property, lease-purchased property, rent to own property, and motor vehicles.