

2 HB 1869 - S COMM AMD

3 By Committee on Law & Justice

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 9A.56.095 and 1977 ex.s. c 236 s 1 are each amended
8 to read as follows:

9 (1) A person is guilty of criminal possession of leased or rented
10 machinery, equipment, or a motor vehicle if the value thereof exceeds
11 one thousand five hundred dollars and if he or she:

12 (a) After renting machinery, equipment, or a motor vehicle under an
13 agreement in writing which provides for the return of (~~said~~) the item
14 to a particular place at a particular time, fails to return the item to
15 (~~said~~) the place within the time specified, is thereafter served by
16 registered or certified mail addressed to him or her at (~~his~~) the
17 last known place of residence or business with a written demand to
18 return (~~said~~) the item within seventy-two hours from the time of the
19 service of such demand, and willfully neglects to return (~~said~~) the
20 item to any place of business of the lessor within five full business
21 days from the date of service of said notice; or

22 (b) After leasing machinery, equipment, or a motor vehicle under an
23 agreement in writing which provides for periodic rental or lease
24 payments for a period greater than six months duration, fails to pay
25 the lessor of (~~said~~) the item the periodic payments when due for a
26 period of ninety days, is thereafter served by registered or certified
27 mail addressed to him or her at (~~his~~) the last known place of
28 residence or business with a written demand to return the item to any
29 place of business of the lessor within seventy-two hours from the time
30 of the service of (~~said~~) the demand and willfully neglects to return
31 (~~said~~) the item to any place of business of the lessor within five
32 full business days from the date of service of (~~said~~) the notice.

33 (2) "Willfully neglects" as used in this section means omits, fails
34 or forbears with intent to deprive the owner of or exert unauthorized
35 control over the property, and specifically excludes the failure to
36 return the item because of a bona fide contract dispute with the owner.

1 (3) If the notice provisions of subsection (1)(a) of this section
2 have been complied with and a rented motor vehicle is not returned to
3 the owner within fifteen days of the date set by the terms of the
4 rental agreement, it shall be considered a stolen vehicle by law
5 enforcement officials.

6 (4) It shall be a defense for the lessor to any civil action
7 arising out of or involving the arrest or detention of any person who
8 rents or leases machinery, equipment, or a motor vehicle that ((he))
9 the lessee failed to return the item to any place of business of the
10 lessor within five full business days after receiving written demand
11 therefor.

12 Criminal possession of leased or rented machinery, equipment, or a
13 motor vehicle is a class C felony."

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17 On page 1, line 2 of the title, after "vehicles;" strike the
18 remainder of the title and insert "amending RCW 9A.56.095; and
19 prescribing penalties."

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