

SB 5266 - S AMD 48
By Senator O'Ban

ADOPTED 03/01/2017

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

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

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

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

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

28 (ii) This subsection (6)(d) applies only to rental property, and
29 does not apply to leased property, lease-purchased property, rent to
30 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.

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