

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

---

<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	7 - 0 - 0
<b>Yeas:</b>	Buckley, Butler, Gilman, Read, Smith G., Tomei, Beyer
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Judith Callens, Administrator
<b>Meeting Dates:</b>	3/28, 4/18

---

**WHAT THE MEASURE DOES:** Creates crime of criminal possession of a rented or leased motor vehicle as a Class C felony. Specifies violation occurs when person receives written demand and knowingly fails to return the vehicle within three calendar days from date of receipt or refusal of demand. Specifies that a demand is considered refused if demand is not deliverable to person at address provided by rentor or lessor. Specifies written demand may only be served by commercial overnight delivery service that can supply delivery receipt. Provides that a bona fide contract dispute is an affirmative defense.

**ISSUES DISCUSSED:**

- Owner must wait ten business days from written demand to initiate action
- Use of rented vehicles for criminal activity
- Options for businesses to recover property
- Definition of delivery receipt
- Sufficient time for consumer to receive and respond to demand

**EFFECT OF COMMITTEE AMENDMENT:** Replaces original measure.

**BACKGROUND:** Currently, rented and leased vehicles are treated like all other personal property with respect to legal action for failure to return property. Theft of property with a value of \$500 or greater is considered a Class C felony. Under current law, owners must wait ten business days from date of mailing demand for return of property before reporting property as stolen. Law enforcement testified to the frequent use of rental vehicles in criminal activity.

HB 3379A creates a new crime of criminal possession of a rented or leased motor vehicle. The measure also shortens the permissible time for return of a rented or leased vehicle from ten business days to three calendar days from dispatch of return demand that must be served by commercial overnight delivery service.