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THEFT OF RENTAL MOTOR VEHICLE

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Bill Wright

This act modifies the Criminal Code by establishing the specific offense of theft of a rental vehicle. The act states that failure to return the vehicle within 72 hours after the date the vehicle is due to be returned is the criminal offense of theft.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

76-6-410.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-6-410.5** is enacted to read:

76-6-410.5. Theft of a rental vehicle.

(1) As used in this section:

(a) "Motor vehicle" means a self-propelled vehicle that is intended primarily for use and operation on the highways.

(b) "Rental agreement" means any written agreement stating the terms and conditions governing the use of a private passenger motor vehicle provided by a rental company.

(c) "Rental company" means any person or organization in the business of providing private passenger motor vehicles to the public.

(d) "Renter" means any person or organization obtaining the use of a motor vehicle from a rental company under the terms of a rental agreement.

(2) A renter is guilty of theft of a rental vehicle if, without notice to and permission of the rental company, the renter knowingly fails without good cause to return the vehicle within 72 hours after the time established for the return in the rental agreement.

(3) If the motor vehicle is not rented on a periodic tenancy basis, the rental company shall include the following information, legibly written, as part of the terms of the rental agreement:

- 28 (a) the date and time the motor vehicle is required to be returned; and
- 29 (b) the maximum penalties under state law if the motor vehicle is not returned within 72
- 30 hours from the date and time of stated in compliance with Subsection (3)(a).
- 31 (4) It is a defense to prosecution under this section that the renter was physically
- 32 incapacitated and unable to request or obtain permission of the rental company to retain the motor
- 33 vehicle or that the motor vehicle was in a condition, through no fault of the renter, so that it could
- 34 not be returned to the rental company within the time provided in the rental agreement.

Legislative Review Note
as of 1-8-01 5:26 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel