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SENATE BILL 5723

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State of Washington

54th Legislature

1995 Regular Session

By Senators Smith and Roach

Read first time 02/02/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to criminal possession of leased or rented  
2 machinery, equipment, or motor vehicles; amending RCW 9A.56.095; and  
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9A.56.095 and 1977 ex.s. c 236 s 1 are each amended to  
6 read as follows:

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

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

1 demand, and is fifteen full business days late in honoring the terms of  
2 the agreement; or

3 (b) After leasing machinery, equipment, or a motor vehicle under an  
4 agreement in writing which provides for periodic rental or lease  
5 payments for a period greater than six months duration, fails to pay  
6 the lessor of (~~said~~) the item the periodic payments when due for a  
7 period of ninety days, is thereafter served by registered or certified  
8 mail addressed to him or her at (~~his~~) the last known place of  
9 residence or business with a written demand to return the item to any  
10 place of business of the lessor within seventy-two hours from the time  
11 of the service of (~~said~~) the demand, and willfully neglects to return  
12 (~~said~~) the item to any place of business of the lessor within five  
13 full business days from the date of service of (~~said notice~~) the  
14 demand.

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

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

24 (4) It shall be a defense for the lessor to any civil action  
25 arising out of or involving the arrest or detention of any person who  
26 rents or leases machinery, equipment, or a motor vehicle that (~~he~~)  
27 the lessee failed to return the item to any place of business of the  
28 lessor within five full business days after receiving written demand  
29 therefor.

30 Criminal possession of leased or rented machinery, equipment, or a  
31 motor vehicle is a class C felony.

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