
HOUSE BILL 1869

State of Washington

53rd Legislature

1993 Regular Session

By Representative R. Meyers

Read first time 02/12/93. Referred to Committee on Judiciary.

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(~~(7)~~):

14 (i) Is thereafter served by registered or certified mail addressed
15 to him or her at (~~his~~) the last known place of residence or business
16 with a written demand to return (~~said~~) the item within seventy-two
17 hours from the time of the service of such demand, and willfully
18 neglects to return (~~said~~) the item to any place of business of the

1 lessor within five full business days from the date of service of said
2 notice; or

3 (ii) Is fifteen full business days late in honoring the terms of
4 the agreement; or

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

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

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

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

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