

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1392

Short Title: Failure to Return Hired Motor Vehicles. (Public)

Sponsors: Representatives Glazier and Kiser (Primary Sponsors).

Referred to: Judiciary IV.

April 21, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE LAW AND PROCEDURE PERTAINING TO THE
3 FAILURE TO RETURN A HIRED MOTOR VEHICLE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-167 reads as rewritten:

6 "§ 14-167. Failure to return hired property.

7 Any person who shall rent or hire, any horse, mule or other like animal, or any
8 buggy, wagon, truck, automobile, or other vehicle, aircraft, motor, trailer, appliance,
9 equipment, tool, or other thing of value, and who shall willfully fail to return the same
10 to the possession of the person, firm or corporation from whom such property has been
11 rented or hired at the expiration of the time for which such property has been rented or
12 hired, shall be guilty of a Class 2 misdemeanor.

13 If the value of the truck, automobile, or other motor vehicle that is not returned is in
14 excess of four thousand dollars (\$4,000), the person failing to return it is guilty of a
15 Class H felony."

16 SECTION 2. G.S. 14-168.3 reads as rewritten:

17 "§ 14-168.3. Prima facie evidence of intent to convert property.

18 It shall be prima facie evidence of intent to commit a crime as set forth in
19 G.S. 14-167, 14-168, and 14-168.1 with respect to any property other than a truck,
20 automobile, or other motor vehicle when one who has, by written instrument, leased or
21 rented the personal property of another:

22 (1) Failed or refused to return such property to its owner after the lease,
23 bailment, or rental agreement has expired,

24 a. Within 10 days, and

25 b. Within 48 hours after written demand for return thereof is
26 personally served or given by registered mail delivered to the
27 last known address provided in such lease or rental agreement,

28 or

- 1 (2) When the leasing or rental of such personal property is obtained by
2 presentation of identification to the lessor or rentor thereof which is
3 false, fictitious, or knowingly not current as to name, address, place of
4 employment, or other identification."

5 **SECTION 3.** Chapter 14 of the General Statutes is amended by adding a
6 new section to read:

7 **"§ 14-163.5. Prima facie evidence of intent to convert a truck, automobile, or other**
8 **motor vehicle.**

9 It shall be prima facie evidence of intent to commit a crime as set forth in
10 G.S. 14-167, 14-168, and 14-168.1 when one who has, by written instruments, leased or
11 rented a truck, automobile, or other motor vehicle owned by another:

- 12 (1) Failed or refused to return the vehicle to the lessor or rentor at the
13 place specified after the lease, bailment, or rental agreement has
14 expired, within 72 hours after written demand for the vehicle is made.
15 Demand may be made in one of three ways:
16 a. By personal service.
17 b. By certified mail, return receipt requested, addressed to the last
18 known address provided in the lease or rental agreement.
19 c. By depositing the demand with a designated delivery service
20 authorized pursuant to 26 U.S.C. § 7502(f)(2) addressed to the
21 last known address provided in the lease or rental agreement.
22 Demand is effective upon hand delivery, mailing (even if the
23 demand is returned as undeliverable), or delivery to the last
24 know address.
- 25 (2) In a prosecution under G.S. 14-167, failed or refused to pay any
26 amount due that is incurred after the lease, bailment, or rental
27 agreement has expired, and after written demand is made. Amounts
28 due include unpaid fees for the time period during which the vehicle
29 was not returned and include the lesser of the cost of repairing or
30 replacing the vehicle if it has been damaged.
- 31 (3) When the leasing or rental of the vehicle is obtained by presentation of
32 identification to the lessor or rentor of the vehicle which is false,
33 fictitious, or knowingly not current as to name, address, place of
34 employment, or other identification."

35 **SECTION 4.** Chapter 20 of the General Statutes is amended by adding a
36 new section to read:

37 **"§ 20-102.2. Report of failure to return hired motor vehicles.**

38 Every sheriff, chief of police, or peace officer upon receiving reliable information
39 that any rental, for-hire, or leased vehicle registered pursuant to this Chapter has not
40 been returned as set forth in G.S. 14-167 shall immediately report the failure to the
41 United States Department of Justice Stolen Vehicle System. Any officer upon receiving
42 information concerning the recovery of a vehicle that the officer previously reported as
43 not having been returned shall immediately report the recovery to the United States
44 Department of Justice Stolen Vehicle System. The officer shall also immediately

1 attempt to notify the reporting party of the location and condition of the recovered
2 vehicle by telephone, if the telephone number of the reporting party is available or
3 readily accessible."

4 **SECTION 5.** This act is effective when it becomes law.