Public Law 94-526
94th Congress

An Act

To amend the Act establishing a code of law for the District of Columbia to prohibit the unauthorized use of a motor vehicle obtained under a written rental or other agreement.

Oct. 17, 1976
[H.R. 10826]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 826b of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22-2204), is amended to read as follows:

D.C.
Motor vehicles, unauthorized use.

"SEC. 826b. UNAUTHORIZED USE OF A VEHICLE.—(a) Any person who, without the consent of the owner, shall take, use, operate, or remove or cause to be taken, used, operated, or removed, from a garage, stable, or other building, or from any place or locality on a public or private highway, park, parkway, street, lot, field, enclosure, or space, a motor vehicle, and operate or drive or cause the same to be operated or driven for his own profit, use, or purpose shall be punished by a fine not exceeding $1,000 or imprisoned not exceeding five years, or both such fine and imprisonment.

"(b)(1) It shall be a violation of this subsection for any person, after renting, leasing, or using a motor vehicle under a written agreement which provides for the return of the vehicle to a particular place at a specified time, to knowingly fail to return the vehicle to such place (or to any authorized agent of the party from whom the vehicle was obtained under the agreement), within eighteen days after written demand is made for its return, if the conditions set forth in paragraph (2) are met. Any person who violates this subsection shall be fined not more than $1,000 or imprisoned not more than three years, or both.

"(2) The conditions referred to in paragraph (1) are as follows:

"(A) The written agreement under which the motor vehicle is obtained contains the following statement: 'WARNING—failure to return this vehicle in accordance with the terms of this rental agreement may result in a criminal penalty of up to three years in jail'. Such statement shall be clearly and conspicuously printed in a contrasting color, set off in a box, and signed by the person obtaining the motor vehicle in a space specially provided.

"(B) There is clearly and conspicuously displayed on the dashboard of the motor vehicle the following notice: 'NOTICE—failure to return this vehicle on time may result in serious criminal penalties.'.

"(C) The party from whom the motor vehicle was obtained under the agreement makes a written demand for the return of the vehicle, either by actual delivery to the person who obtained the vehicle, or by deposit in the United States mails of a postpaid registered or certified letter, return receipt requested, addressed to such person at each address set forth in the written agreement or otherwise provided by such person. Such written demand shall clearly state that failure to return the vehicle may result in prosecution for violation of the criminal law of the District of Columbia punishable by up to three years in jail. Such written demand shall not be made prior to the date specified in the agreement for

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the return of the vehicle, except that, if the parties or their authorized agents have mutually agreed to some other date for the return of the vehicle, then such written demand shall not be made prior to such other date.

"(3) This subsection shall not apply in the case of a motor vehicle obtained under a retail installment contract as defined in paragraph (9) of the first section of the Act of April 22, 1960 (D.C. Code, sec. 40-901(9)).

"(4) It shall be a defense in any criminal proceeding brought under this subsection that a person failed to return a motor vehicle for causes beyond his control. The burden of raising and going forward with the evidence with respect to such defense shall be on the person asserting it. In any case in which such defense is raised, evidence that the person obtained the vehicle by reason of any false statement or representation of a material fact, including a false statement or representation regarding his name, residence, employment, or operator's license, shall be admissible to determine whether the failure to return such vehicle was for causes beyond his control.

"Motor vehicle."

"(c) For the purposes of this section the terms 'motor vehicle' and 'vehicle' mean any automobile, self-propelled mobile home, motorcycle, truck, truck tractor, truck tractor with semi or full trailer, or bus.".

Approved October 17, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-898 (Comm. on the District of Columbia).
SENATE REPORT No. 94-1344 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 122 (1976):
Apr. 12, considered and passed House.
Sept. 30, considered and passed Senate.