

State of Arizona
House of Representatives
Forty-second Legislature
Second Regular Session
1996

FILED

**Jane Dee Hull
Secretary of State**

CHAPTER 272

HOUSE BILL 2414

AN ACT

AMENDING SECTIONS 13-1806 AND 28-203, ARIZONA REVISED STATUTES; RELATING TO THEFT.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-1806, Arizona Revised Statutes, is amended to read:

13-1806. Unlawful failure to return rented property; notice; classification

A. A person commits unlawful failure to return rented property if, without notice to and permission of the lessor of property, such person knowingly fails without good cause to return such property within seventy-two hours after the time provided for such return in the rental agreement.

B. If the property is not leased on a periodic tenancy basis, the ~~lessor shall include within the rental agreement, in bold print, clear written notice to the lessee of the date and time on which return of the property is required and of the maximum penalties to which the lessee shall be subject upon failure to return the property within seventy two hours of that date and time.~~ PERSON WHO RENTS OUT THE PROPERTY SHALL INCLUDE THE FOLLOWING INFORMATION, CLEARLY WRITTEN AS PART OF THE TERMS OF THE RENTAL AGREEMENT:

1. THE DATE AND TIME THE PROPERTY IS REQUIRED TO BE RETURNED.
2. THE MAXIMUM PENALTIES IF THE PROPERTY IS NOT RETURNED WITHIN SEVENTY-TWO HOURS OF THE DATE AND TIME LISTED IN PARAGRAPH 1.

C. If the property is leased on a periodic tenancy basis without a fixed expiration or return date the lessor shall include within the ~~rental agreement~~ LEASE, ~~in bold print,~~ clear written notice that the lessee is

1 required to return the property within seventy-two hours from the date and
2 time of the failure to pay any periodic lease payment required by the ~~rental~~
3 ~~agreement~~ LEASE.

4 ~~G.~~ D. It shall be IS a defense to prosecution under this section that
5 the defendant was physically incapacitated and unable to request or obtain
6 permission of the lessor to retain the property or that the property itself
7 was in such a condition, through no fault of the defendant, that it could not
8 be returned to the lessor within such time.

9 ~~D.~~ E. Unlawful failure to return rented OR LEASED property is a class
10 6 felony unless the value of the property is under one hundred dollars in
11 which case it is a class 1 misdemeanor.

12 Sec. 2. Section 28-203, Arizona Revised Statutes, is amended to read:
13 28-203. Law enforcement powers; power to stop at ports of
14 entry; violation; classification

15 A. The assistant director for the motor vehicle division and such
16 officers, agents and employees of the vehicle division or local or state law
17 enforcement agencies as he designates are designated peace officers ~~for the~~
18 ~~enforcement of all laws the enforcement or administration of which is vested~~
19 ~~in the assistant director or in the motor vehicle division. The powers of~~
20 ~~the assistant director, officers, agents and employees as peace officers are~~
21 ~~strictly limited to the enforcement of motor vehicle laws and regulations and~~
22 ~~within such limits shall be co-extensive with like authority of other peace~~
23 officers of the state or municipalities of the state, and such powers may be
24 exercised throughout the state. ANY PEACE OFFICER DESIGNATED BY THE
25 ASSISTANT DIRECTOR FOR PURPOSES OF THIS SECTION SHALL MEET THE MINIMUM
26 QUALIFICATIONS ESTABLISHED FOR PEACE OFFICERS PURSUANT TO SECTION 41-1822 AND
27 ARE NOT ELIGIBLE TO PARTICIPATE IN THE PUBLIC SAFETY PERSONNEL RETIREMENT
28 SYSTEM EXCEPT AS PROVIDED IN TITLE 38, CHAPTER 5, ARTICLE 4. THE PROVISIONS
29 IN THIS SECTION SHALL NOT PREEMPT THE AUTHORITY AND JURISDICTION OF
30 ESTABLISHED AGENCIES AND POLITICAL SUBDIVISIONS OF THIS STATE.

31 B. Any peace officer as defined in section 41-1701 or those peace
32 officers designated in subsection A of this section may require any vehicle,
33 subject to the provisions of section 28-206 or 28-501, to stop at any port
34 of entry in this state, for the purpose of enforcing any of the motor vehicle
35 laws prescribed in this title. Any person who fails to stop as required by
36 this subsection is guilty of a class 1 misdemeanor.

APPROVED BY THE GOVERNOR APRIL 23, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 1996