

January 30, 1967

Passed on File

*Judiciary 1-31, Pass amended 2-16*

By COLEMAN, VAN EATON, O'MALLEY,  
ERSKINE and FREY  
(Dunton, Grassley, Koch and  
Story)

Passed Senate, Date 3-3-67

*Failed*  
Passed House, Date 5-1-67

Vote: Ayes 47 Nays 10

Vote: Ayes 50 Nays 57

Approved June 19, 1967

*Motion to reconsider 3-3  
Withdrawn 3-16*

*Passed Senate as amended  
by the House 6-5-67  
41-10*

# A BILL FOR

*Motion to  
reconsider filed  
5-2-67  
Provided 5-10  
Passed House  
5-25-67  
67-46  
Motion to reconsider  
" " "*

*filed 5-25  
last 5-31*

An Act relating to leased and rented vehicle offenses.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Chapter seven hundred ten (710), Code 1966, is  
2 hereby amended by adding thereto the following new sections:

3 1. "Whoever, with intent to defraud the owner or any person  
4 lawfully possessing any vehicle, obtains the custody of such  
5 vehicle by trick, deceit, fraudulent or willful false repre-  
6 sentation, shall be guilty of a felony and punished as provided  
7 in this Act."

8 2. "Whoever, with intent to defraud the owner or any person  
9 lawfully possessing any vehicle, of the rental, hires a vehicle  
10 from such owner or such owner's agent, or any person in lawful  
11 possession thereof, shall be guilty of a felony and punished  
12 as provided in this Act."

13 3. "Whoever, after hiring a vehicle under an agreement to  
14 redeliver the same to the person letting such vehicle, or his  
15 agent, at the termination of the period for which it was let,  
16 shall, with intent to defraud, abandon, or lawfully refuse or  
17 neglect to redeliver such vehicle as agreed, shall be guilty  
18 of a felony and punished as provided in this Act. The failure  
19 to return the vehicle within seventy-two (72) hours of the  
20 time agreed shall be prima facie evidence of fraudulent intent."

21 4. "Whoever, after hiring a vehicle from any person or  
22 persons under an agreement to pay for the use of such vehicle  
23 a sum of money determinable either in whole or in part upon  
24 the distance such vehicle travels during the period for which  
25 hired, removes, attempts to remove, tampers with, or attempts  
26 to tamper with or otherwise interfere with any odometer or  
27 other mechanical device attached to said hired vehicle for the  
28 purpose of registering the distance such vehicle travels, with  
29 the intent to deceive the person or persons letting such vehicle  
30 or their lawful agent as to the actual distance traveled thereby,  
31 shall be guilty of a felony and punished as provided in this  
32 Act."

33 5. "'Vehicle', as used in subsections one (1), two (2),  
34 three (3) and four (4) of this section means every device in,  
35 upon, or by which any person or property is or may be trans-  
36 ported or drawn upon a highway, excepting devices moved by human  
37 power or used exclusively upon stationary rails or tracks."

38 6. "Any person convicted of violation of any provisions of  
39 subsections one (1), two (2), three (3) or four (4) of this  
40 section shall be punished by imprisonment in the state prison for  
41 not more than one (1) year or by fine not to exceed one thousand  
42 (1,000) dollars, or both."

1 Sec. 2. This Act, being deemed of immediate importance,  
2 shall take effect and be in force from and after its publica-  
3 tion in \_\_\_\_\_, a newspaper published in \_\_\_\_\_  
4 \_\_\_\_\_, and \_\_\_\_\_, a newspaper  
5 published in \_\_\_\_\_.

Amend Senate File 95, Section one (1), subsection three (3),  
line sixteen (16)  
2 by striking the word "lawfully".

Filed - Adopted 3-2  
February 16, 1967

By JUDICIARY COMMITTEE

1 Amend Senate File 95 by striking section 2 and inserting  
2 in lieu thereof the following:  
3 "Sec. 2. This act, being deemed of immediate importance,  
4 shall take effect and be in full force from and after its  
5 publication in The Sioux County Index, a newspaper published  
6 in Hull, Iowa, and in The Sac Sun, a newspaper published in  
7 Sac City, Iowa."

Filed - Withdrawn 3-2-67  
February 16, 1967

By LANGE

1 Amend Senate File 95 by striking Section 2 and inserting in  
2 lieu thereof the following section:  
3 "Sec. 2. This Act, being deemed of immediate importance  
4 shall be in full force and effect from and after its passage  
5 and publication as provided by law, in the Fort Dodge Messenger,  
6 a newspaper published at Fort Dodge, Iowa, and in The Gowrie  
7 News, a newspaper at Gowrie, Iowa.

Filed - Lost 3-2-67  
February 16, 1967

By COLEMAN

1 Amend Senate File 95 as follows:  
2 1. By striking the word "hires" in line nine (9) of  
3 section one (1) and by inserting in lieu thereof the word  
4 "rents".  
5 2. By striking the word "hiring" in line thirteen (13)  
6 of section one (1) and by inserting in lieu thereof the word  
7 "renting".  
8 3. By striking the word "hiring" in line twenty-one (21)  
9 of section one (1) and by inserting in lieu thereof the word  
10 "renting".

Filed - Adopted 3-2-67  
February 22, 1967

By O'MALLEY

1 Amend Senate File 95 as follows:

2 1. By striking in line five (5) of Section one (1) the  
3 words, "fraudulent or" and by inserting in lieu thereof the  
4 words, "or a material".

5 2. By striking in Section one (1) lines eight (8) through  
6 twelve (12), inclusive and by renumbering the remaining sub-  
7 sections thereof.

8 3. By inserting in line fourteen (14) of Section one  
9 (1) after the word, "vehicle" the words, ", if the person  
10 letting the vehicle has performed all of his obligations under  
11 the agreement".

12 4. By striking in line sixteen (16) and seventeen (17)  
13 the words, ", or lawfully refuse or neglect" and by inserting  
14 in lieu thereof the words, "willfully refuse, or willfully neglect".

15 5. By striking in line twenty (20) of Section one (1)  
16 the words, "fraudulent intent" and by inserting in lieu thereof  
17 the words, "such abandonment or willful refusal or willful neglect  
18 to redeliver such vehicle".

Filed - Adapted 3-2-67

February 22, 1967

By GAUDINEER

1 Amend Senate File 95 as follows:

2 Amend subsection four (4) of section one (1) by  
3 striking all of line thirty one (31) and thirty two (32)  
4 after the word "a" on line thirty one (31) and inserting  
5 in lieu thereof the word "misdemeanor".

Filed - Adapted 3-3

March 2, 1967

By NEU

1 Amend Senate File 95 by striking section 2 and  
2 inserting in lieu thereof the following:

3 "Sec. 2. This act, being deemed of immediate  
4 importance, shall take effect and be in full force  
5 from and after its publication in the Fort Dodge  
6 Messenger, a newspaper published at Fort Dodge, Iowa,  
7 and in The Sac Sun, a newspaper published in Sac  
8 City, Iowa."

Filed and lost

March 2, 1967

By COLEMAN and LAI

1 Amend Senate File 95 by striking lines 13 through 20,  
2 inclusive, and inserting in lieu thereof the following:

3 "Whoever, after renting a vehicle under an agreement  
4 to redeliver the same to the person letting such vehicle or  
5 his agent, shall, with intent to defraud, abandon such  
6 vehicle or willfully refuse or willfully neglect to  
7 redeliver such vehicle as agreed, shall be guilty of a  
8 felony and punished as provided in this Act. If the person  
9 letting the vehicle has performed all of his obligations  
10 under the agreement, the failure to return the vehicle within  
11 seventy-two (72) hours of the time agreed shall be prima facie  
12 evidence of such abandonment or willful refusal or willful  
13 neglect to redeliver such vehicle."

Filed and adopted

March 2, 1967

By STANLEY

1 Amend Senate File 95 as follows:

2 1. Amend title by inserting after the word vehicle "and  
3 other leased and rented property".

4 2. Amend subsection 1, line 4 after word "vehicle" insert  
5 the words "other leased and rented property".

6 3. Amend subsection 1, line 5 after word "vehicle" insert  
7 the words "other leased and rented property".

8 4. Amend subsection 2, by striking all of subsection 2, and  
9 inserting in lieu thereof the following:

10 2. Whoever after renting a vehicle or other leased and  
11 rented property under a written agreement to redeliver the same  
12 to the person letting such vehicle or other leased and rented  
13 personal property, or his agent, shall with intent to defraud,  
14 abandon such vehicle or other leased and rented property, or  
15 willfully refuse or willfully neglect to redeliver such vehicle  
16 or other leased and rented property as agreed shall be guilty  
17 of a felony and punished as provided in this act. If the person  
18 letting the vehicle or other leased and rented property has  
19 performed all of his obligations under the written agreement,  
20 the failure to return the leased or rented vehicle or other  
21 leased and rented property within 72 hours of the time agreed  
22 shall be prima facie evidence of such abandonment or willful  
23 refusal or willful neglect to redeliver such vehicle or other  
24 leased and rented property.

25 By adding new subsection, following section 4 as follows:

26 5. "Other leased and rented property" as used in subsections  
27 one (1) and two (2) hereof means all property of a personal  
28 nature which has a value of more than twenty dollars (\$20.00).

29 Amend by renumbering the following subsections of section 1.

Filed - *Lat 5-25-67*  
May 10, 1967

RADL of Linn.

27

1 Amend the Radl amendment to Senate File 95, filed  
2 May 10, 1967, by striking the words "prima facie" from line  
3 twenty-two (22)

Filed and adopted *Senate concurred 6-6*  
May 25, 1967

HILL of Marshall.

- 1 Amend Senate File 95 as follows:
- 2 Amend subsection six (6) of section one (1) by striking
- 3 the words ", three (3) or four (4)" on line thirty nine (39)
- 4 and inserting in lieu thereof the words "or three (3)".

Filed and adopted  
March 3, 1967

By NEU

- 1 Amend Senate File 95 as follows:
- 2 1. Section 1, line two (2), by striking the word
- 3 "sections" and inserting in lieu thereof the word
- 4 "section".
- 5 2. Section 1, line fifteen (15), by striking the
- 6 words "prima facie".
- 7 3. Section 1, subsection five (5), line three (3),
- 8 by striking the words "state prison" and inserting in
- 9 lieu thereof the word "penitentiary".
- 10 4. By striking all of Section 2. *Senate concurred 6-5*

- 1 Amend Senate File 95 by striking all of Section 2.

Filed and adopted  
April 28, 1967

*House*  
GANNON of Jasper.

- 1 Amend Senate File 95 as follows:
- 2 1. Section 1, line two (2), by striking the word
- 3 "sections" and inserting in lieu thereof the word "section".
- 4 2. Subsection five (5), line three (3), by striking the
- 5 words "state prison" and inserting in lieu thereof the word
- 6 "penitentiary".

Filed and adopted  
May 1, 1967

WINKELMAN of Calhoun.

- 1 Amend Senate File 95 by striking from line twenty (20)
- 2 the words "prima facie".

Filed - *adopted 5-25*  
May 8, 1967

BOWIN of Black Hawk.