The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

## DIGEST 2025 Regular Session

Cathey

SB 157 Original

<u>Proposed law</u> creates the crime of unauthorized use of rental service equipment and makes it a crime for a renter to either:

- (1) Intentionally take or use equipment without tendering payment in accordance with the provisions of a rental agreement.
- (2) Continue to possess or use equipment beyond the return date without timely providing all additional payments as set forth in the rental agreement.

<u>Proposed law</u> provides that a person convicted of unauthorized use of rental service equipment will be:

- (1) Imprisoned for not more than six months or fined not more \$1,000, or both, when the equipment is valued less than \$1,000.
- (2) Imprisoned, with or without hard labor, for not more than five years, or fined not more than \$3,000, or both, when the equipment is valued \$1,000 or more, but less than \$5,000.
- Imprisoned, with or without hard labor, for not more than 10 years, or fined not more than \$10,000, or both, when the equipment is valued \$5,000 or more, but less than \$25,000.
- (4) Imprisoned at hard labor for not more than 20 years, or may be fined not more than \$50,000, or both, when the equipment value is \$25,000 or more.
- Ordered to pay restitution to the rental service in the amount of one day's rental cost of the equipment for each day after the contractual return date until possession of the equipment is regained by the rental service.

<u>Proposed law</u> provides definitions relative to <u>proposed law</u>.

<u>Proposed law provides a complete defense to prosecution for a violation of proposed law if the renter shows by a preponderance of the evidence any of the following:</u>

- (1) He returned the overdue equipment within 72 hours of the return date.
- (2) He attempted to return the overdue equipment but was refused by the rental service.

- (3) It is impossible to return the overdue equipment due to its destruction.
- (4) He is unable to return the overdue equipment due to it either being stolen or seized by legal action.

<u>Proposed law</u> provides that a renter who successfully asserts one of the enumerated affirmative defenses is not immune from civil liability related to a failure to return rental service equipment.

Effective August 1, 2025.

(Adds R.S. 14:68.1.1)