

A-Engrossed
House Bill 3379

Ordered by the House April 30
Including House Amendments dated April 30

Sponsored by COMMITTEE ON TRANSPORTATION

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Allows renter or lessor of personal property to serve demand for return of property by commercial overnight delivery service. Removes requirement that person act knowingly from definition of criminal possession of rented or leased personal property. Shortens permissible time for return of rented item to three calendar days from dispatch of demand.]

Creates crime of criminal possession of rented or leased motor vehicle. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both. Provides that bona fide contract dispute with lessor or renter is affirmative defense to charge.

A BILL FOR AN ACT

1
2 Relating to criminal possession of property; creating new provisions; and amending ORS 161.005 and
3 161.067.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) A person commits the offense of criminal possession of a rented or leased**
6 **motor vehicle if:**

7 (a) **After renting a motor vehicle from a commercial renter of motor vehicles under a**
8 **written agreement that provides for the return of the motor vehicle to a particular place at**
9 **a particular time, the person fails to return the motor vehicle as specified, is thereafter**
10 **served in accordance with subsection (2) of this section with a written demand to return the**
11 **motor vehicle and knowingly fails to return the motor vehicle within three calendar days**
12 **from the date of the receipt or refusal of the demand; or**

13 (b) **After leasing a motor vehicle from a commercial lessor of motor vehicles under a**
14 **written agreement that provides for periodic lease payments, the person fails to pay the**
15 **lessor a periodic payment when due for a period of 45 days, is thereafter served with a**
16 **written demand to return the motor vehicle in accordance with subsection (2) of this section**
17 **and knowingly fails to return the motor vehicle within three calendar days from the date of**
18 **the receipt or refusal of the demand.**

19 (2)(a) **Service of written demand under this section shall be accomplished by delivery**
20 **through any commercial overnight service that can supply a delivery receipt. The demand**
21 **shall be sent to the person who obtained the motor vehicle by rental or lease at the address**
22 **stated in the rental or lease agreement and any other address of the person provided by the**
23 **person to the renter or lessor. The person is responsible for providing correct current ad-**
24 **dress information to the renter or lessor until the motor vehicle is returned.**

25 (b) **The person shall be considered to have refused the written demand if the commercial**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **delivery service determines that the demand is not deliverable to the person at the address**
2 **or addresses provided by the person.**

3 **(3) A bona fide contract dispute with the lessor or renter shall be an affirmative defense**
4 **to a charge of criminal possession of a rented or leased motor vehicle.**

5 **(4) Criminal possession of a rented or leased motor vehicle is a Class C felony.**

6 **SECTION 2.** ORS 161.005 is amended to read:

7 161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290
8 to 161.370, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737,
9 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to
10 162.425, 162.465, 163.005, 163.115, 163.125 to 163.145, 163.160 to 163.208, 163.215 to 163.257, 163.275,
11 163.285, 163.305 to 163.467, 163.505 to 163.575, 163.665 to 163.693, 164.005, 164.015 to 164.135, 164.140,
12 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805, 164.877, 165.002 to 165.109, 165.805,
13 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.060 to 167.100, 167.117,
14 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340 and 167.350, 167.810 and 167.820[,] **and**
15 **section 1 of this 2007 Act** shall be known and may be cited as Oregon Criminal Code of 1971.

16 **SECTION 3.** ORS 161.067 is amended to read:

17 161.067. (1) When the same conduct or criminal episode violates two or more statutory pro-
18 visions and each provision requires proof of an element that the others do not, there are as many
19 separately punishable offenses as there are separate statutory violations.

20 (2) When the same conduct or criminal episode, though violating only one statutory provision
21 involves two or more victims, there are as many separately punishable offenses as there are victims.
22 However, two or more persons owning joint interests in real or personal property shall be consid-
23 ered a single victim for purposes of determining the number of separately punishable offenses if the
24 property is the subject of one of the following crimes:

25 (a) Theft as defined in ORS 164.015.

26 (b) Unauthorized use of a vehicle as defined in ORS 164.135.

27 (c) Criminal possession of rented or leased personal property as defined in ORS 164.140.

28 **(d) Criminal possession of a rented or leased motor vehicle as defined in section 1 of this**
29 **2007 Act.**

30 [(d)] (e) Burglary as defined in ORS 164.215 or 164.225.

31 [(e)] (f) Criminal trespass as defined in ORS 164.243, 164.245, 164.255, 164.265 or 164.278.

32 [(f)] (g) Arson and related offenses as defined in ORS 164.315, 164.325 or 164.335.

33 [(g)] (h) Forgery and related offenses as defined in ORS 165.002 to 165.070.

34 (3) When the same conduct or criminal episode violates only one statutory provision and in-
35 volves only one victim, but nevertheless involves repeated violations of the same statutory provision
36 against the same victim, there are as many separately punishable offenses as there are violations,
37 except that each violation, to be separately punishable under this subsection, must be separated
38 from other such violations by a sufficient pause in the defendant's criminal conduct to afford the
39 defendant an opportunity to renounce the criminal intent. Each method of engaging in deviate sex-
40 ual intercourse as defined in ORS 163.305, and each method of engaging in unlawful sexual pene-
41 tration as defined in ORS 163.408 and 163.411 shall constitute separate violations of their respective
42 statutory provisions for purposes of determining the number of statutory violations.

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