

# House Bill 3379

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 **as introduced**.

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.

## A BILL FOR AN ACT

1  
2 Relating to criminal possession of property; amending ORS 164.140.

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

4 **SECTION 1.** ORS 164.140 is amended to read:

5 164.140. (1) A person is guilty of criminal possession of rented or leased personal property if:

6 (a) After renting an item of personal property from a commercial renter of personal property  
7 under a written agreement which provides for the return of the item to a particular place at a  
8 particular time, the person fails to return the item as specified, is thereafter served [*by mail*] **in**  
9 **accordance with subsection (2) of this section** with a written demand to return the item, and  
10 [*knowingly*] fails to return the item within [*10 business*] **three calendar** days from the date of  
11 [*mailing*] **dispatch for delivery** of the demand; or

12 (b) After leasing an item of personal property from a commercial lessor of personal property  
13 under a written agreement which provides for periodic lease payments, the person fails to pay the  
14 lessor a periodic payment when due for a period of 45 days, is thereafter served [*by mail*] **in ac-**  
15 **cordance with subsection (2) of this section** with a written demand to return the item, and  
16 [*knowingly*] fails to return the item within [*10 business*] **three calendar** days from the date of  
17 [*mailing*] **dispatch for delivery** of the demand.

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

24 (3) A bona fide contract dispute with the lessor or renter shall be an affirmative defense to a  
25 charge of criminal possession of rented or leased personal property.

26 (4) For purposes of this section, the value of property shall be ascertained as provided in ORS  
27 164.115. Criminal possession of rented or leased personal property is:

28 (a) A Class A misdemeanor if the aggregate total value of the personal property not returned  
29 is under \$500.

30 (b) A Class C felony if the aggregate total value of the personal property not returned is \$500

**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 or more.

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