

**A-Engrossed**  
**House Bill 2794**

Ordered by the House April 27  
Including House Amendments dated April 27

Sponsored by COMMITTEE ON JUDICIARY

**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.

*[Reduces penalties for crime of possession of gambling records in the second degree. Punishes by maximum of six months' imprisonment, \$2,500 fine, or both.]*

**Modifies crime of unauthorized use of a vehicle. Provides that person commits crime by knowingly taking, operating, exercising control over, riding in or otherwise using another's vehicle, boat or aircraft, and person knows or fails to be aware of substantial and unjustifiable risk that owner of vehicle, boat or aircraft does not consent thereto.**

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to crime; creating new provisions; amending ORS 164.135; and declaring an emergency.

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

4 **SECTION 1.** ORS 164.135 is amended to read:

5 164.135. (1) A person commits the crime of unauthorized use of a vehicle when:

6 (a)(A) The person **knowingly** takes, operates, exercises control over, rides in or otherwise uses  
7 another's vehicle, boat or aircraft *[without consent of the owner]*; **and**

8 **(B) The person knows or fails to be aware of a substantial and unjustifiable risk that the**  
9 **owner of the vehicle, boat or aircraft does not consent to the taking, operating, riding in or**  
10 **other use of, or the exercise of control over, the vehicle, boat or aircraft;**

11 (b) Having custody of a vehicle, boat or aircraft pursuant to an agreement between the person  
12 or another and the owner thereof whereby the person or another is to perform for compensation a  
13 specific service for the owner involving the maintenance, repair or use of such vehicle, boat or  
14 aircraft, the person intentionally uses or operates it, without consent of the owner, for the person's  
15 own purpose in a manner constituting a gross deviation from the agreed purpose; or

16 (c) Having custody of a vehicle, boat or aircraft pursuant to an agreement with the owner  
17 thereof whereby such vehicle, boat or aircraft is to be returned to the owner at a specified time, the  
18 person knowingly retains or withholds possession thereof without consent of the owner for so  
19 lengthy a period beyond the specified time as to render such retention or possession a gross devi-  
20 ation from the agreement.

21 (2) Unauthorized use of a vehicle, boat or aircraft is a Class C felony.

22 (3) Subsection (1)(a) of this section does not apply to a person who rides in or otherwise uses  
23 a public transit vehicle, as defined in ORS 166.116, if the vehicle is being operated by an authorized  
24 operator within the scope of the operator's employment.

25 **SECTION 2. The amendments to ORS 164.135 by section 1 of this 2017 Act apply to con-**

**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 **duct occurring on or after the effective date of this 2017 Act.**

2 **SECTION 3. This 2017 Act being necessary for the immediate preservation of the public**  
3 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
4 **on its passage.**

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