

HOUSE AMENDMENTS TO HOUSE BILL 2794

By COMMITTEE ON JUDICIARY

April 27

1 In line 2 of the printed bill, after the semicolon delete the rest of the line and insert “creating
2 new provisions; amending ORS 164.135; and declaring an emergency.”.

3 Delete lines 4 through 12 and insert:

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**
9 **the owner of the vehicle, boat or aircraft does not consent to the taking, operating, riding**
10 **in or 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**
26 **conduct occurring on or after the effective date of this 2017 Act.**

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

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