

Requested by Representative BARKER

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2794**

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

4 Delete lines 4 through 12 and insert:

5 **“SECTION 1.** ORS 164.135 is amended to read:

6 “164.135. (1) A person commits the crime of unauthorized use of a vehicle  
7 when:

8 “(a)(A) The person **knowingly** takes, operates, exercises control over[,  
9 *rides in*] or otherwise uses [*another’s*] a vehicle, boat or aircraft;

10 **“(B) The taking, operating or other use of, or the exercise of control  
11 over, the vehicle, boat or aircraft is without consent of the owner; and**

12 **“(C) There exists slight corroborative evidence of the absence of the  
13 owner’s consent at the time of the taking, operating or other use of,  
14 or the exercise of control over, the vehicle, boat or aircraft;**

15 **“(b) The person knowingly rides in another’s vehicle, boat or air-  
16 craft without consent of the owner;**

17 “[*b*] (c) Having custody of a vehicle, boat or aircraft pursuant to an  
18 agreement between the person or another and the owner thereof whereby the  
19 person or another is to perform for compensation a specific service for the  
20 owner involving the maintenance, repair or use of such vehicle, boat or air-  
21 craft, the person intentionally uses or operates it, without consent of the

1 owner, for the person's own purpose in a manner constituting a gross devi-  
2 ation from the agreed purpose; or

3 “[~~(c)~~] **(d)** Having custody of a vehicle, boat or aircraft pursuant to an  
4 agreement with the owner thereof whereby such vehicle, boat or aircraft is  
5 to be returned to the owner at a specified time, the person knowingly retains  
6 or withholds possession thereof without consent of the owner for so lengthy  
7 a period beyond the specified time as to render such retention or possession  
8 a gross deviation from the agreement.

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

10 **“(3) Subsection (1)(a) and (b) of this section does not apply to a person**  
11 **who rides in or otherwise uses a public transit vehicle, as defined in ORS**  
12 **166.116, if the vehicle is being operated by an authorized operator within the**  
13 **scope of the operator's employment.**

14 **“(4) As used in this section, ‘slight corroborative evidence’ includes**  
15 **but is not limited to:**

16 **“(a) Damage to the windows, locks, ignition or wiring of the vehi-**  
17 **cle, boat or aircraft, or other damage consistent with theft;**

18 **“(b) An implausible explanation for possession of the vehicle, boat**  
19 **or aircraft;**

20 **“(c) Operating the vehicle, boat or aircraft with keys or an object**  
21 **not specifically designed to operate the vehicle, boat or aircraft;**

22 **“(d) Flight from law enforcement officers while taking, operating,**  
23 **exercising control over or otherwise using the vehicle, boat or aircraft;**

24 **“(e) The presence of stolen property within the vehicle, boat or**  
25 **aircraft;**

26 **“(f) Lack of documentation of ownership or lawful possession of the**  
27 **vehicle, boat or aircraft;**

28 **“(g) Possession of items used to unlawfully enter or operate vehi-**  
29 **cles, boats or aircraft; or**

30 **“(h) Falsified, obscured or switched license plates.**

1       **“SECTION 2. The amendments to ORS 164.135 by section 1 of this**  
2       **2017 Act apply to conduct occurring on or after the effective date of**  
3       **this 2017 Act.**

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

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