

Requested by HOUSE COMMITTEE ON JUDICIARY

**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 vehicle, boat or aircraft [*without consent*
10 *of the owner*]; **and**

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

15 “(b) Having custody of a vehicle, boat or aircraft pursuant to an agree-
16 ment between the person or another and the owner thereof whereby the
17 person or another is to perform for compensation a specific service for the
18 owner involving the maintenance, repair or use of such vehicle, boat or air-
19 craft, the person intentionally uses or operates it, without consent of the
20 owner, for the person’s own purpose in a manner constituting a gross devi-
21 ation from the agreed purpose; or

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

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

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

12 **“SECTION 2. The amendments to ORS 164.135 by section 1 of this**
13 **2017 Act apply to conduct occurring on or after the effective date of**
14 **this 2017 Act.**

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

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