

# Enrolled House Bill 2328

Sponsored by Representative BARKER, Senators MONNES ANDERSON, PROZANSKI, Representatives ALONSO LEON, BYNUM, LEWIS, NOSSE, PILUSO, WILLIAMSON, Senators DEMBROW, KNOPP; Representatives BOLES, BONHAM, GORSEK, HAYDEN, HELT, HOLVEY, KENY-GUYER, LEIF, LIVELY, MARSH, MCKEOWN, NOBLE, REARDON, SPRENGER, STARK, ZIKA, Senators BENTZ, BURDICK, GELSER, MANNING JR (Presession filed.)

CHAPTER .....

## AN ACT

Relating to unauthorized use of a vehicle; creating new provisions; and amending ORS 164.135.

### Be It Enacted by the People of the State of Oregon:

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

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

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

**(B) The person is aware of and consciously disregards a substantial and unjustifiable risk that the owner of the vehicle, boat or aircraft does not consent to the taking, operation or other use of, or the exercise of control over, the vehicle, boat or aircraft; and**

**(C) The owner of the vehicle, boat or aircraft did not consent to the taking, operation or other use of, or the exercise of control over, the vehicle, boat or aircraft;**

(b)(A) The person **knowingly rides in another's vehicle, boat or aircraft;**

**(B) The person knows that the owner of the vehicle, boat or aircraft does not consent to the person's riding in the vehicle, boat or aircraft; and**

**(C) The owner or an authorized user of the vehicle, boat or aircraft did not consent to the person's riding in the vehicle, boat or aircraft;**

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

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

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

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

**SECTION 2. The amendments to ORS 164.135 by section 1 of this 2019 Act apply to offenses committed on or after the effective date of this 2019 Act.**

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**Passed by House June 12, 2019**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate June 19, 2019**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2019

**Approved:**

.....M,....., 2019

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2019

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Bev Clarno, Secretary of State