

(e) A person commits the offense of theft when he obtains the services of another which are available only for compensation by:

(1) Deception; or

(2) Knowing that the services are provided without the consent of the person providing them.

(f) (1) A person convicted of theft where the property or services that was the subject of the theft has a value of \$300 or greater is guilty of a felony and shall restore the property taken to the owner or pay him the value of the property or services, and be fined not more than \$1,000, or be imprisoned for not more than 15 years, or be both fined and imprisoned in the discretion of the court.

(2) A person convicted of theft where the property or services that was the subject of the theft has a value of less than \$300 is guilty of a misdemeanor and shall restore the property taken to the owner or pay him the value of the property or services, and be fined not more than \$500, or be imprisoned for not more than 18 months, or be both fined and imprisoned in the discretion of the court; however, all actions or prosecutions for theft where the property or services that was the subject of the theft has a value of less than \$300 shall be commenced within 2 years after the commission of the offense.

342A.

(a) In this section, "owner" means any person who has a lawful interest in or is in lawful possession of a motor vehicle by consent or chain of consent of the actual title owner.

(b) A person, or the person's aiders or abettors, may not knowingly and willfully take a motor vehicle out of the lawful custody, control, or use of the owner without the owner's consent.

(c) A person who violates this section shall restore the motor vehicle so taken and carried away, or, if unable to do so, shall pay to the owner the full value of the motor vehicle.

(d) A person who violates this section is guilty of the felony of taking a motor vehicle and on conviction is subject to a fine of not more than \$5,000 or imprisonment for not more than 5 years or both.

(E) (1) THIS SECTION DOES NOT PRECLUDE PROSECUTION FOR THEFT OF A MOTOR VEHICLE UNDER § 342 OF THIS SUBHEADING.

(2) IF A PERSON IS CONVICTED UNDER § 342 OF THIS SUBHEADING AND THIS SECTION FOR THE SAME ACT OR TRANSACTION, THE CONVICTION UNDER THIS SECTION SHALL MERGE FOR SENTENCING PURPOSES INTO THE CONVICTION UNDER § 342 OF THIS SUBHEADING.

SECTION 2. AND BE IT FURTHER ENACTED; That this Act shall take effect October 1, 1999.