

been lost, mislaid, or delivered under a mistake is added for clarity.

Also in subsection (d) of this section, the former reference to obtaining control of the lost or mislaid property "of another" is deleted as implicit in the references to identifying the owner and intending to deprive the owner of the property permanently.

In subsection (g)(1) and (2) of this section, the former references to punishment "in the discretion of the court" are deleted as implicit in the establishment of maximum penalties.

Defined terms: "Deception" § 7-101

"Deprive" § 7-101

"Exert control" § 7-101

"Obtain" § 7-101

"Owner" § 7-101

"Person" § 1-101

"Property" § 7-101

"Theft" § 7-101

"Service" § 7-101

7-105. MOTOR VEHICLE THEFT.

(A) "OWNER" DEFINED.

IN THIS SECTION, "OWNER" MEANS A PERSON WHO HAS A LAWFUL INTEREST IN OR IS IN LAWFUL POSSESSION OF A MOTOR VEHICLE BY CONSENT OR CHAIN OF CONSENT OF THE TITLE OWNER.

(B) PROHIBITED.

A PERSON MAY NOT KNOWINGLY AND WILLFULLY TAKE A MOTOR VEHICLE OUT OF THE OWNER'S LAWFUL CUSTODY, CONTROL, OR USE WITHOUT THE OWNER'S CONSENT.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION:

(1) IS GUILTY OF THE FELONY OF TAKING A MOTOR VEHICLE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH; AND

(2) SHALL RESTORE THE MOTOR VEHICLE OR, IF UNABLE TO RESTORE THE MOTOR VEHICLE, PAY TO THE OWNER THE FULL VALUE OF THE MOTOR VEHICLE.

(D) EFFECT ON GENERAL THEFT PROSECUTION; MERGER.

(1) THIS SECTION DOES NOT PRECLUDE PROSECUTION FOR THEFT OF A MOTOR VEHICLE UNDER § 7-104 OF THIS PART.