

House Research Act Summary

CHAPTER: 173

SESSION: 2012 Regular Session

TOPIC: Theft of motor fuel

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Analyst: Rebecca Pirius, 651-296-5044

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Overview

This act makes changes to laws related to theft of motor fuel, including civil liabilities and criminal provisions.

- 1** **Suspension; theft of motor fuel offense.** Strikes references to "gasoline" and replaces with "motor fuel." (This section directs DPS to suspend for 30 days the driver's license of any person convicted for motor fuel theft.)
- 2** **Exclusions.** Excludes a trade association performing services under section 4 from the definition of "collection agency." This would exempt these trade associations from licensing, registration, and bond requirements that apply to collection agencies. Provides that a trade association may not engage in conduct prohibited for a collection agency (*e.g.*, using threats, engaging in deceptive practices, etc.)
- 3** **Notice of nonpayment.** Strikes the language "if known." This would require that a notice of nonpayment of motor fuel must include a license plate number.
- 4** **Trade association services.** Adds a new subdivision to section 604.15 - civil liability for motor fuel theft. Authorizes a nonprofit trade association to give and receive notices of nonpayment and dispute, and to collect payments and authorized service charges.
- 5** **Definitions; theft.** Adds the definitions of "motor fuel" and "retailer" to the criminal theft statute. "Motor fuel" means a liquid, regardless of its properties, used to propel a vehicle. "Retailer" means a person that sells motor fuel at retail.

- 6 Acts constituting theft.** Amends subdivision 2, to add a new clause (18), which defines an act of theft as: intentionally and without claim of right taking motor fuel from a retailer without consent by driving a motor vehicle from the premises of the retailer without having paid for the fuel dispensed into the vehicle.

Creates a permissive inference that the driver acted intentionally and without claim of right and that the driver intended to deprive the retailer permanently of the fuel by proof that the driver drove the vehicle from the premises without having paid for the fuel. This inference would not apply if the vehicle had been reported as stolen before the theft, payment was made to the retailer within 30 days of receipt of a nonpayment notice, or written notice disputing the claim has been sent.