

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 278

Short Title: Theft of Gasoline/License Suspension. (Public)

Sponsors: Senators Hagan; Carter, Clodfelter, Foxx, Garrou, Hoyle, Kinnaird, Lee, Metcalf, Soles, Swindell, Thomas, and Wellons.

Referred to: Judiciary II.

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT PERSONS CONVICTED OF OFFENSES INVOLVING THE THEFT OF GASOLINE OR MOTOR FUELS SHALL HAVE THEIR DRIVERS LICENSES SUSPENDED OR REVOKED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-72 is amended by adding a new subsection to read:

"(e) The following alternatives apply when the larceny or receiving or possession of stolen goods as described in subsection (a) of this section involves the theft of motor fuel:

(1) In addition to the fine and imprisonment otherwise authorized by this section, the court shall order the suspension of the drivers license of a person convicted of violating this section for a second time for a period not to exceed six months if the conviction involved a person driving his or her motor vehicle off the premises of an establishment where gasoline is offered for retail sale after dispensing gasoline or motor vehicle fuel into the fuel tank of a motor vehicle and failing to remit payment or make an authorized charge for the gasoline or motor vehicle fuel that was dispensed.

(2) In addition to the fine and imprisonment otherwise authorized by this section, the court shall order the revocation of the drivers license of a person convicted of violating this section for a third or subsequent time for a period of one year if all of the convictions involved are of the type specified in subdivision (1) of this subsection.

If a person's drivers license has been suspended under the provisions of subdivision (1) of this subsection, then the court may allow the continued use of a restricted drivers license under the applicable provisions of G.S. 20-16.1(b) and (g).

1 The person shall pay the restoration fee required by G.S. 20-7(i1) prior to the
2 restoration of a drivers license suspended under this subsection.

3 The procedures in Article 2 of Chapter 20 of the General Statutes shall apply to all
4 suspensions and revocations ordered pursuant to this section.

5 The term "motor fuel" as used in this section shall have the same meaning as found
6 in G.S. 105-449.60(20)."

7 **SECTION 2.** This act becomes effective December 1, 2001, and applies to
8 offenses committed on or after that date.