

- SUBJECT:** Creating civil penalties for motor fuel theft
- COMMITTEE:** Public Safety — committee substitute recommended
- VOTE:** 6 ayes — B. Turner, Keel, Berman, Driver, Hupp, P. King
0 nays
3 absent — Gutierrez, Isett, Villarreal
- WITNESSES:** For — Allen Smith, Texas Petroleum Marketers and Convenience Store Association
Against — None
- BACKGROUND:** Ten states have enacted similar legislation to deter “drive-offs” or “gas skips” based on an aggressive campaign to notify people of the enhanced penalty for motor fuel theft

Penal Code, sec. 31.03 provides penalties for theft. A person commits a class C misdemeanor (maximum fine of \$500) if the value of the property stolen is less than \$50.
- DIGEST:** CSHB 1563 would amend the Code of Criminal Procedure and the Transportation Code to require a judge or jury to enter an affirmative finding if a person left a retail establishment that sold motor fuel after filling up the tank with gas and did not pay for it. The offense would be classified as theft under Penal Code, sec. 31.03 and subject to a \$500 fine. A repeat offender would be subject to a special affirmative finding, which would mean an automatic denial or suspension of the person’s driver’s license for 180 days. If convicted twice for the same offense, a person could lose their license for one year.

CSHB 1563 would take effect September 1, 2001.
- NOTES:** The substitute made several changes to the original, including:

- ! requiring the judge to enter an affirmative or special affirmative finding instead of finding the person guilty of a class C misdemeanor;
- ! not requiring an automatic driver's license suspension for the first offense; and
- ! requiring the denial of issuance of a driver's license upon the second offense.

The companion bill, SB 968 by Bivins, passed the Senate on the Local and Uncontested Calendar on April 11 and was reported favorably, without amendment, by the House Public Safety Committee on April 30, making it eligible to be considered in lieu of HB 1563.