

BILL ANALYSIS

Senate Research Center
77R6931 GWK-D

S.B. 968
By: Bivins
Criminal Justice
3/7/2001
As Filed

DIGEST AND PURPOSE

Theft of gasoline and diesel fuel by consumers driving off without paying has become a serious problem for the industry. Theft of motor fuel at the state's 11,000 convenience stores led to nearly \$8 million in losses to these establishments in the year 2000. Eight states have recently addressed this problem legislatively, particularly through the suspension of person's driver license. As proposed, S.B. 968 makes it a Class C misdemeanor for a person who, with intent to defraud, dispenses motor fuel into a vehicle and leaves the premises without paying for the fuel. Subsequent convictions would result in suspension of their driver's license for 180 days. In addition, S.B. 968 prohibits the Department of Public Safety from issuing a driver's license to a person who has been convicted of gasoline theft if the person did not hold a driver's license on the date of the conviction.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 31, Penal Code, by adding Section 31.031, as follows:

Sec. 31.031. ACQUIRING MOTOR FUEL WITHOUT PAYMENT. Provides that a person commits a Class C misdemeanor if the person with intent to defraud another dispenses motor fuel into the person's vehicle and leaves the premises without paying the retail fuel establishment for the motor fuel. Requires the judge, if the person has previously been convicted under this section, to enter an affirmative finding of that fact in the judgement in the case. Authorizes a person, if that person's conduct constitutes an offense under this section and under another section, to be prosecuted under either or both sections.

SECTION 2. Chapter 521O, Transportation Code, by adding Section 521.349, as follows:

Sec. 521.349. ACQUIRING MOTOR FUEL WITHOUT PAYMENT: AUTOMATIC SUSPENSION; LICENSE DENIAL. Provides that a person's driver's license is automatically suspended on final conviction of an offense under Section 31.031 (Acquiring Motor Fuel Without Payment), Penal Code, if the judgment in the case contains an affirmative finding under Section 31.031. Prohibits the Department of Transportation (department) from issuing a license to a person convicted of an offense in this section who, on the date of the conviction, did not hold a driver's license. Provides the period of suspension under this section is the 180 days after the date of a final conviction, and the period of license denial is the 180 days after the date the person applies to the department for reinstatement or issuance of a driver's license, unless the person has previously been denied a license under this section or had a license suspended, in which event the period of suspension is one year after the date of a final conviction, and the period of license denial is one year after the date the person applies to the department for reinstatement or issuance of a driver's license.

SECTION 3. Effective date: September 1, 2001.

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