

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 2333

**DATE:** February 29, 2012

**Version:** First engrossment

**Authors:** Swedzinski and others

**Subject:** Theft of motor fuel

**Analyst:** Rebecca Pirius, 651-296-5044

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd](http://www.house.mn/hrd).

---

### Overview

This bill 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 driving a motor vehicle from the premises of a motor fuel retailer without having paid for the motor 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 or payment was made to the retailer within 30

days of receipt of a nonpayment notice.