

**HOUSE BILL NO. 1459**

Introduced by

Representatives DeKrey, Delmore, Weiler

Senators D. Mathern, Wardner

1 A BILL for an Act to create and enact a new section to title 39 of the North Dakota Century  
2 Code, relating to theft of motor fuels; to amend and reenact subsection 1 of section 39-06-32 of  
3 the North Dakota Century Code, relating to authority of the department of transportation to  
4 suspend driving privileges; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to title 39 of the North Dakota Century Code is created and  
7 enacted as follows:

8 **Nonpayment for motor fuels - Penalty.** A person who leaves the premises of an  
9 establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of a  
10 motor vehicle by driving away in that motor vehicle without having made due payment or  
11 authorized charge for the motor fuel dispensed is guilty of an infraction for conviction of the first  
12 offense and a class B misdemeanor for conviction of a second or subsequent offense. The  
13 department shall:

- 14 1. Upon a person's second conviction, suspend the person's driving privileges for six  
15 months; and  
16 2. Upon a person's third or subsequent conviction, suspend the person's driving  
17 privileges for one year.

18 As used in this section, "conviction" means a final conviction without regard to whether  
19 sentence was suspended or deferred or probation was granted after the conviction. Forfeiture  
20 of bail, bond, or collateral deposited to secure a defendant's appearance in court, which  
21 forfeiture has not been vacated, is equivalent to conviction.

22 **SECTION 2. AMENDMENT.** Subsection 1 of section 39-06-32 of the 1999 Supplement  
23 to the North Dakota Century Code is amended and reenacted as follows:

- 1            1.    Commission of an offense for which mandatory revocation or suspension of license
- 2                    is required upon conviction.