

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 45 < 1st Edition >
SHORT TITLE: Gas Drive Aways/License Suspension
SPONSOR(S): Representatives Decker, Warwick, and Capps

FISCAL IMPACT

Yes (X) No () No Estimate Available ()

FY 2001-02 FY 2002-03 FY 2003-04 FY 2004-05 FY 2005-06

REVENUES (No estimate available on revenue at this time)

EXPENDITURES

Highway Fund \$13,120
DMV, IT Section (Other expenditures cannot be estimated at this time)

POSITIONS: 0

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Judicial Branch, Department of Motor Vehicles, Driver License Section and Information Technology

EFFECTIVE DATE: Applies to offenses committed on or after December 1, 2001

BILL SUMMARY:

Adds new GS 14-72(e) to provide that when a person is convicted of larceny or receiving or possession of stolen goods, and the offense involves driving away without paying for gasoline or motor fuel, in addition to the fine and imprisonment otherwise authorized, the court (1) for a first offense, may order suspension of the person's drivers license for up to six months; (2) for a second offense, must order suspension of the person's drivers license for six months; and (3) for a third or subsequent offense, must order suspension of the person's drivers license for one year. If a person's license is suspended for a first offense, the court may allow limited driving privileges under a restricted license. Provides that the person shall pay the restoration fee required by G.S. 20-7(i1) prior to restoration of drivers licenses suspended under this subsection.

ASSUMPTIONS AND METHODOLOGY:

Department of Motor Vehicles

According to DMV, there is no reliable data on the number of drivers that would require a suspension due to a conviction under the proposed bill. Consequently, DMV cannot determine the amount of restoration fees to be collected.

Information Technology would have to make changes to the suspension program of the State Automated Driver License System (SADLS) to accommodate this new offense. Specifically, it would require 164 hours of programming time at \$80 per hour, or \$13,120.

Judicial Branch

According to Administrative Office of the Courts (AOC), 28,968 defendants were charged with misdemeanor larceny under G.S. 14-72 in calendar year 2000. In addition, 236 defendants were charged with attempted misdemeanor larceny during calendar year 2000. Yet, data are not available on how many of these defendants charged with misdemeanor larceny offenses may have engaged in gasoline drive aways. The N.C. Petroleum Marketers Association (NCPMA) also provided data estimating revenue and gasoline losses due to these gasoline drive away offenses. However, NCPMA had no data on the frequency of the offenses and number of individuals who drive away without paying for gasoline. Consequently, AOC cannot provide an estimate on the impact to the court system.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION 733-4910

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