

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** SB 278 < 1<sup>st</sup> Edition>  
**SHORT TITLE:** Theft of Gasoline/License Suspension  
**SPONSOR(S):** Senators Hagan, Carter, Clodfelter, et al.

**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 second offense, shall order suspension of the person's drivers license for up to six months; and (2) for a third or subsequent offense, shall order suspension of the person's drivers license for one year. If a person's license is suspended for a second 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 theft. The N.C. Petroleum Marketers Association (NCPMA) also provided data estimating revenue and gasoline losses due to these gasoline theft 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**

**PREPARED BY:** Bob Weiss and Lisa Robinson

**APPROVED BY:** James D. Johnson

**DATE:** March 20, 2001



**Signed Copy Located in the NCGA Principal Clerk's Offices**