

# HOUSE BILL REPORT

## HB 1895

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### As Passed Legislature

**Title:** An act relating to theft of motor vehicle fuel.

**Brief Description:** Creating the crime of theft of motor vehicle fuel.

**Sponsors:** By Representatives Esser, Morris, Barlean, Cooper, Mielke, O'Brien, Mulliken, Ericksen, Hatfield, B. Chandler, Linville and Kirby.

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 2/23/01, 2/26/01 [DP].

**Floor Activity:**

Passed House: 3/12/01, 98-0.

Senate Amended.

Passed Senate: 4/5/01, 46-3.

House Concurred.

Passed House: 4/16/01, 94-0.

Passed Legislature.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>· Creates a crime called theft of motor vehicle fuel—.</li><li>· Violation of the theft of motor vehicle fuel— crime is penalized as a gross misdemeanor offense and suspension of one's driver's license for six months.</li></ul>
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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes, Kagi, Kirby and Morell.

**Staff:** Yvonne Walker (786-7841).

**Background:**

The penalties for theft violations are generally based on the value of the property stolen.

Theft in the first degree is when a person commits theft of property or services valued in excess of \$1,500. Theft in the first degree is a class B felony. A class B felony carries a maximum sentence of 10 years of incarceration, a fine of \$20,000, or both.

Theft in the second degree is when a person commits theft of property or services valued in excess of \$250, but does not exceed \$1,500. Theft in the second degree is a class C felony. A class C felony carries a maximum sentence of five years of incarceration, a fine of \$10,000, or both.

Theft in the third degree is when a person commits theft of property or services valued less than \$250. Theft in the third degree is a gross misdemeanor. A gross misdemeanor carries a maximum sentence of one year in jail, a fine of \$5,000, or both.

The theft of motor vehicle fuel is generally penalized based upon the value of the fuel that was stolen.

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**Summary of Bill:**

Theft of motor vehicle fuel occurs when a person refuses to pay or evades payment for motor vehicle fuel that is pumped into a motor vehicle. Theft of motor vehicle fuel is a gross misdemeanor.

In addition to the gross misdemeanor penalties, the license, permit, or nonresident driving privilege of a person convicted of theft of motor vehicle fuel must be suspended by the court for six months.

Other technical corrections are made.

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**Appropriation:** None.

**Fiscal Note:** Requested on February 18, 2001.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Theft of motor vehicle fuel is often known as a drive-off– or a drive away– crime. The concern is that this problem is getting more and more serious each year as the price of gas increases.

Stealing gas is already a gross misdemeanor, but this bill adds suspension of a person’s driver’s license for six months as part of the penalty for the theft of gas.

Some gas stations would like to post a sign that notifies the public that a person’s license

may suspended for gasoline theft. Suspension of a person's driver's license is a great deterrent.

On average each store loses approximately \$100 per month in gasoline theft and that equates to approximately \$4.2 million per year statewide. In addition, the state loses about \$643,000 per year and the federal government loses about another \$504,000 per year. Often when the price of gas increases, such as last summer, then the dollar loss to store owners triple.

This bill will cost very little or no cost to the state to implement.

**Testimony Against:** None.

**Testified:** Representative Esser, prime sponsor; T. K. Bentler, Washington Association of Neighborhood Stores; Tim Hamilton, Executive Director of Auto; and Charlie Brown, 7-Eleven stores.