

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 278
Judiciary II Committee Substitute Adopted 4/9/01

Short Title: Theft of Gasoline/License Suspension.

(Public)

Sponsors:

Referred to:

March 1, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT PERSONS CONVICTED OF SECOND OR
3 SUBSEQUENT OFFENSES INVOLVING THE THEFT OF MOTOR FUEL
4 SHALL HAVE THEIR DRIVERS LICENSES REVOKED.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 14-72 is amended by adding a new section to read:
7 **"§ 14-72.5. Larceny of motor fuel.**

8 (a) If any person shall take and carry away motor fuel valued at less than one
9 thousand dollars (\$1,000) from an establishment where motor fuel is offered for retail
10 sale with the intent to steal the motor fuel, that person shall be guilty of a Class 1
11 misdemeanor.

12 (b) The term "motor fuel" as used in this section shall have the same meaning as
13 found in G.S. 105-449.60(20).

14 (c) Conviction Report Sent to Division of Motor Vehicles. – The court shall
15 report final convictions of violations of this section to the Division of Motor Vehicles.
16 The Division of Motor Vehicles shall revoke a person's drivers license for a second or
17 subsequent conviction under this section in accordance with G.S. 20-17(a)(16)."

18 SECTION 2. G.S. 20-16 is amended by adding a new subsection to read:

19 "(e2) If the Division revokes a person's drivers license pursuant to G.S. 20-
20 17(a)(16), a district court judge may allow the licensee a limited driving privilege for a
21 period not to exceed the period of revocation. The limited driving privilege shall be
22 issued in the same manner and under the terms and conditions prescribed in G.S. 20-
23 16.1(b)(1), (2), (3), (4), (5), and (g)."

24 SECTION 3. G.S. 20-17(a) is amended by adding a new subdivision to read:
25 **"§ 20-17. Mandatory revocation of license by Division.**

26 (a) The Division shall forthwith revoke the license of any driver upon receiving a
27 record of the driver's conviction for any of the following offenses:

28 (1) Manslaughter (or negligent homicide) resulting from the operation of a
29 motor vehicle.

- 1 (2) Either of the following impaired driving offenses:
 - 2 a. Impaired driving under G.S. 20-138.1.
 - 3 b. Impaired driving under G.S. 20-138.2.
- 4 (3) Any felony in the commission of which a motor vehicle is used.
- 5 (4) Failure to stop and render aid in violation of G.S. 20-166(a) or (b).
- 6 (5) Perjury or the making of a false affidavit or statement under oath to the
7 Division under this Article or under any other law relating to the
8 ownership of motor vehicles.
- 9 (6) Conviction upon two charges of reckless driving committed within a
10 period of 12 months.
- 11 (7) Conviction upon one charge of reckless driving while engaged in the
12 illegal transportation of intoxicants for the purpose of sale.
- 13 (8) Conviction of using a false or fictitious name or giving a false or
14 fictitious address in any application for a drivers license, or learner's
15 permit, or any renewal or duplicate thereof, or knowingly making a
16 false statement or knowingly concealing a material fact or otherwise
17 committing a fraud in any such application or procuring or knowingly
18 permitting or allowing another to commit any of the foregoing acts.
- 19 (9) Death by vehicle as defined in G.S. 20-141.4.
- 20 (10) Repealed by Session Laws 1997-443, s. 19.26(b).
- 21 (11) Conviction of assault with a motor vehicle.
- 22 (12) A second or subsequent conviction of transporting an open container
23 of alcoholic beverage under G.S. 20-138.7.
- 24 (13) A second or subsequent conviction, as defined in G.S. 20-138.2A(d),
25 of driving a commercial motor vehicle after consuming alcohol under
26 G.S. 20-138.2A.
- 27 (14) A conviction of driving a school bus, school activity bus, or child care
28 vehicle after consuming alcohol under G.S. 20-138.2B.
- 29 (15) A conviction of malicious use of an explosive or incendiary device to
30 damage property (G.S. 14-49(b) and (b1)); conspiracy to injure or
31 damage by use of an explosive or incendiary device (G.S. 14-50);
32 making a false report concerning a destructive device in a public
33 building (G.S. 14-69.1(c)); perpetrating a hoax concerning a
34 destructive device in a public building (G.S. 14-69.2(c)); possessing or
35 carrying a dynamite cartridge, bomb, grenade, mine, or powerful
36 explosive on educational property (G.S. 14-269.2(b1)); or causing,
37 encouraging, or aiding a minor to possess or carry a dynamite
38 cartridge, bomb, grenade, mine, or powerful explosive on educational
39 property (G.S. 14-269.2(c1)).
- 40 (16) A second or subsequent conviction of larceny of motor fuel under G.S.
41 14-72.5. A conviction for violating G.S. 14-72.5 is a second or
42 subsequent conviction if at the time of the current offense the person

1 has a previous conviction under G.S. 14-72.5 that occurred in the
2 seven years immediately preceding the date of the current offense."

3 **SECTION 4.** G.S. 20-19 is amended by adding a new subsection to read:

4 "(g2) When a license is revoked under G.S. 20-17(a)(16), the period of revocation
5 is 90 days for a second conviction and six months for a third or subsequent conviction.
6 The term "second or subsequent conviction" shall have the same meaning as found in
7 G.S. 20-17(a)(16)."

8 **SECTION 5.** This act becomes effective December 1, 2001, and applies to
9 offenses committed on or after that date.