

Fifty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED 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; and to provide a penalty.

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

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

6 **Nonpayment for motor fuels - Penalty.**

- 7 1. For a theft offense in violation of chapter 12.1-23 which involves a person who  
8 leaves the premises of an establishment at which motor fuel is offered for retail  
9 sale after motor fuel was dispensed into the fuel tank of a motor vehicle that that  
10 person drove away without having made due payment or authorized charge for the  
11 motor fuel dispensed, the court may:
- 12 a. Upon a person's second conviction, order the suspension of the person's
  - 13 driving privileges for six months; and
  - 14 b. Upon a person's third or subsequent conviction, order the suspension of the
  - 15 person's driving privileges for one year.
- 16 2. As used in this section, "conviction" means a final conviction without regard to  
17 whether sentence was suspended or deferred or probation was granted after the  
18 conviction. Forfeiture of bail, bond, or collateral deposited to secure a defendant's  
19 appearance in court, which forfeiture has not been vacated, is equivalent to  
20 conviction.