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**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 2000**



**ENROLLED**

Committee Substitute for  
**SENATE BILL NO. 389**

(By Senators Oliverio, Ross and Ball )



**PASSED March 11, 2000**  
**In Effect ninety days from Passage**

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## ENROLLED

COMMITTEE SUBSTITUTE

FOR

### Senate Bill No. 389

(SENATORS OLIVERIO, ROSS AND BALL, *original sponsors*)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fifty-five, relating to creating the criminal offense of failure to pay for gasoline; establishing criminal penalties; and providing for the suspension of a license to operate a motor vehicle.

*Be it enacted by the Legislature of West Virginia:*

That article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fifty-five, to read as follows:

**ARTICLE 3. CRIMES AGAINST PROPERTY.**

**§61-3-55. Failure to pay for gasoline.**

1 Any person who knowingly and willfully drives a motor  
2 vehicle off the premises of an establishment where gaso-  
3 line offered for retail sale was dispensed into the fuel tank  
4 of the motor vehicle with the intent to avoid payment for  
5 the gasoline that was so dispensed shall be deemed to be  
6 guilty of the larceny thereof. In addition to the penalties  
7 provided for by the provisions of section ~~three~~, article  
8 ~~thirteen~~ of this chapter, upon a second conviction for  
9 larceny of gasoline, the court shall order the suspension of  
10 the person's license to drive a motor vehicle for six months  
11 and upon a third or subsequent conviction, the court shall  
12 order the suspension of the person's license to drive a  
13 motor vehicle for one year.

14 Whenever a second or subsequent offense is had under  
15 the provisions of this section, the clerk of the court shall  
16 transmit a certified abstract of the judgment to the  
17 division of motor vehicles within seventy-two hours of the  
18 conviction. Upon receipt of the abstract of judgment the  
19 division of motor vehicles shall enter an order suspending  
20 the person's license to operate a motor vehicle for the  
21 appropriate time period.

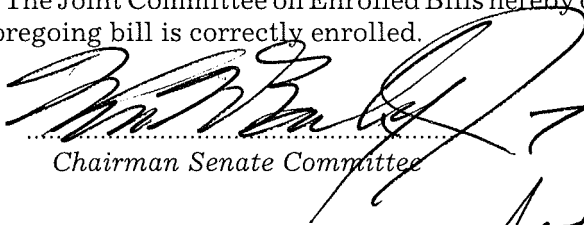
KL/DA

three

KL/DA

thirteen

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



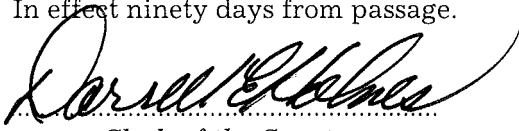
Chairman Senate Committee



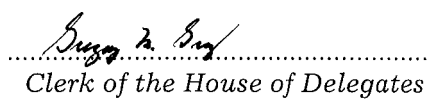
Chairman House Committee

Originated in the Senate.

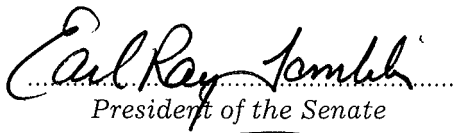
In effect ninety days from passage.



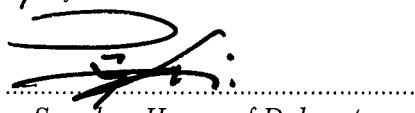
Clerk of the Senate



Clerk of the House of Delegates

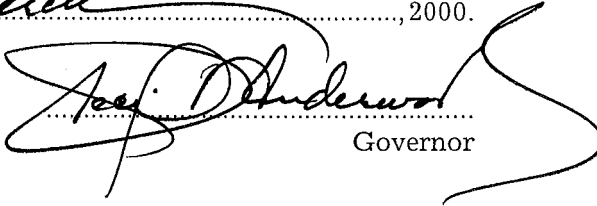


President of the Senate



Speaker House of Delegates

The within approved this the 29th  
Day of March, 2000.



Governor

PRESENTED TO THE

GOVERNOR

Date

3/18/00

Time

12:00 pm