



**House  
Legislative  
Analysis  
Section**

House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

**INCREASE DRIVER LICENSE  
SUSPENSION PENALTY FOR “DRIVE-  
OFFS”**

**House Bill 5164 (Substitute H-1)  
First Analysis (3-2-00)**

**Sponsor: Rep. Sandra Caul  
Committee: Transportation**

***THE APPARENT PROBLEM:***

In 1998 the Michigan legislature enacted Public Act 344 (House Bill 5953), amending the penal code to require the secretary of state to “impose a license suspension or revocation, as provided in the Vehicle Code, for offenses that involve stealing motor vehicle fuel by pumping it into a vehicle.” (See *BACKGROUND INFORMATION* below.) Before it was amended to conform with the vehicle code, the penal code allowed a one-year suspension for that offense. However, the Michigan Vehicle Code provides for a less severe penalty. The vehicle code requires the secretary of state to suspend a person’s license for 90 days if he or she steals fuel.

Owners of gas stations have recently reported an increase in the incidence of customers pumping fuel and then leaving the station without paying their bill. The practice is customarily called a “drive-off”, and it is a kind of theft whose incidence increases when the cost of retail fuel goes up. When customers “drive off” from gas stations without paying for the gasoline they pump, the gas station owner must pay the supplier for the stolen fuel.

One family business consisting of 20 convenience stores and gas stations located in mid-Michigan estimates its losses due to “drive-offs” during the last year at \$20,000. Further, a survey conducted of the 1,500 retail locations represented by the Michigan Petroleum Association in the fall of 1999 indicates that “drive-offs” could cost retailers between \$7.5 million and \$10 million annually, depending on the cost of gasoline.

In order to deter “drive-offs”, and also to increase the penalty for those who steal gasoline, some have argued that the Michigan Vehicle Code should be amended.

***THE CONTENT OF THE BILL:***

House Bill 5164 would amend the Michigan Vehicle Code to increase the driver license suspension penalty for those who drive away from gas stations without paying for the fuel they pump into their vehicles (sometimes called a “drive-off”). Under current law, the secretary of state is required to suspend a violator’s license for 90 days upon conviction for a “drive-off”. Under the bill, the required license suspension would be six months, if the person had no prior convictions for seven years; or, b) one year, if the person had one or more convictions within seven years.

MCL 257.319

***BACKGROUND INFORMATION:***

Public Act 344 of 1998 (House Bill 5953) was one of 20 bills in a package of legislation enacted to reform Michigan’s laws that regulate drunk driving and driving without a license. House Bill 5953 amended the penal code so that the penalty for stealing fuel at a gas pump in the penal code would be the same as the penalty for that offense in the vehicle code. For more information about the revision of the other bills in the package, see the Senate Fiscal Agency analysis of Senate Bill 268 (Public Act 355 of 1998) dated 1-12-99.

***FISCAL IMPLICATIONS:***

The House Fiscal Agency notes that the bill would have no fiscal impact on state or local government. (2-24-00)

***ARGUMENTS:***

***For:***

Because “drive-offs” cost gas station owners thousands of dollars each year, the penalties for this crime should be increased. Further, citizens should know that theft

of this kind cannot be tolerated. Michigan should adopt a program similar to that now operating in Georgia. The State of Georgia recently increased its penalties for “drive-offs”, in order to deter gasoline theft. Then, in order to alert customers to the new penalties, the Georgia Department of Transportation undertook a statewide education campaign, placing stickers on the gas pumps to explain the punishment for stealing gas. According to committee testimony, the decals on gas pumps have had the effect of reducing “drive-offs” by 50 percent.

***Against:***

Sometimes customers forget to pay for gasoline they pump. When that occurs they should not suffer the stiff penalty--license suspension for six months--imposed by this bill.

***POSITIONS:***

Blodgett Oil Company supports the bill. (3-1-00)

A representative of the Michigan Petroleum Association testified in support of the bill. (2-29-00)

Analyst: J. Hunault

---

■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.