

As Introduced

**125th General Assembly
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H. B. No. 179

**Representatives Wolpert, McGregor, DeWine, C. Evans, Carano, Schmidt,
Flowers, Aslanides, D. Evans, Gibbs, Allen**

A B I L L

To amend section 2913.02 of the Revised Code to 1
require a suspension of the driver's license of a 2
person who causes a motor vehicle to leave the 3
premises of a retail gasoline establishment 4
without full payment for gasoline dispensed into 5
the motor vehicles's fuel tank or another 6
container and to declare that those sections in 7
the Revised Code that regulate theft of gasoline 8
in certain circumstances are general laws. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2913.02 of the Revised Code be 10
amended to read as follows: 11

Sec. 2913.02. (A) No person, with purpose to deprive the 12
owner of property or services, shall knowingly obtain or exert 13
control over either the property or services in any of the 14
following ways: 15

(1) Without the consent of the owner or person authorized to 16
give consent; 17

(2) Beyond the scope of the express or implied consent of the 18
owner or person authorized to give consent; 19

(3) By deception;	20
(4) By threat;	21
(5) By intimidation.	22
(B)(1) Whoever violates this section is guilty of theft.	23
(2) Except as otherwise provided in this division or division	24
(B)(3), (4), (5), or (6) of this section, a violation of this	25
section is petty theft, a misdemeanor of the first degree. If the	26
value of the property or services stolen is five hundred dollars	27
or more and is less than five thousand dollars or if the property	28
stolen is any of the property listed in section 2913.71 of the	29
Revised Code, a violation of this section is theft, a felony of	30
the fifth degree. If the value of the property or services stolen	31
is five thousand dollars or more and is less than one hundred	32
thousand dollars, a violation of this section is grand theft, a	33
felony of the fourth degree. If the value of the property or	34
services stolen is one hundred thousand dollars or more, a	35
violation of this section is aggravated theft, a felony of the	36
third degree.	37
(3) Except as otherwise provided in division (B)(4), (5), or	38
(6) of this section, if the victim of the offense is an elderly	39
person or disabled adult, a violation of this section is theft	40
from an elderly person or disabled adult, and division (B)(3) of	41
this section applies. Except as otherwise provided in this	42
division, theft from an elderly person or disabled adult is a	43
felony of the fifth degree. If the value of the property or	44
services stolen is five hundred dollars or more and is less than	45
five thousand dollars, theft from an elderly person or disabled	46
adult is a felony of the fourth degree. If the value of the	47
property or services stolen is five thousand dollars or more and	48
is less than twenty-five thousand dollars, theft from an elderly	49
person or disabled adult is a felony of the third degree. If the	50

value of the property or services stolen is twenty-five thousand 51
dollars or more, theft from an elderly person or disabled adult is 52
a felony of the second degree. 53

(4) If the property stolen is a firearm or dangerous 54
ordnance, a violation of this section is grand theft, a felony of 55
the fourth degree. 56

(5) If the property stolen is a motor vehicle, a violation of 57
this section is grand theft of a motor vehicle, a felony of the 58
fourth degree. 59

(6) If the property stolen is any dangerous drug, a violation 60
of this section is theft of drugs, a felony of the fourth degree, 61
or, if the offender previously has been convicted of a felony drug 62
abuse offense, a felony of the third degree. 63

(7) In addition to the penalties described in division (B)(2) 64
of this section, if the offender committed the violation by 65
causing a motor vehicle to leave the premises of an establishment 66
at which gasoline is offered for retail sale without the offender 67
making full payment for gasoline that was dispensed into the fuel 68
tank of the motor vehicle or into another container, the court 69
shall do one of the following: 70

(a) Unless division (B)(7)(b) of this section applies, 71
suspend for six months the offender's driver's license, 72
probationary driver's license, commercial driver's license, 73
temporary instruction permit, or nonresident operating privilege; 74

(b) If the offender's driver's license, probationary driver's 75
license, commercial driver's license, temporary instruction 76
permit, or nonresident operating privilege has previously been 77
suspended pursuant to division (B)(7)(a) of this section, suspend 78
the person's license, permit, or privilege for one year. 79

(C) The sentencing court that suspends an offender's license, 80
permit, or nonresident operating privilege under division (B)(7) 81

of this section may grant the offender driving privileges during 82
the period of the suspension for the following purposes: 83

(1) To drive to and from the offender's place of employment 84
or school; 85

(2) To drive as necessary in situations involving a medical 86
emergency. 87

Section 2. That existing section 2913.02 of the Revised Code 88
is hereby repealed. 89

Section 3. The General Assembly declares that the sections of 90
the Revised Code that regulate persons who leave the premises of 91
establishments at which gasoline is offered for retail sale 92
without the person making full payment for gasoline that was 93
dispensed at that establishment, including section 2913.02 of the 94
Revised Code, are general laws that completely fill the field of 95
regulation of that nature. Any municipal ordinance that prohibits 96
establishments at which gasoline is offered for retail sale from 97
requiring the prepayment of gasoline is in conflict with those 98
general laws. 99