

As Passed by the House

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Am. H. B. No. 179

Representatives Wolpert, McGregor, DeWine, C. Evans, Carano, Schmidt,
Flowers, Aslanides, D. Evans, Gibbs, Allen, Seitz, Beatty, Harwood, Book,
Schlichter, Willamowski, Grendell, Latta, Barrett, Boccieri, Buehrer,
Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Daniels, DeBose,
Domenick, Gilb, Hagan, Hoops, Hughes, Jerse, Jolivette, Kearns, Key,
Koziura, Niehaus, Olman, Price, Reidelbach, Schaffer, Schneider, Seaver,
G. Smith, S. Smith, D. Stewart, J. Stewart, Taylor, Ujvagi, Wagner, Walcher,
Widener, Williams, Wilson, Woodard, Young

A B I L L

To amend section 2913.02 of the Revised Code to	1
permit a suspension of the driver's licenses of	2
certain repeat offenders of theft by causing a	3
motor vehicle to leave the premises of a retail	4
gasoline establishment without full payment for	5
gasoline dispensed into the motor vehicle's fuel	6
tank or another container and to declare that	7
those sections in the Revised Code that regulate	8
theft of gasoline in certain circumstances are	9
general laws.	10

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

Section 1. That section 2913.02 of the Revised Code be	11
amended to read as follows:	12

Sec. 2913.02. (A) No person, with purpose to deprive the	13
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owner of property or services, shall knowingly obtain or exert 14
control over either the property or services in any of the 15
following ways: 16

(1) Without the consent of the owner or person authorized to 17
give consent; 18

(2) Beyond the scope of the express or implied consent of the 19
owner or person authorized to give consent; 20

(3) By deception; 21

(4) By threat; 22

(5) By intimidation. 23

(B)(1) Whoever violates this section is guilty of theft. 24

(2) Except as otherwise provided in this division or division 25
(B)(3), (4), (5), or (6) of this section, a violation of this 26
section is petty theft, a misdemeanor of the first degree. If the 27
value of the property or services stolen is five hundred dollars 28
or more and is less than five thousand dollars or if the property 29
stolen is any of the property listed in section 2913.71 of the 30
Revised Code, a violation of this section is theft, a felony of 31
the fifth degree. If the value of the property or services stolen 32
is five thousand dollars or more and is less than one hundred 33
thousand dollars, a violation of this section is grand theft, a 34
felony of the fourth degree. If the value of the property or 35
services stolen is one hundred thousand dollars or more, a 36
violation of this section is aggravated theft, a felony of the 37
third degree. 38

(3) Except as otherwise provided in division (B)(4), (5), or 39
(6) of this section, if the victim of the offense is an elderly 40
person or disabled adult, a violation of this section is theft 41
from an elderly person or disabled adult, and division (B)(3) of 42
this section applies. Except as otherwise provided in this 43

division, theft from an elderly person or disabled adult is a 44
felony of the fifth degree. If the value of the property or 45
services stolen is five hundred dollars or more and is less than 46
five thousand dollars, theft from an elderly person or disabled 47
adult is a felony of the fourth degree. If the value of the 48
property or services stolen is five thousand dollars or more and 49
is less than twenty-five thousand dollars, theft from an elderly 50
person or disabled adult is a felony of the third degree. If the 51
value of the property or services stolen is twenty-five thousand 52
dollars or more, theft from an elderly person or disabled adult is 53
a felony of the second degree. 54

(4) If the property stolen is a firearm or dangerous 55
ordnance, a violation of this section is grand theft, a felony of 56
the fourth degree. 57

(5) If the property stolen is a motor vehicle, a violation of 58
this section is grand theft of a motor vehicle, a felony of the 59
fourth degree. 60

(6) If the property stolen is any dangerous drug, a violation 61
of this section is theft of drugs, a felony of the fourth degree, 62
or, if the offender previously has been convicted of a felony drug 63
abuse offense, a felony of the third degree. 64

(7) In addition to the penalties described in division (B)(2) 65
of this section, if the offender committed the violation by 66
causing a motor vehicle to leave the premises of an establishment 67
at which gasoline is offered for retail sale without the offender 68
making full payment for gasoline that was dispensed into the fuel 69
tank of the motor vehicle or into another container and if, within 70
six years of that violation, the offender has been convicted of or 71
pleaded guilty to theft by committing a violation of that type, 72
the court may do one of the following: 73

(a) Unless division (B)(7)(b) of this section applies, 74

suspend for six months the offender's driver's license, 75
probationary driver's license, commercial driver's license, 76
temporary instruction permit, or nonresident operating privilege; 77

(b) If the offender's driver's license, probationary driver's 78
license, commercial driver's license, temporary instruction 79
permit, or nonresident operating privilege has previously been 80
suspended pursuant to division (B)(7)(a) of this section, suspend 81
the person's license, permit, or privilege for one year. 82

(C) The sentencing court that suspends an offender's license, 83
permit, or nonresident operating privilege under division (B)(7) 84
of this section may grant the offender driving privileges during 85
the period of the suspension for the following purposes: 86

(1) To drive to and from the offender's place of employment 87
or school; 88

(2) To drive as necessary in situations involving a medical 89
emergency. 90

Section 2. That existing section 2913.02 of the Revised Code 91
is hereby repealed. 92

Section 3. The General Assembly declares that the sections of 93
the Revised Code that regulate persons who leave the premises of 94
establishments at which gasoline is offered for retail sale 95
without the person making full payment for gasoline that was 96
dispensed at that establishment, including section 2913.02 of the 97
Revised Code, are general laws that completely fill the field of 98
regulation of that nature. Any municipal ordinance that prohibits 99
establishments at which gasoline is offered for retail sale from 100
requiring the prepayment of gasoline is in conflict with those 101
general laws. 102