

As Reported by the House Civil and Commercial Law Committee

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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**

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
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 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 (B)(3), (4), (5), or (6) of this section, a violation of this section is petty theft, a misdemeanor of the first degree. If the value of the property or services stolen is five hundred dollars or more and is less than five thousand dollars or if the property stolen is any of the property listed in section 2913.71 of the Revised Code, a violation of this section is theft, a felony of the fifth degree. If the value of the property or services stolen is five thousand dollars or more and is less than one hundred thousand dollars, a violation of this section is grand theft, a felony of the fourth degree. If the value of the property or services stolen is one hundred thousand dollars or more, a violation of this section is aggravated theft, a felony of the third degree.	24
(3) Except as otherwise provided in division (B)(4), (5), or (6) of this section, if the victim of the offense is an elderly person or disabled adult, a violation of this section is theft from an elderly person or disabled adult, and division (B)(3) of this section applies. Except as otherwise provided in this division, theft from an elderly person or disabled adult is a felony of the fifth degree. If the value of the property or services stolen is five hundred dollars or more and is less than five thousand dollars, theft from an elderly person or disabled adult is a felony of the fourth degree. If the value of the property or services stolen is five thousand dollars or more and	25
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is less than twenty-five thousand dollars, theft from an elderly person or disabled adult is a felony of the third degree. If the value of the property or services stolen is twenty-five thousand dollars or more, theft from an elderly person or disabled adult is a felony of the second degree.

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

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

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

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

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

(b) If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege has previously been

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