

**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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HF 440 - Fuel Theft (LSB 2521 HV)

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Fiscal Note Version – New

Requested by Representative Mike Reasoner

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**Description**

House File 440 permits a judge to suspend a driver's license upon a second or subsequent conviction for theft of motor fuel not exceeding \$200.00 from a retail dealer.

**Assumptions**

1. It is not known how many times a judge will impose this penalty.
2. There were 7,971 convictions for Fifth Degree Theft that could have involved theft of motor fuel. The data do not distinguish between the various acts of Fifth Degree Theft, so it is not known how many drive-off motor fuel thefts occur each year.
3. The Bill will increase administrative costs for the Department of Transportation (DOT). The DOT's cost per hearing is \$133. The DOT's database will require reprogramming at a cost of approximately \$19,000 (300 hours at \$64 per hour).
4. The Bill may result in increased convictions for driving while the license is under suspension.
5. Oklahoma has a similar law with a base of 3.2 million people. Approximately 17 people are convicted under its law annually. Iowa has approximately 2.4 million drivers. Iowa will experience fewer than 17 convictions annually under this Bill.

**Correctional Impact**

To the extent that judges impose this civil penalty, and offenders drive with a suspended license, an increase in criminal convictions will occur. However, any increase will impact criminal justice system costs, including indigent defense, court time, Community-Based Corrections (CBC), and county jail as offenders are cited for contempt of court or probation violation proceedings.

**Fiscal Impact**

To the extent that Iowa's experience is similar to Oklahoma's, there may be no more than 17 suspensions annually. The fiscal impact of hearings held before the DOT is anticipated to be minimal. The DOT reprogramming costs of \$19,000 will be funded from the Road Use Tax Fund.

**Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Transportation  
State Public Defender's Office

/s/ Holly M. Lyons

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March 2, 2005

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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