

## CHAPTER 604

## CIVIL LIABILITY

604.15 Civil liability for receiving motor fuel  
without paying.

**604.15 CIVIL LIABILITY FOR RECEIVING MOTOR FUEL WITHOUT PAYING.**

*[For text of subd 1, see M.S.2004]*

Subd. 2. **Acts constituting.** (a) The owner of a vehicle that receives motor fuel that was not paid for is liable to the retailer for the price of the motor fuel received and a service charge of \$30. This charge may be imposed immediately upon the mailing of the notice under subdivision 3, if notice of the service charge was conspicuously displayed on the premises from which the motor fuel was received. The notice must include a statement that additional civil penalties will be imposed if payment is not received within 30 days. Only one service charge may be imposed under this paragraph for each incident. If a law enforcement agency obtains payment for the motor fuel on behalf of the retailer, the service charge may be retained by the law enforcement agency for its expenses.

(b) If the price of the motor fuel received is not paid within 30 days after the retailer has mailed notice under subdivision 3, the owner is liable to the retailer for the price of the motor fuel received, the service charge as provided in paragraph (a), plus a civil penalty not to exceed \$100 or the price of the motor fuel, whichever is greater. In determining the amount of the penalty, the court shall consider the amount of the fuel taken and the reason for the nonpayment. The retailer shall also be entitled to:

(1) interest at the legal rate for judgments under section 549.09 from the date of nonpayment; and

(2) reasonable attorney fees, but not to exceed \$500.

The civil penalty may not be imposed until 30 days after the mailing of the notice under subdivision 3.

*[For text of subds 3 and 4, see M.S.2004]*

Subd. 5. **Not a bar to criminal liability.** Civil liability under this section does not preclude criminal liability under applicable law.

**History:** 2005 c 136 art 17 s 6,7