



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

**2011 Wisconsin Act 186
[2011 Senate Bill 314]**

**Collection of Money Owed for
Failure to Pay for Gasoline or
Diesel Fuel**

CURRENT LAW

Under current law, an individual who obtains gasoline or diesel fuel from a fuel retailer and intentionally absconds without paying for it may be required to forfeit an amount not to exceed \$200. A judge may also order that individual to pay restitution. Current law also permits a fuel retailer to bring a civil action against a person who intentionally absconds without paying for gasoline or diesel fuel. A retailer who brings such an action may recover the value of the fuel taken, the value of any other property damaged, limited exemplary damages, and reasonable attorney fees. The total amount of exemplary damages and attorney fees may not be greater than \$300.

2011 WISCONSIN ACT 186

2011 Wisconsin Act 186 provides fuel retailers another option for civil redress in the event that a person intentionally absconds with gasoline or diesel fuel without paying for it. Under this process, a fuel retailer may submit an affidavit to an association representing the interests of fuel retailers stating: (a) the time and date the violation occurred; (b) the registration plate number of the vehicle involved in the violation; and (c) the retail value of the fuel taken. The association may then obtain the name and address of the person to whom the vehicle is registered from the Department of Transportation and provide this information to the fuel retailer. The fuel retailer may then send a letter to the person to whom the vehicle is registered, stating the details of the violation and requesting payment within 30 days for the value of the fuel and a service fee of up to \$30. If the vehicle owner does not pay the amount demanded, the fuel retailer may commence a court action.

Effective date: 2011 Wisconsin Act 186 takes effect on April 17, 2012.

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This memo provides a brief description of the Act. For more detailed information,
consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.