

411.402 Civil liability for theft of motor fuel -- Penalties -- Notice of nonpayment.

- (1) The owner of a vehicle that receives motor fuel from a retail facility without making proper payment is liable to the retailer for the price of the motor fuel received, in addition to a service charge of thirty dollars (\$30). This service charge may be imposed when notice is mailed under subsection (3) of this section, if the notice of the service charge was conspicuously displayed on the premises from which the motor fuel was received. The notice shall include a statement that civil penalties will be imposed if payment is not received within thirty (30) days. Only one (1) service charge may be imposed under this section for each incident.
- (2) If the price of the motor fuel received and the service charge are not paid within thirty (30) days after the retailer has mailed the notice under subsection (3) of this section, the owner is liable to the retailer for:
 - (a) The price of the motor fuel received;
 - (b) The service charge as provided in subsection (1) of this section; and
 - (c) A civil penalty in the amount of the greater of:
 1. The price of the motor fuel received; or
 2. One hundred dollars (\$100).
- (3) Notice of nonpayment that includes a copy of KRS 411.400 to 411.406 and a description of its penalties shall be sent by the retailer to the owner by certified mail, to the address indicated by records obtained under KRS 411.406. The notice shall include a signed statement by the retailer or the employee of the retailer who reported the act, surveillance video photographs or other photographic evidence, the date and time of the occurrence, and the license plate number of the vehicle.
- (4) If within the thirty (30) day period referred to in subsection (2) of this section the owner sends written notice to the retailer disputing the retailer's claim that the owner received motor fuel from the retailer without making proper payment, the retailer may collect the price of the motor fuel in accordance with KRS 411.404. Upon receipt of this notice from the owner, the retailer shall cease all collection efforts.

Effective: July 15, 2008

History: Created 2008 Ky. Acts ch. 110, sec. 2, effective July 15, 2008.