

MSSA's Drive-Off Program

In 2001, retailers received the ammunition to fight back on the drive-off front. The law states that retailers can recover the loss from a drive off. The owner of the vehicle is liable for the cost of the fuel plus a service charge of \$30. Owners are entitled to these monies providing they:

- a) Conspicuously display a notice of the penalties for nonpayment on the premises.
- b) Mail to the owner of the vehicle a "notice of nonpayment" citing the section of law and description of the penalties. The notice must include a signed statement by the employee who reported the act describing what the employee observed and the license number of the motor vehicle, if known.
- c) Support the mailing of the "notice of nonpayment" by an affidavit of service

Deciphering these guidelines can get somewhat confusing for most people. This is where your Association can help. MSSA has designed forms that are easy to understand, fill-out and use. If your local law enforcement will no longer look-up a license plate number for you, MSSA is set up with the State of Minnesota to retrieve that information for you. A \$9.50 fee applies to each plate number submitted. MSSA will look-up the plate information, and send out a Notice and Demand of Payment for Motor Fuel Affidavit to the vehicle owner in question. Once the Affidavit is sent to the vehicle owner, MSSA staff will fax you a copy for your records. If the plate comes back and it is of no help to you, the cost is only \$5.50. If you do not receive payment in 30 days, MSSA, upon your request will send out a second Affidavit at not extra cost. This second Affidavit includes the Motor Fuel cost, the \$30 service charge, plus a \$100 Civil Penalty.

The standard signage for your pumps is now available through MSSA. We suggest you order signage for every pump at your location.

If you are experiencing any problems with the materials, please call us at the MSSA office. We look forward to hearing from you on your drive-off problem or rather lack thereof.

MSSA
2886 Middle Street
Little Canada, MN 55117
651-487-1983 / 800-752-4884
651-487-2447 Fax

www.MNSSA.com

NOTICE AND DEMAND OF PAYMENT FOR MOTOR FUEL

Vehicle Owner

Name: Jane Doe
Address: 123 Main Street
City, State, Zip: Anytown, MN 55117

*This is a sample of
a completed form
that a store would
receive.*

You are hereby notified that:

On **12-6-2012** your vehicle with license plate number **123 ABC** was observed driving off without paying for **\$20.00** of **Regular Unleaded Gasoline.**

See Attached Sheet
Retail Location Employee

See Attached Sheet
Approved by

Minnesota Statute 604.15 states:

- (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 this notice.
- (b) If the price of the motor fuel received is not paid within 30 days after the retailer has mailed notice, the owner is liable to the retailer for the price of the motor fuel received, the service charge as provided in paragraph (a), plus an additional civil penalty not to exceed \$100 or the price of the motor fuel, whichever is greater. The retailer shall also be entitled to interest at the rate under Minn. Stat. §549.09 from the date of nonpayment and reasonable attorney's fees, not to exceed \$500.

To avoid further costs and penalties, you must:

Remit \$50.00 to Acme Service Station, 456 Main Street South, Anytown, MN 55117 (123) 555-1234 by 1-17-2013.

If, within the 30-day period referred in paragraph (b) of Statute 604.15 the vehicle owner sends written notice disputing the claim that motor fuel was received without paying for it, the retailer may collect the price of the motor fuel and the civil penalties pursuant to a judgment rendered by a court of competent jurisdiction.

AFFIDAVIT OF SERVICE BY MAIL

STATE OF MINNESOTA)
COUNTY OF RAMSEY)

MSSA Staff, being first duly sworn, deposes and says:

That she is a citizen of the United States of America and over the age of 18 years; that on the 17th day of December 2012, deposited this affidavit in the mailing department of the United State Post Office at 40 Arlington Avenue East, St. Paul, MN 55117, in a sealed envelope with postage thereon duly prepaid, containing a true and correct copy of the attached "Notice and Demand of Payment for Motor Fuel".

That the envelope was addressed to the following person:

Signature of person mailing the notice

Jane Doe

123 Main Street

Anytown, MN 55117

Signature of witness

NOTICE AND DEMAND OF PAYMENT FOR MOTOR FUEL
SECOND REQUEST

Please fill out the information below and fax back to the Association office at 651-487-2447, in order to send out a second Demand of Payment for Motor Fuel.

Company Name: _____

Company Address: _____

City _____ State _____ Zip _____

Phone: _____ Fax _____

Plate Number _____ - _____ MN ___ WI ___ Other _____

Date drive off occurred ____/____/____

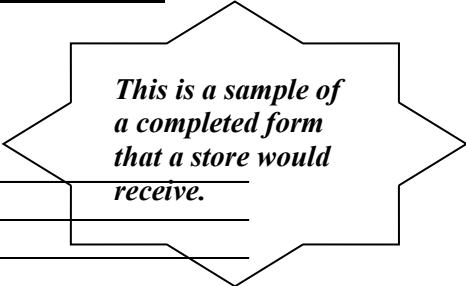
Date first payment was due ____/____/____

*Note this second affidavit is at no additional charge

Please write any comments below.

FINAL NOTICE AND DEMAND OF PAYMENT
FOR MOTOR FUEL

Vehicle Owner



Name: Jane Doe
Address: 123 Main Street
City, State, Zip: Anytown, MN 55117

On **12/17/2012** you were sent the attached Notice and Demand Payment for Motor Fuel in accordance with the requirements of Minn. Stat. §604.15. To date no response has been received from you and no payment has been made.

Pursuant to the provisions of Minn. Stat. §604.15, which are summarized in greater detail in the original Notice attached, more than 30 days has passed since the Notice was mailed to you, and you are now obligated to pay to the owner identified below the following amount:

Cost of Motor Fuel:	\$	20.00
Service Charge	\$	30.00
Civil Penalty	\$	100.00 (or the price of the motor fuel, if greater)
TOTAL	\$	150.00

The retailer is also entitled to interest under Minn. Stat. §549.09 from the date of nonpayment plus reasonable attorney's fees, not to exceed \$500.00.

Unless the retailer identified below receives the total amount set forth above within 10 days of the date of the mailing of this Final Notice, suit will be commenced against you for the amount demanded, plus interest and \$500.00 attorney's fees.

To avoid further costs and penalties, you must remit \$150.00 to:

Station Name: Acme Service Station
Address: 456 Main Street South, Anytown, MN 55117 (123) 555-1234

Please be advised that Minn. Stat. §171.175 provides for the cancellation for 30 days of the driver's license of anyone convicted of failing to pay for gasoline.

AFFIDAVIT OF SERVICE BY MAIL

STATE OF MINNESOTA)
COUNTY OF RAMSEY)

MSSA Staff, being first duly sworn, deposes and says:

That she is a citizen of the United States of America and over the age of 18 years; that on the 21st day of January 2013, this affidavit was deposited in the mailing department of the United States Post Office at 40 Arlington Avenue East St. Paul, MN 55117, Minnesota, in a sealed envelope with postage thereon duly prepaid, containing a true and correct copy of the attached "Final Notice and Demand of Payment for Motor Fuel".

That the envelope was addressed to the following person:

Signature of Person Mailing the notice

Jane Doe

123 Main Street

Anytown, MN 55117

Signature of Witness