

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2852

By: Wallace of the House

and

Weaver of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to fuel theft deterrence; creating
11 the Bulk Fuel Transportation and Inspection Act;
12 defining terms; requiring compliance with certain
13 conditions and procedures related to transporting
14 bulk fuels; creating felony for violation;
15 establishing range of punishment; clarifying intent
16 and application of the act; creating the Fuel Pump
17 Security Act; defining terms; prohibiting certain
18 acts; creating felonies for violations; establishing
19 range of punishment; providing for codification; and
20 providing an effective date.

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23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1530 of Title 47, unless there
is created a duplication in numbering, reads as follows:

Sections 1 through 5 of this act shall be known and may be cited
as the "Bulk Fuel Transportation and Inspection Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1531 of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in the Bulk Fuel Transportation and Inspection Act:

5 1. "Blended fuel" means a mixture composed of gasoline or
6 diesel fuel and another liquid, other than a de minimis amount of a
7 product such as carburetor detergent or oxidation inhibitor, that
8 can be used as a fuel in a highway vehicle. This term includes
9 gasohol, ethanol, and fuel-grade ethanol;

10 2. "Bulk fuel" and "bulk fuels" mean the transportation by a
11 vehicle of fuel in storage containers totaling a volume equal to or
12 greater than fifty (50) net gallons, such term shall not include the
13 volume of fuel held in the vehicle fuel tank;

14 3. "Diesel fuel" means any liquid, including, but not limited
15 to, biodiesel, biodiesel blend, or other diesel-blended fuel, that
16 is commonly or commercially known or sold as a fuel that is suitable
17 for use in a diesel-powered highway vehicle. A liquid meets this
18 requirement if, without further processing or blending, the liquid
19 has practical and commercial fitness for use in the propulsion
20 engine of a diesel-powered highway vehicle;

21 4. "Fuel" means gasoline, diesel fuel, and blended fuel;

22 5. "Gasoline" means all products, including, but not limited
23 to, gasoline blend stocks, commonly or commercially known or sold as
24 gasoline that are suitable for use as a motor fuel. Gasoline does

1 not include products that have an American Society for Testing
2 Materials ("A.S.T.M.") octane number of less than seventy-five (75)
3 as determined by the "motor method";

4 6. "Net gallons" means fuel, measured in U.S. gallons, when
5 corrected to a temperature of sixty (60) degrees Fahrenheit, and a
6 pressure of fourteen and seven-tenths (14.7) pounds per square inch
7 (psi);

8 7. "Manifest" means a physical document containing such
9 information as to the type, quantity, origin, and destination of the
10 applicable bulk fuel, so as to allow a reasonable and reliable
11 assessment of the bulk fuel load's compliance with this act;

12 8. "Motor vehicle" means every automobile, truck, truck-
13 tractor, or any motor bus or self-propelled vehicle not operated or
14 driven upon fixed rails or tracks. The term does not include:

15 a. farm tractors or machinery including tractors and
16 machinery designed for off-road use but capable of
17 movement on roads at low speeds,

18 b. a vehicle operated on rails, or

19 c. machinery designed principally for off-road use; and

20 9. "Vehicle fuel tank" means any receptacle installed on a
21 motor vehicle by the vehicle's original manufacturer from which fuel
22 is supplied for the propulsion of the motor vehicle.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1532 of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Any person wishing to transport bulk fuels by motor vehicle
5 within the State of Oklahoma shall:

6 1. Possess in conjunction with the applicable bulk fuel a
7 relevant and proper bulk fuel manifest;

8 2. Produce for inspection, at the request of law enforcement, a
9 relevant and proper bulk fuel manifest;

10 3. Allow for safety inspection by applicable law and code
11 enforcement officials during transportation on city streets, the
12 county road system, or the state highway system; and

13 4. Only transport such bulk fuel in visible, clearly marked
14 fuel storage containers designed and manufactured for transporting
15 such fuels.

16 B. Any person who knowingly and willfully violates or fails to
17 comply with the provisions of subsection A of this section shall
18 have committed the offense of unlawful transportation of bulk fuels.

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1533 of Title 47, unless there
21 is created a duplication in numbering, reads as follows:

22 Any person convicted of the offense of unlawful transportation
23 of bulk fuels shall be guilty of a felony punishable by imprisonment
24 for not more than five (5) years, or a fine of not more than Twenty-

1 five Thousand Dollars (\$25,000.00), or both such fine and
2 imprisonment.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1534 of Title 47, unless there
5 is created a duplication in numbering, reads as follows:

6 Nothing in the Bulk Fuel Transportation and Inspection Act is
7 intended to repeal, supersede, or preempt existing law. Any penalty
8 imposed under the provisions of this act shall be in addition to,
9 and not in lieu of, any civil or administrative penalty or sanction
10 otherwise authorized by law.

11 SECTION 6. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1880 of Title 21, unless there
13 is created a duplication in numbering, reads as follows:

14 Sections 6 through 9 of this act shall be known and may be cited
15 as the "Fuel Pump Security Act".

16 SECTION 7. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1881 of Title 21, unless there
18 is created a duplication in numbering, reads as follows:

19 As used in the Fuel Pump Security Act:

20 1. "Alter" means to insert, install, or attach any device to a
21 motor fuel dispenser that intercepts, disrupts, or otherwise
22 interferes with the motor fuel dispenser's processing of financial
23 transactions, metering of fuel, or dispensing of fuel;

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1 2. "Manipulate" means to change a motor fuel dispenser in any
2 way that intercepts, disrupts, or otherwise interferes with a motor
3 fuel dispenser's procession of financial transactions, metering of
4 fuel, or dispensing of fuel;

5 3. "Motor fuel dispenser" means a device that qualifies as a
6 motor fuel metering device, a motor fuel unattended payment
7 terminal, or both;

8 4. "Motor fuel manipulation device" means a device
9 manufactured, assembled, or adapted for manipulating a motor fuel
10 dispenser for an unlawful purpose;

11 5. "Motor fuel metering device" means a commercial weighting or
12 measuring device used for motor fuel sales; and

13 6. "Motor fuel unattended payment terminal" means a point-of-
14 sale terminal or kiosk that is operated by a customer to activate or
15 complete a transaction at a motor fuel metering device through the
16 use of a payment card or a payment by other electronic means.

17 SECTION 8. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1882 of Title 21, unless there
19 is created a duplication in numbering, reads as follows:

20 A. No person shall knowingly and willfully:

21 1. Open, manipulate, or alter a motor fuel dispenser for an
22 unlawful purpose; or

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1 2. Manufacture, assemble, possess, sell, or attempt to sell a
2 motor fuel manipulation device intended to be utilized for an
3 unlawful purpose.

4 B. 1. Any person who knowingly and willfully violates or fails
5 to comply with the provisions of paragraph 1 of subsection A of this
6 section shall have committed the offense of manipulation of a fuel
7 dispenser.

8 2. Any person who knowingly and willfully violates or fails to
9 comply with the provisions of paragraph 2 of subsection A of this
10 section shall have committed the offense of possession of a fuel
11 manipulation device.

12 SECTION 9. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1883 of Title 21, unless there
14 is created a duplication in numbering, reads as follows:

15 Any person convicted of the offense of manipulation of a fuel
16 dispenser, or the offense of possession of a fuel manipulation
17 device shall be guilty of a felony punishable by imprisonment for
18 not more than five (5) years, or a fine of not more than Twenty-five
19 Thousand Dollars (\$25,000.00), or both such fine and imprisonment.

20 SECTION 10. This act shall become effective November 1, 2023.

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22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
23 02/20/2023 - DO PASS, As Amended and Coauthored.

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