

1 **SENATE FLOOR VERSION**

2 April 12, 2023

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 2852

6 By: Wallace of the House

7 and

8 Weaver, Stephens, and Woods
9 of the Senate

10
11 **[fuel theft deterrence - conditions and procedures -
12 range of punishment - codification - effective date]**

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

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

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

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

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

23 1. "Blended fuel" means a mixture composed of gasoline or
24 diesel fuel and another liquid, other than a de minimis amount of a
product such as carburetor detergent or oxidation inhibitor, that

1 can be used as a fuel in a highway vehicle. This term includes
2 gasohol, ethanol, and fuel-grade ethanol;

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

7 3. "Diesel fuel" means any liquid, including, but not limited
8 to, biodiesel, biodiesel blend, or other diesel-blended fuel, that
9 is commonly or commercially known or sold as a fuel that is suitable
10 for use in a diesel-powered highway vehicle. A liquid meets this
11 requirement if, without further processing or blending, the liquid
12 has practical and commercial fitness for use in the propulsion
13 engine of a diesel-powered highway vehicle;

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

15 5. "Gasoline" means all products, including, but not limited
16 to, gasoline blend stocks, commonly or commercially known or sold as
17 gasoline that are suitable for use as a motor fuel. Gasoline does
18 not include products that have an American Society for Testing
19 Materials ("A.S.T.M.") octane number of less than seventy-five (75)
20 as determined by the "motor method";

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

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

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

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

11 b. a vehicle operated on rails, or

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

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

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

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

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

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

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

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

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

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

13 Any person convicted of the offense of unlawful transportation
14 of bulk fuels shall be guilty of a felony punishable by imprisonment
15 for not more than five (5) years, or a fine of not more than Twenty-
16 five Thousand Dollars (\$25,000.00), or both such fine and
17 imprisonment.

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

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

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

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

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

11 As used in the Fuel Pump Security Act:

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

16 2. "Manipulate" means to change a motor fuel dispenser in any
17 way that intercepts, disrupts, or otherwise interferes with a motor
18 fuel dispenser's processing of financial transactions, metering of
19 fuel, or dispensing of fuel;

20 3. "Motor fuel dispenser" means a device that qualifies as a
21 motor fuel metering device, a motor fuel unattended payment
22 terminal, or both;

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1 4. "Motor fuel manipulation device" means a device
2 manufactured, assembled, or adapted for manipulating a motor fuel
3 dispenser for an unlawful purpose;

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

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

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

13 A. No person shall knowingly and willfully:

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

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

19 B. 1. Any person who knowingly and willfully violates or fails
20 to comply with the provisions of paragraph 1 of subsection A of this
21 section shall have committed the offense of manipulation of a fuel
22 dispenser.

23 2. Any person who knowingly and willfully violates or fails to
24 comply with the provisions of paragraph 2 of subsection A of this

1 section shall have committed the offense of possession of a fuel
2 manipulation device.

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

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
13 April 12, 2023 - DO PASS AS AMENDED

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