

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2852 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Kevin Wallace

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk



STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 2852

By: Wallace

PROPOSED COMMITTEE SUBSTITUTE

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

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

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".

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

As used in the Bulk Fuel Transportation and Inspection Act:

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

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

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

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

5. "Gasoline" means all products, including, but not limited to, gasoline blend stocks, commonly or commercially known or sold as 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.

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;

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  
23  
24



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        59-1-7351        JM        02/10/23  
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