

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 2852

By: Wallace

AS INTRODUCED

An Act relating to fuel theft deterrence; creating the Bulk Fuel Transportation and Inspection Act; defining terms and phrases; 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 and phrases; 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 not include products that have an American Society for Testing Materials ("A.S.T.M.") octane number of less than seventy-five (75) as determined by the "motor method";

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

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

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

- 12 a. farm tractors or machinery including tractors and
13 machinery designed for off-road use but capable of
14 movement on roads at low speeds,
- 15 b. a vehicle operated on rails, or
- 16 c. machinery designed principally for off-road use; and

17 9. "Vehicle fuel tank" means any receptacle installed on a
18 motor vehicle by the vehicles' original manufacturer from which fuel
19 is supplied for the propulsion of the motor vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 As used in the "Fuel Pump Security Act".

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

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

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

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

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

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

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

16 A. No person shall knowingly and willfully:

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

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

22 B. 1. Any person who knowingly and willfully violates or fails
23 to comply with the provisions of paragraph 1 of subsection A of this
24

1 section shall have committed the offense of manipulation of a fuel
2 dispenser;

3 2. Any person who knowingly and willfully violates or fails to
4 comply with the provisions of paragraph 2 of subsection A of this
5 section shall have committed the offenses of possession of a fuel
6 manipulation device.

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

10 Any person convicted of the offense of manipulation of a fuel
11 dispenser, or the offense of possession of a fuel manipulation
12 device shall be guilty of a felony punishable by imprisonment for
13 not more than five (5) years or a fine or not more than Twenty-five

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

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