

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H2/1/01 H2/9/01 S3/5/01

A Bill

Act 745 of 2001
HOUSE BILL 1468

5 By: Representatives Allison, Biggs, Bolin, Bond, Bookout, Dangeau, French, Glover, Haak, Hathorn,
6 Hausam, Hickinbotham, Holt, Jones, King, Lewellen, Nichols, Oglesby, Prater, Salmon, Scroggin, M.
7 Smith, M. Steele, Stovall, Teague, Trammell, *Duggar*
8 By: *Senators Cash, Hunter*
9

For An Act To Be Entitled

10
11 AN ACT TO CREATE THE OFFENSE OF THEFT OF MOTOR
12 FUEL; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT TO CREATE THE OFFENSE OF THEFT OF
16 MOTOR FUEL.
17
18

19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code 5-36-101 is amended to add an additional
23 subdivision to read as follows:

24 (13) "Motor fuel" means gasoline, diesel fuel, alcohol or any
25 mixture of these fuels, or any other fuel sold for use in automobiles and
26 related vehicles.
27

28 SECTION 2. Arkansas Code Title 5, Chapter 36, Subchapter 1, is amended
29 to add an additional section to read as follows:

30 5-36-120. Theft of motor fuel.

31 (a) A person commits the offense of theft of motor fuel if the person
32 knowingly operates an automobile or other related vehicle after placing motor
33 fuel in the automobile or vehicle at a service station, filling station,
34 garage, or other business where motor fuel is offered for sale at retail, so
35 as to cause the automobile or vehicle to leave the premises of the service
36 station, filling station, gasoline station, garage, or any other business

1 where motor fuel is offered for sale at retail, with the intent of depriving
 2 the owner of the motor fuel, and not making payment for the motor fuel.

3 (b) Theft of motor fuel is a Class A misdemeanor.

4 (c) In addition to the penalties in subsection (b) of this section, a
 5 person who pleads guilty, nolo contendere or is found guilty of theft of motor
 6 fuel shall have his or her driver's license suspended by the court under § 27-
 7 16-907(a) for a period of not more than six (6) months unless the person's
 8 license has previously been suspended for theft of motor fuel, in which case
 9 the court shall suspend the person's license for not less than one (1) year.
 10 The court shall immediately take possession of any suspended license and
 11 forward it to the Office of Driver Services. The Office of Driver Services
 12 shall notify the licensee of the suspension and an opportunity to request a
 13 hearing to determine if a restricted permit should be issued during the time
 14 of suspension.

15
 16 (d) Every service station, filling station, garage or other business
 17 where motor fuel is offered for sale at retail shall display a sign
 18 prominently on each face of a retail product dispenser which contains the
 19 following: "THEFT OF MOTOR FUEL IS A CLASS A MISDEMEANOR AND CARRIES A MAXIMUM
 20 PENALTY OF ONE (1) YEAR IN JAIL, \$1000 FINE, AND A ONE (1) YEAR SUSPENSION OF
 21 YOUR DRIVER'S LICENSE."

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 23 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 24 General Assembly of the State of Arkansas that the present law relating to
 25 theft of property does not adequately punish persons who steal motor fuel from
 26 retail service stations. Furthermore, with the price of motor fuel rising and
 27 the increase in these instances, this is an issue ripe for legislation.
 28 Therefore, an emergency is declared to exist and this act being immediately
 29 necessary for the preservation of the public peace, health, and safety shall
 30 become effective on the date of its approval by the Governor. If the bill is
 31 neither approved nor vetoed by the Governor, it shall become effective on the
 32 expiration of the period of time during which the Governor may veto the bill.
 33 If the bill is vetoed by the Governor and the veto is overridden, it shall
 34 become effective on the date the last house overrides the veto.

35 /s/ Allison

36 APPROVED: 3/13/2001