

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.  
Act 900 of the Regular Session

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

# A Bill

SENATE BILL 433

5 By: Senator T. Smith  
6 By: Representatives Mathis, Saunders  
7

## For An Act To Be Entitled

10 AN ACT TO ADD POLITICAL SUBDIVISIONS AND  
11 NONPROFIT ENTITIES TO THE THEFT OF MOTOR FUEL  
12 LAW; AND FOR OTHER PURPOSES.  
13

## Subtitle

14 AN ACT TO ADD POLITICAL SUBDIVISIONS AND  
15 NONPROFIT ENTITIES TO THE THEFT OF MOTOR  
16 FUEL LAW.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 5-36-120 is amended to read as follows:  
23 5-36-120. Theft of motor fuel.

24 (a) A person commits the offense of theft of motor fuel if the person  
25 ~~knowingly:~~

26 (1) Knowingly operates an automobile or other related vehicle  
27 after placing motor fuel in the automobile or vehicle at a service station,  
28 filling station, garage, or other business where motor fuel is offered for  
29 sale at retail, so as to cause the automobile or vehicle to leave the  
30 premises of the service station, filling station, gasoline station, garage,  
31 or any other business where motor fuel is offered for sale at retail, with  
32 the intent of depriving the owner of the motor fuel and not making payment  
33 for the motor fuel; or

34 (2) Knowingly operates an automobile or other related vehicle  
35 after placing motor fuel in the automobile or vehicle at a location owned by



1 a political subdivision or nonprofit entity whether or not the motor fuel is  
2 offered for sale at retail, so as to cause the automobile or vehicle to leave  
3 the premises of the political subdivision or nonprofit entity, with the  
4 intent of depriving the owner of the motor fuel and not making payment for  
5 the motor fuel.

6 (b)(1) Theft of motor fuel is a Class A misdemeanor.

7 (2)(A) In addition to the penalties in subdivision (b)(1) of  
8 this section, a person who pleads guilty or nolo contendere to or is found  
9 guilty of theft of motor fuel shall have his or her driver's license  
10 suspended by the court under § 27-16-907(a) for a period of not more than six  
11 (6) months unless the person's license has previously been suspended for  
12 theft of motor fuel, in which case the court shall suspend the person's  
13 license for not less than one (1) year.

14 (B)(i) The court shall immediately take possession of any  
15 suspended license and forward it to the Office of Driver Services of the  
16 Revenue Division of the Department of Finance and Administration.

17 (ii) The Office of Driver Services shall notify the  
18 licensee of the suspension and of an opportunity to request a hearing to  
19 determine if a restricted permit should be issued during the time of  
20 suspension.

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

27 (d) As used in this section:

28 (1) "Nonprofit entity" means an organization which is exempt  
29 from income tax under § 501(a) of the Internal Revenue Code of 1986; and

30 (2) "Political subdivision" means an agency, department, or  
31 other governing body of the state.

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APPROVED: 3/16/2005

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