

1 SB200
2 165138-3
3 By Senator Livingston
4 RFD: Judiciary
5 First Read: 10-MAR-15

1 SB200

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4 ENROLLED, An Act,

5 To add Article 3B to Chapter 8 of Title 13A,
6 comprised of Sections 13A-8-75 to 13A-8-77, inclusive, to the
7 Code of Alabama 1975; to provide for the crime of theft of
8 consigned motor fuels or the proceeds of consigned motor
9 fuels; and in connection therewith would have as its purpose
10 or effect the requirement of a new or increased expenditure of
11 local funds within the meaning of Amendment 621 of the
12 Constitution of Alabama of 1901, now appearing as Section
13 111.05 of the Official Recompilation of the Constitution of
14 Alabama of 1901, as amended.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Article 3B of Chapter 8 of Title 13A,
17 comprised of Sections 13A-8-75 to 13A-8-77, inclusive, is
18 added to the Code of Alabama 1975, to read as follows:

19 Article 3B.

20 §13A-8-75. Consigned motor fuels defined.

21 As used in this article, the term "consigned motor
22 fuels" means all grades of gasoline including gasohol or any
23 gasoline blend, number 1 diesel, number 2 diesel, kerosene,
24 and all aviation fuels delivered to a merchant by another for
25 the purpose of sale and the merchant deals in goods of that

1 kind. Consigned motor fuels are not owned by the party to whom
2 the fuels are delivered for sale, but remain the property of
3 the company delivering or having the motor fuels delivered.
4 The merchant agrees to sell the consigned motor fuels
5 belonging to another for a commission or other compensation.

6 §13A-8-76. Written consignment agreement.

7 (a) There shall be a written agreement between the
8 person delivering or having the consigned motor fuels
9 delivered for sale, hereinafter designated the consignor, and
10 the merchant, hereinafter designated as the consignee,
11 reflecting not only the consignment agreement between the
12 parties, but that title to the consigned motor fuels and to
13 the proceeds from the sale of the consigned motor fuels is
14 always vested in the consignor and never the consignee.

15 (b) Nothing in this section shall be construed to
16 create a new or additional element necessary to prove the
17 commission of theft of property in any degree.

18 §13A-8-77. Taking of consigned motor fuels without
19 consent of owner.

20 It shall be unlawful for any person to take, use,
21 sell, or dispose of consigned motor fuels or the proceeds from
22 the sale of consigned motor fuels without the consent of the
23 owner and in violation of the written agreement required in
24 Section 13A-8-76.

25 §13A-8-78. Penalties.

1 A person who violates this article shall be guilty
2 of the crime of theft of property and subject to those
3 penalties provided in Section 13A-8-3, 13A-8-4, or 13A-8-5,
4 based on value of the property taken.

5 Section 2. Although this bill would have as its
6 purpose or effect the requirement of a new or increased
7 expenditure of local funds, the bill is excluded from further
8 requirements and application under Amendment 621, now
9 appearing as Section 111.05 of the Official ReCompilation of
10 the Constitution of Alabama of 1901, as amended, because the
11 bill defines a new crime or amends the definition of an
12 existing crime.

13 Section 3. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB200

Senate 31-MAR-15

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 04-JUN-15

By: Senator Livingston