

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

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To add Article 3B to Chapter 8 of Title 13A,
12 comprised of Sections 13A-8-75 to 13A-8-77, inclusive, to the
13 Code of Alabama 1975; to provide for the crime of theft of
14 consigned motor fuels or the proceeds of consigned motor
15 fuels; and in connection therewith would have as its purpose
16 or effect the requirement of a new or increased expenditure of
17 local funds within the meaning of Amendment 621 of the
18 Constitution of Alabama of 1901, now appearing as Section
19 111.05 of the Official Recompilation of the Constitution of
20 Alabama of 1901, as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

25 Article 3B.

26 §13A-8-75. Consigned motor fuels defined.

1 As used in this article, the term "consigned motor
2 fuels" means all grades of gasoline including gasohol or any
3 gasoline blend, number 1 diesel, number 2 diesel, kerosene,
4 and all aviation fuels delivered to a merchant by another for
5 the purpose of sale and the merchant deals in goods of that
6 kind. Consigned motor fuels are not owned by the party to whom
7 the fuels are delivered for sale, but remain the property of
8 the company delivering or having the motor fuels delivered.
9 The merchant agrees to sell the consigned motor fuels
10 belonging to another for a commission or other compensation.

11 §13A-8-76. Written consignment agreement.

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

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

23 §13A-8-77. Taking of consigned motor fuels without
24 consent of owner.

25 It shall be unlawful for any person to take, use,
26 sell, or dispose of consigned motor fuels or the proceeds from
27 the sale of consigned motor fuels without the consent of the

1 owner and in violation of the written agreement required in
2 Section 13A-8-76.

3 §13A-8-78. Penalties.

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

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

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

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 10-MAR-15

Read for the second time and placed on the calen-
dar 1 amendment..... 18-MAR-15

Read for the third time and passed as amended 31-MAR-15

Yeas 33
Nays 0

Patrick Harris
Secretary