

By: Representative Smith

To: Judiciary B

HOUSE BILL NO. 350

1 AN ACT TO PROVIDE THAT IT IS UNLAWFUL TO TAKE, USE, SELL OR  
2 DISPOSE OF CONSIGNED MOTOR FUELS WITHOUT THE CONSENT OF THE  
3 CONSIGNOR; TO PROVIDE A DEFINITION FOR CONSIGNED MOTOR FUELS; TO  
4 REQUIRE A WRITTEN AGREEMENT BETWEEN CONSIGNORS AND CONSIGNEES OF  
5 MOTOR FUELS THAT STATES TITLE TO THE CONSIGNED MOTOR FUELS IS  
6 VESTED IN THE CONSIGNOR; TO PROVIDE PENALTIES FOR THE THEFT OF  
7 CONSIGNED MOTOR FUELS; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** As used in this act, the term "consigned motor  
10 fuels" means all grades of gasoline including gasohol or any  
11 gasoline blend, any grade of diesel or kerosene and all aviation  
12 fuels that are delivered or caused to be delivered by one  
13 merchant, hereinafter designated the consignor, to another  
14 merchant who deals in goods of that kind for the purpose of sale,  
15 hereinafter designated the consignee, and which are not owned by  
16 the consignee, but remain the property of the consignor.

17 **SECTION 2.** (1) There shall be a written agreement between  
18 the consignor and the consignee, reflecting not only the  
19 consignment agreement between the parties, but that title to the  
20 consigned motor fuels and to the proceeds from the sale of the



21 consigned motor fuels is always vested in the consignor and never  
22 the consignee.

23 (2) Nothing in this section shall be construed to create a  
24 new or additional element necessary to prove the commission of  
25 theft of property in any degree.

26 **SECTION 3.** It shall be unlawful for any person to take, use,  
27 sell or dispose of consigned motor fuels, or the proceeds from the  
28 sale of consigned motor fuels, without the consent of the  
29 consignor and in violation of the written agreement required in  
30 Section 2 of this act.

31 **SECTION 4.** A person who violates this act shall be guilty of  
32 larceny and subject to those penalties provided in Section  
33 97-17-41 or 97-17-43 based on value of the property taken.

34 **SECTION 5.** This act shall take effect and be in force from  
35 and after July 1, 2018.

