

By: Representative Smith

To: Judiciary B

HOUSE BILL NO. 940

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 (1)
 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, 2019.

