

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

S

1

SENATE BILL 634

Short Title: Increase Penalties/Gas Theft. (Public)

Sponsors: Senators Newton (Primary Sponsor); Hise, McLaurin, and Woodard.

Referred to: Judiciary II.

April 4, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR NATURAL GAS THEFT.  
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 14-151 reads as rewritten:

5 "**§ 14-151. Interfering with gas, electric and steam ~~appliances~~appliances or meters**  
6 **penalties.**

7 (a) ~~If It shall be unlawful for any person shall to~~ willfully, with intent to injure or defraud,  
8 commit any of the following acts~~acts; set forth in the following subdivisions, he shall be guilty~~  
9 ~~of a Class 2 misdemeanor:~~

- 10 (1) Connect a tube, pipe, wire or other instrument or contrivance with a pipe or  
11 wire used for conducting or supplying illuminating gas, fuel, natural gas or  
12 electricity in such a manner as to supply such gas or electricity to any  
13 burner, orifice, lamp or motor where the same is or can be burned or used  
14 without passing through the meter or other instrument provided for  
15 registering the quantity consumed; or,  
16 (2) Obstruct, alter, bypass, tamper with, injure or prevent the action of a meter  
17 or other instrument used to measure or register the quantity of illuminating  
18 fuel, natural ~~gas~~gas, water, or electricity passing through such meter  
19 ~~consumed in a house or apartment, or at an orifice or burner, lamp or motor,~~  
20 ~~or by a consumer or by a other~~ person other than an employee of the  
21 company owning or supplying any gas~~gas, water, or~~ electric meter, who  
22 willfully shall detach or disconnect such meter, or make or report any test of,  
23 or examine for the purpose of testing any meter so detached or disconnected;  
24 or,  
25 (3) In any manner whatever change, extend or alter any service or other pipe,  
26 wire or attachment of any kind, connecting with or through which natural or  
27 artificial gas or electricity is furnished from the gas mains or pipes of any  
28 person, without first procuring from said person written permission to make  
29 such change, extension or alterations; or,  
30 (4) Make any connection or reconnection with the gas mains, water pipes,  
31 service pipes or wires of any person, furnishing to consumers natural or  
32 artificial ~~gas~~gas, water, or electricity, or turn on or off or in any manner  
33 interfere with any valve or stopcock or other appliance belonging to such  
34 person, and connected with his service or other pipes or wires, or enlarge the  
35 orifices of mixers, or use natural gas for heating purposes except through  
36 mixers, or electricity for any purpose without first procuring from such



- 1 person a written permit to turn on or off such stopcock or valve, or to make  
2 such connection or reconnections, or to enlarge the orifice of mixers, or to  
3 use for heating purposes without mixers, or to interfere with the valves,  
4 stopcocks, wires or other appliances of such, as the case may be; or,  
5 (5) Retain possession of or refuse to deliver any mixer, meter, lamp or other  
6 appliance which may be leased or rented by any person, for the purpose of  
7 furnishing gas, water, electricity or power through the same, or sell, lend or  
8 in any other manner dispose of the same to any person other than such  
9 person entitled to the possession of the same; or,  
10 (6) Set on fire any gas escaping from wells, broken or leaking mains, pipes,  
11 valves or other appliances used by any person in conveying gas to  
12 consumers, or interfere in any manner with the wells, pipes, mains,  
13 gateboxes, valves, stopcocks, wires, cables, conduits or any other appliances,  
14 machinery or property of any person engaged in furnishing gas to consumers  
15 unless employed by or acting under the authority and direction of such  
16 person; or,  
17 (7) Open or cause to be opened, or reconnect or cause to be reconnected any  
18 valve lawfully closed or disconnected by a district steam corporation; or  
19 (8) Turn on steam or cause it to be turned on or to reenter any premises when  
20 the same has been lawfully stopped from entering such premises.  
21 (9) Reconnect electricity, gas, or water connections or otherwise turn back on  
22 one or more of those utilities when they have been lawfully disconnected or  
23 turned off by the provider of the utility.  
24 (10) Alter, bypass, interfere with, or cut off any load management device,  
25 equipment, or system which has been installed by the electricity supplier for  
26 the purpose of limiting the use of electricity at peak-load periods, provided,  
27 however, if there has been a written request to remove the load management  
28 device, equipment, or system to the electric supplier and the electric supplier  
29 has not removed the device within two working days, there shall be no  
30 violation of this section.

31 (b) Any meter or service entrance facility found to have been altered, tampered with, or  
32 bypassed in a manner that would cause such meter to inaccurately measure and register the  
33 electricity, gas, or water consumed or which would cause the electricity, gas, or water to be  
34 diverted from the recording apparatus of the meter shall be prima facie evidence of intent to  
35 violate and of the violation of this section by the person in whose name such meter is installed  
36 or the person or persons so using or receiving the benefits of such unmetered, unregistered, or  
37 diverted electricity, gas, or water.

38 (c) For the purposes of this section, the term "gas" shall mean all types and forms of  
39 gas, including, but not limited to, natural gas.

40 (d) Criminal violations of this section shall be punishable as follows:

- 41 (1) A violation of any subdivision numbered (1) through (8) of subsection (a) of  
42 this section is a Class F felony.  
43 (2) A violation of subdivision (9) or (10) of subsection (a) of this section:  
44 a. First offense. – Class 1 misdemeanor.  
45 b. Second offense. – Class H felony, whether or not first offense was a  
46 violation of a different subdivision.  
47 c. Third offense. – Class G felony, whether or not the second offense  
48 was a violation of a different subdivision.  
49 d. An offense that results in significant property damage or public  
50 endangerment. – Class F felony.

1                   e.     Unless the conduct is covered under some other provision of law  
2                             providing greater punishment, an offense that results in the death of  
3                             another is a Class D felony.

4       (e)     Whoever is found in a civil action to have violated any provision ~~hereof~~ of this  
5 section shall be liable to the electric, gas or water supplier in triple the amount of losses and  
6 damages sustained or five ~~hundred thousand~~ dollars (~~\$500.00~~), (~~\$5,000~~), whichever is greater.

7       (f)     Nothing in this section shall be construed to apply to licensed contractors while  
8 performing usual and ordinary services in accordance with recognized customs and standards."

9                   **SECTION 2.** G.S. 14-151.1 is repealed

10                  **SECTION 3.** This act becomes effective December 1, 2013, and applies to  
11 offenses committed on or after that date.