

## **BILL ANALYSIS**

H.B. 316  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The 86th and 87th Texas Legislatures enacted legislation aimed at combatting card skimmers at gas pumps in Texas. In recent years, the use of manipulation devices installed on or in gas pumps has increasingly become an issue. The bill author has informed the committee that, in regard to fuel theft, the devices manipulate the gas pump metering device so that the quantity of fuel being dispensed does not accurately correspond to the dollar value of the sale, therefore fuel is being obtained for a very low cost or sometimes even no cost. H.B. 316 seeks to prevent criminals from tampering with gas pump unattended payment terminals and fuel metering devices by, among other things, creating a criminal offense for interfering with or manipulating a motor fuel metering device or motor fuel unattended payment terminal or for manufacturing or selling a motor fuel manipulation device.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 316 amends the Penal Code to create the second degree felony offense of interference with a motor fuel metering device or motor fuel unattended payment terminal for a person who does any of the following:

- intentionally intercepts, disrupts, or otherwise interferes with the operation of or attempts to intercept, disrupt, or otherwise interfere with the operation of such a metering device or payment terminal;
- intentionally modifies or attempts to modify such a metering device or payment terminal;
- knowingly benefits from any of that aforementioned conduct or from the sale of a motor fuel manipulation device; or
- intentionally manufactures, assembles, possesses, sells, or attempts to sell a motor fuel manipulation device.

H.B. 316 provides for the following definitions:

- "motor fuel manipulation device" as a mechanism manufactured, assembled, or adapted to manipulate or alter a motor fuel metering device or a motor fuel unattended payment terminal for an unlawful purpose;
- "motor fuel metering device" by reference to Occupations Code provisions regulating motor fuel metering and quality; and

- "motor fuel unattended payment terminal" by reference to Business & Commerce Code provisions relating to reporting and investigating payment card skimmers on motor fuel metering devices.

H.B. 316 establishes as an affirmative defense to prosecution for the intentional possession of a motor fuel manipulation device that the device is possessed by any of the following:

- a service technician licensed by the Texas Department of Licensing and Regulation (TDLR) under statutory provisions relating to the licensing of motor fuel metering device service technicians and motor fuel metering device service companies who is acting in the course and scope of their employment, as authorized by their employer, TDLR, or a law enforcement agency;
- an employee or authorized representative of TDLR assigned to administer or enforce Occupations Code provisions regulating motor fuel metering and quality who is acting in the course and scope of their official duties; or
- a law enforcement officer while engaged in the actual discharge of their official duties.

H.B. 316 expands the conduct that constitutes the offense of engaging in organized criminal activity to include committing or conspiring to commit the offense of interfering with a motor fuel metering device or motor fuel unattended payment terminal with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang or foreign terrorist organization.

H.B. 316 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

#### **EFFECTIVE DATE**

September 1, 2025.