

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S

D

SENATE BILL 634
PROPOSED COMMITTEE SUBSTITUTE S634-PCS85218-RK-29

Short Title: Increase Penalties/Utilities Theft.

(Public)

Sponsors:

Referred to:

April 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR INTERFERENCE WITH
3 GAS, WATER, OR ELECTRIC LINES.

4 The General Assembly of North Carolina enacts:

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

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

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

11 (1) Connect a tube, pipe, wire or other instrument or contrivance with a pipe or
12 wire used for conducting or supplying illuminating gas, fuel, natural gas or
13 electricity in such a manner as to supply such gas or electricity to any
14 burner, orifice, lamp or motor where the same is or can be burned or used
15 without passing through the meter or other instrument provided for
16 registering the quantity ~~consumed; or, consumed.~~

17 (2) Obstruct, alter, bypass, tamper with, injure or prevent the action of a meter
18 or other instrument used to measure or register the quantity of illuminating
19 fuel, natural ~~gas~~ gas, water, or electricity passing through such meter
20 ~~consumed in a house or apartment, or at an orifice or burner, lamp or motor,~~
21 ~~or by a consumer or by a other person other than an employee of the~~
22 ~~company owning or supplying any gas, gas, water, or electric meter, who~~
23 willfully shall detach or disconnect such meter, or make or report any test of,
24 or examine for the purpose of testing any meter so detached or ~~disconnected;~~
25 ~~or, disconnected.~~

26 (3) In any manner whatever change, extend or alter any service or other pipe,
27 wire or attachment of any kind, connecting with or through which natural or
28 artificial gas or electricity is furnished from the gas mains or pipes of any
29 person, without first procuring from said person written permission to make
30 such change, extension or ~~alterations; or, alterations.~~

31 (4) Make any connection or reconnection with the gas mains, water pipes,
32 service pipes or wires of any person, furnishing to consumers natural or
33 artificial ~~gas~~ gas, water, or electricity, or turn on or off or in any manner
34 interfere with any valve or stopcock or other appliance belonging to such
35 person, and connected with his service or other pipes or wires, or enlarge the
36 orifices of mixers, or use natural gas for heating purposes except through



* S 6 3 4 - P C S 8 5 2 1 8 - R K - 2 9 *

1 mixers, or electricity for any purpose without first procuring from such
2 person a written permit to turn on or off such stopcock or valve, or to make
3 such connection or reconnections, or to enlarge the orifice of mixers, or to
4 use for heating purposes without mixers, or to interfere with the valves,
5 stopcocks, wires or other appliances of such, as the case may ~~be; or, be.~~

6 (5) Retain possession of or refuse to deliver any mixer, meter, lamp or other
7 appliance which may be leased or rented by any person, for the purpose of
8 furnishing gas, water, electricity or power through the same, or sell, lend or
9 in any other manner dispose of the same to any person other than such
10 person entitled to the possession of the ~~same; or, same.~~

11 (6) Set on fire any gas escaping from wells, broken or leaking mains, pipes,
12 valves or other appliances used by any person in conveying gas to
13 consumers, or interfere in any manner with the wells, pipes, mains,
14 gateboxes, valves, stopcocks, wires, cables, conduits or any other appliances,
15 machinery or property of any person engaged in furnishing gas to consumers
16 unless employed by or acting under the authority and direction of such
17 ~~person; or, person.~~

18 (7) Open or cause to be opened, or reconnect or cause to be reconnected any
19 valve lawfully closed or disconnected by a district steam ~~eorporation;~~
20 ~~eorporation.~~

21 (8) Turn on steam or cause it to be turned on or to reenter any premises when
22 the same has been lawfully stopped from entering such premises.

23 (9) Reconnect electricity, gas, or water connections or otherwise turn back on
24 one or more of those utilities when they have been lawfully disconnected or
25 turned off by the provider of the utility.

26 (10) Alter, bypass, interfere with, or cut off any load management device,
27 equipment, or system which has been installed by the electricity supplier for
28 the purpose of limiting the use of electricity at peak-load periods, provided,
29 however, if there has been a written request to remove the load management
30 device, equipment, or system to the electric supplier and the electric supplier
31 has not removed the device within two working days, there shall be no
32 violation of this section.

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

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

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

43 (1) A violation of this section is a Class 1 misdemeanor.

44 (2) A second or subsequent violation of this section is a Class H felony.

45 (3) A violation of this section that results in significant property damage or
46 public endangerment is a Class F felony.

47 (4) Unless the conduct is covered under some other provision of law providing
48 greater punishment, a violation that results in the death of another is a Class
49 D felony.

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

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

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

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