

SENATE BILL NO. 290

INTRODUCED BY KOEHNKE

IN THE SENATE

FEBRUARY 6, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

FEBRUARY 15, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 16, 1991 PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 18, 1991 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

FIRST READING.

MARCH 12, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

POSTED ON CONSENT CALENDAR.

MARCH 13, 1991 CONSENT CALENDAR, QUESTIONS AND ANSWERS.

MARCH 14, 1991 THIRD READING, CONCURRED IN.
AYES, 84; NOES, 16.

RETURNED TO SENATE.

IN THE SENATE

MARCH 15, 1991 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. 290
 2 INTRODUCED BY *Kochinke*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING THE OPERATOR
 5 OF A RENTED TWO-AXLE TRUCK USED FOR MOVING HOUSEHOLD GOODS
 6 FROM THE REQUIREMENT TO HAVE A SPECIAL FUEL USER'S PERMIT;
 7 AND AMENDING SECTION 15-70-302, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 15-70-302, MCA, is amended to read:

11 "15-70-302. Special fuel dealer's licenses and special
 12 fuel user's permits required -- exceptions. (1) ~~It is~~
 13 ~~unlawful for~~ a person to may not act as a special fuel
 14 dealer in this state unless the person is the holder of an
 15 uncanceled fuel dealer's license issued to him by the
 16 department.

17 (2) Every A special fuel user shall obtain annually
 18 from the department, prior to the use of special fuel for
 19 the propulsion of a motor vehicle or vehicles in this state,
 20 a special fuel user's permit. Except as provided in
 21 subsection (5), a special fuel user shall at all times
 22 display the original or a reproduced copy of the permit in
 23 each special fuel vehicle operated by him upon the public
 24 roads and highways. The permit or copy must be exhibited for
 25 inspection on request of any checking station officer,

1 Montana highway patrol officer, authorized employee of the
 2 department, or any other law enforcement officer. The
 3 special fuel user is responsible for reproducing clear and
 4 legible copies of the permit.

5 (3) A special fuel user's permit is not required of any
 6 person whose sole use of special fuel is for the propulsion
 7 of a privately operated passenger automobile or of a
 8 two-axle truck that the user has rented for 30 days or less
 9 for the primary purpose of moving his household goods,
 10 provided the person purchases special fuel, tax paid, except
 11 special fuel brought into this state in the fuel supply tank
 12 of the vehicle, from a licensed special fuel dealer in this
 13 state. For purposes of this exemption, a privately operated
 14 passenger vehicle does not include a motor vehicle used for
 15 the transportation of persons for hire or for compensation
 16 or designed, used, or maintained primarily for
 17 transportation of property.

18 (4) Any out-of-state user who operates a special fuel
 19 vehicle solely for recreation or for religious, charitable,
 20 educational, or other eleemosynary purposes shall secure a
 21 special fuel user's courtesy vehicle permit. The permit is
 22 not transferable and is valid for 90 days. Permits will be
 23 issued at no cost to the user by the department, scale house
 24 personnel, and gross vehicle weight patrol crews. The
 25 department may require the user who has fuel capacity in



1 excess of 30 gallons to file a report and pay the tax on
2 fuel used in Montana on which the tax has not been paid.

3 (5) A special fuel user need not display the original
4 or reproduced copy of the special fuel user's permit as
5 required by subsection (2) if:

6 (a) he is registered and licensed pursuant to the
7 International Fuel Tax Agreement as authorized by 15-70-121
8 and the vehicle displays a license or decal issued pursuant
9 to the agreement; or

10 (b) the motor vehicle operated by him is a vehicle that
11 is part of a motor vehicle fleet based in Montana that is
12 proportionally registered under the provisions of 61-3-711
13 through 61-3-733;

14 (c) he obtains a registration card issued by the
15 department of highways indicating the special fuel user's
16 permit number; and

17 (d) the registration card indicating the special fuel
18 user's permit number is carried in the vehicle and is
19 available for inspection.

20 (6) A person whose use of special fuel is predominantly
21 for agricultural and nonhighway use but who owns or operates
22 one or more passenger cars or light trucks may obtain
23 annually from the department an authorization as provided in
24 15-70-309."

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

SENATE BILL NO. 290
INTRODUCED BY KOEHNKE

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING THE OPERATOR OF A RENTED ~~TWO-AXLE~~ SINGLE-AXLE DRIVE TRUCK USED FOR MOVING HOUSEHOLD GOODS FROM THE REQUIREMENT TO HAVE A SPECIAL FUEL USER'S PERMIT; AND AMENDING SECTION 15-70-302, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-70-302, MCA, is amended to read:

"15-70-302. Special fuel dealer's licenses and special fuel user's permits required -- exceptions. (1) ~~It is unlawful for a~~ A person to may not act as a special fuel dealer in this state unless the person is the holder of an uncanceled fuel dealer's license issued to him by the department.

(2) Every A special fuel user shall obtain annually from the department, prior to the use of special fuel for the propulsion of a motor vehicle or vehicles in this state, a special fuel user's permit. Except as provided in subsection (5), a special fuel user shall at all times display the original or a reproduced copy of the permit in each special fuel vehicle operated by him upon the public roads and highways. The permit or copy must be exhibited for inspection on request of any checking station officer,

Montana highway patrol officer, authorized employee of the department, or any other law enforcement officer. The special fuel user is responsible for reproducing clear and legible copies of the permit.

(3) A special fuel user's permit is not required of any person whose sole use of special fuel is for the propulsion of a privately operated passenger automobile or of a two-axle truck WITH A SINGLE DRIVE AXLE UNDER 26,000 POUNDS GROSS VEHICLE WEIGHT that the user has rented for 30 days or less for the primary purpose of moving his household goods, provided the person purchases special fuel, tax paid, except special fuel brought into this state in the fuel supply tank of the vehicle, from a licensed special fuel dealer in this state. For purposes of this exemption, a privately operated passenger vehicle does not include a motor vehicle used for the transportation of persons for hire or for compensation or designed, used, or maintained primarily for transportation of property.

(4) Any out-of-state user who operates a special fuel vehicle solely for recreation or for religious, charitable, educational, or other eleemosynary purposes shall secure a special fuel user's courtesy vehicle permit. The permit is not transferable and is valid for 90 days. Permits will be issued at no cost to the user by the department, scale house personnel, and gross vehicle weight patrol crews. The

SECOND READING



1 department may require the user who has fuel capacity in
2 excess of 30 gallons to file a report and pay the tax on
3 fuel used in Montana on which the tax has not been paid.

4 (5) A special fuel user need not display the original
5 or reproduced copy of the special fuel user's permit as
6 required by subsection (2) if:

7 (a) he is registered and licensed pursuant to the
8 International Fuel Tax Agreement as authorized by 15-70-121
9 and the vehicle displays a license or decal issued pursuant
10 to the agreement; or

11 (b) the motor vehicle operated by him is a vehicle that
12 is part of a motor vehicle fleet based in Montana that is
13 proportionally registered under the provisions of 61-3-711
14 through 61-3-733;

15 (c) he obtains a registration card issued by the
16 department of highways indicating the special fuel user's
17 permit number; and

18 (d) the registration card indicating the special fuel
19 user's permit number is carried in the vehicle and is
20 available for inspection.

21 (6) A person whose use of special fuel is predominantly
22 for agricultural and nonhighway use but who owns or operates
23 one or more passenger cars or light trucks may obtain
24 annually from the department an authorization as provided in
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1 department may require the user who has fuel capacity in
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21 (6) A person whose use of special fuel is predominantly
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REFERENCE BILL
SB 290



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