

Tax on Gasoline and Distillate.

Section 11, Chapter 156, 17th Session Laws, refers to gasoline or distillate sold by dealers in Montana to residents of Canada or the States for the purpose of resale or trade and not for the personal use of the customer. All gasoline and distillate when sold to such foreign customers for personal use should be included by the dealer in his report and tax paid thereon.

State Board of Equalization,
Helena, Montana.

Gentlemen:

You have requested an interpretation of Section 11 of Chapter 156, 17th Session Laws, relative to the tax on gasoline and distillate. This request is prompted, as I understand it, by dealers living near the borders of the State, who sell gasoline or distillate to customers who live in Canada, or the adjoining States.

Section 11, above, reads as follows:

"None of the provisions of this Act shall apply to the sales of gasoline or distillate when sold for, and exported out of the State."

The definition of the term "exported" or "to export" means to send or carry out of the State for the purpose of sale or trade (19 Cyc. 19); therefore, Section 11, above, would apply only to gasoline or distillate when sold for the purpose of being taken out of this State for the purpose of resale or trade.

If the customer, living outside of this State, buys the gasoline or distillate for his own use, it would not be sold for export or exported out of the State, and the dealer should include such sales in his report and pay the tax thereon.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.