

1 Senate BILL NO. 181
 2 INTRODUCED BY Matthew

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE COURTESY
 5 PERMIT FOR SPECIAL FUEL RECREATIONAL VEHICLES; AMENDING
 6 SECTION 84-1833, R.C.M. 1947."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 84-1833, R.C.M. 1947, is amended to
 10 read as follows:

11 "84-1833. Special fuel dealers' and special fuel
 12 users' licenses and special fuel vehicle permits.

13 (a) Required: It shall be unlawful for any person to act as
 14 a special fuel dealer in this state unless such person is
 15 the holder of an uncanceled fuel dealers' license issued to
 16 him by the department.

17 Every special fuel user shall obtain from the
 18 department, prior to the use of such special fuel for the
 19 propulsion of a motor vehicle or vehicles in this state, a
 20 special fuel users' license, and a special fuel vehicle
 21 permit for each such vehicle or vehicles operated by him
 22 upon the highways as herein defined, which permit shall at
 23 all times be carried in the vehicle for which it was issued,
 24 and shall be exhibited for inspection on request of any
 25 checking station officer, Montana highway patrol officer,

1 any authorized employee of the department of revenue, or any
 2 other law enforcement officer.

3 ~~Any out-of-state user who operates a recreational~~
 4 ~~passenger-car, pickup-truck or family motor coach powered by~~
 5 ~~special fuels shall secure a special fuel users' "courtesy"~~
 6 ~~vehicle permit~~ Any out-of-state user who operates a special
 7 fuel recreational vehicle solely for noncommercial purposes
 8 shall secure a special fuel users' "courtesy" vehicle
 9 permit. The permit shall not be transferable and shall be
 10 valid for ninety (90) days. Permits will be issued at no
 11 cost to the user by the department of revenue, scale house
 12 personnel and gross vehicle weight patrol crews. The
 13 department may require the user who has fuel capacity in
 14 excess of thirty (30) gallons to file a report and pay the
 15 tax on fuel used in Montana on which the tax has not been
 16 paid.

17 (b) Application: Application for a special fuel
 18 dealer's license, a special fuel user's license, or a
 19 special fuel vehicle permit shall be made to the board
 20 unless otherwise provided herein.

21 (c) Form of application: The application shall be
 22 filed upon a form prepared and furnished by the department.
 23 The application shall contain such information as the
 24 department deems necessary.

25 (d) Bond: Except as herein provided, no special fuel

1 dealer's license or special fuel user's license shall be
 2 issued to any person or continued in force unless such
 3 person has furnished bond, as defined in section 84-1831 (i)
 4 and in such form as the department may require to secure its
 5 compliance with this act, and the payment of any and all
 6 taxes, interest and penalties due and to become due
 7 hereunder. Upon application, the department may waive the
 8 bond requirement of any resident special fuel user who
 9 establishes to the reasonable satisfaction of the board that
 10 the tax as herein provided is not delinquent or that
 11 interest or penalties are not accrued under the provisions
 12 of this act.

13 The total amount of the bond or bonds required of any
 14 special fuel dealer or special fuel user shall be equivalent
 15 to twice his estimated monthly tax payments as hereinafter
 16 provided, determined in such manner as the department may
 17 deem proper; provided, however, that the total amount of the
 18 bond or bonds shall never be less than five thousand dollars
 19 (\$5,000) for any special fuel user awarded a contract in
 20 accordance with section 84-1332.1, nor less than five
 21 hundred dollars (\$500) for any other special fuel user; and
 22 not less than one thousand dollars (\$1,000) for a special
 23 fuel dealer.

24 (e) Issuance: Upon receipt of the application and bond
 25 in proper form, the department shall issue to the applicant

1 a license to act as a special fuel dealer or special fuel
 2 user or a special fuel vehicle permit; provided, however,
 3 the department may refuse to issue a special fuel dealer's
 4 license, a special fuel user's license or a special fuel
 5 vehicle permit to any person: (1) who formerly held either
 6 type of license or permit which, prior to the time of filing
 7 application has been revoked for cause; or (2) who is not
 8 the real party in interest and where the license or permit
 9 of the real party in interest has been revoked for cause
 10 prior to the time of filing such application; or (3) upon
 11 other sufficient cause being shown. Before such refusal, the
 12 department shall grant the applicant a hearing and shall
 13 grant him at least ten (10) days' written notice of the time
 14 and place thereof.

15 (f) Expiration of license or permit: Each special fuel
 16 dealer's license, special fuel user's license and special
 17 fuel vehicle permit shall be valid until suspended or
 18 revoked for cause or otherwise canceled.

19 (g) Assignment forbidden: No special fuel dealer's
 20 license, special fuel user's license or special fuel vehicle
 21 permit shall be transferable.

22 (h) Revocation, suspension, cancellation and surrender
 23 of license and permit: The department may revoke the license
 24 of any special fuel dealer or special fuel user or any
 25 special fuel vehicle permit for reasonable cause. Before

1 revoking such license or permit, the department shall notify
 2 the licensee or permittee of its intention so to do, by
 3 either certified or registered mail, addressed to his last
 4 known address shown in the files of the department,
 5 requiring him to appear before the department on a day and
 6 hour specified in such notice, not more than thirty (30)
 7 days nor less than ten (10) days from date of such notice,
 8 and show cause, if any he has, why the license or the
 9 permit, or each of them, should not be revoked; provided,
 10 however, that at any time prior to and pending such hearing
 11 the department may, in the exercise of reasonable
 12 discretion, suspend such license or permit.

13 Upon revocation by the department of any such license
 14 or permit, the holder thereof shall immediately surrender
 15 the same to the department for cancellation; and the holder
 16 of any such permit, having permanently discontinued the use
 17 of any vehicle for which the permit was issued, for whatever
 18 reason, shall immediately surrender the same to the
 19 department for cancellation.

20 The department shall cancel any license to act as a
 21 special fuel dealer or a special fuel user or any special
 22 fuel vehicle permit immediately upon surrender thereof by
 23 the holder.

24 (i) Release of surety: Any surety on a bond furnished
 25 by a special fuel dealer or special fuel user as provided

1 herein shall be released and discharged from any and all
 2 liability to the state accruing on such bond after the
 3 expiration of thirty (30) days from the date upon which such
 4 surety shall have lodged with the department a written
 5 request to be released and discharged, but this provision
 6 shall not operate to relieve, release, or discharge the
 7 surety from any liability already accrued or which shall
 8 accrue before the expiration of the thirty (30) day period.
 9 The department shall promptly upon receiving any such
 10 request, notify the special fuel dealer or special fuel user
 11 who furnished the bond, and unless the special fuel dealer
 12 or special fuel user shall, on or before the expiration of
 13 the thirty (30) day period, file a new bond, in accordance
 14 with the requirements of this section, or make a deposit in
 15 lieu thereof as provided in section 84-1831 (i), the
 16 department forthwith shall cancel the special fuel dealer's
 17 or special fuel user's license.

18 (j) Additional bond or deposit: The department may
 19 require a special fuel dealer or special fuel user to give a
 20 new or additional surety bond or to deposit additional
 21 securities of the character specified in section 84-1831
 22 (i), if, in its opinion, the security of the surety bond
 23 theretofore filed by such special fuel dealer or special
 24 fuel user, or the market value of the properties deposited
 25 as security by such special fuel dealer or special fuel

1 user, shall become impaired or inadequate; and upon failure
2 of the special fuel dealer or special fuel user to give such
3 new additional surety bond or to deposit additional
4 securities within thirty (30) days after being requested so
5 to do by the department, said department forthwith shall
6 cancel his license.

7 (k) All special fuel taxes due from any dealer or user
8 under the provisions of this act, together with all
9 penalties and interest thereon shall be a lien upon any and
10 all property of such dealer, user or other person upon the
11 filing by the state department of revenue of a duplicate
12 copy of the statement so made by the state department of
13 revenue, or a certified copy of any statement filed by said
14 department in the office of the county clerk of the county
15 where such property is situated which lien shall have
16 precedence over any other claim, lien or demand thereafter
17 filed or recorded and which may be enforced in the name of
18 the state of Montana in the same manner as judgment liens
19 are enforced by law."

-End-

STATE OF MONTANA

REQUEST NO. 456-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 181 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION

This bill amends the courtesy permit for special fuel recreational vehicles.

ASSUMPTIONS

There are not enough vehicles in this category to cause a significant fiscal impact. Therefore, the fiscal impact of this bill is negligible.

PREPARED BY DEPARTMENT OF REVENUE

Richard L. Young
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-15-77

Approved by Committee
on Taxation

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 6 ~~vehicle-permit~~ Any out-of-state user who operates a special
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HOUSE OF REPRESENTATIVES

March 9, 1977

Committee of the Whole amendments to SENATE BILL NO. 181, third reading copy, as follows:

1. Amend title, line 6.

Following: "1947"

Insert: ";AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Amend page 7.

Following: line 20

Insert: "Section 2. Effective date. This act is effective upon its passage and approval."

AS AMENDED
BE CONCURRED IN

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19 (b) Application: Application for a special fuel
20 dealer's license, a special fuel user's license, or a
21 special fuel vehicle permit shall be made to the board
22 unless otherwise provided herein.

23 (c) Form of application: The application shall be
24 filed upon a form prepared and furnished by the department.
25 The application shall contain such information as the

1 department deems necessary.

2 (d) Bond: Except as herein provided, no special fuel
3 dealer's license or special fuel user's license shall be
4 issued to any person or continued in force unless such
5 person has furnished bond, as defined in section 84-1831 (i)
6 and in such form as the department may require to secure its
7 compliance with this act, and the payment of any and all
8 taxes, interest and penalties due and to become due
9 hereunder. Upon application, the department may waive the
10 bond requirement of any resident special fuel user who
11 establishes to the reasonable satisfaction of the board that
12 the tax as herein provided is not delinquent or that
13 interest or penalties are not accrued under the provisions
14 of this act.

15 The total amount of the bond or bonds required of any
16 special fuel dealer or special fuel user shall be equivalent
17 to twice his estimated monthly tax payments as hereinafter
18 provided, determined in such manner as the department may
19 deem proper; provided, however, that the total amount of the
20 bond or bonds shall never be less than five thousand dollars
21 (\$5,000) for any special fuel user awarded a contract in
22 accordance with section 84-1832.1, nor less than five
23 hundred dollars (\$500) for any other special fuel user; and
24 not less than one thousand dollars (\$1,000) for a special
25 fuel dealer.

1 (e) Issuance: Upon receipt of the application and bond
2 in proper form, the department shall issue to the applicant
3 a license to act as a special fuel dealer or special fuel
4 user or a special fuel vehicle permit; provided, however,
5 the department may refuse to issue a special fuel dealer's
6 license, a special fuel user's license or a special fuel
7 vehicle permit to any person: (1) who formerly held either
8 type of license or permit which, prior to the time of filing
9 application has been revoked for cause; or (2) who is not
10 the real party in interest and where the license or permit
11 of the real party in interest has been revoked for cause
12 prior to the time of filing such application; or (3) upon
13 other sufficient cause being shown. Before such refusal, the
14 department shall grant the applicant a hearing and shall
15 grant him at least ten (10) days' written notice of the time
16 and place thereof.

17 (f) Expiration of license or permit: Each special fuel
18 dealer's license, special fuel user's license and special
19 fuel vehicle permit shall be valid until suspended or
20 revoked for cause or otherwise canceled.

21 (g) Assignment forbidden: No special fuel dealer's
22 license, special fuel user's license or special fuel vehicle
23 permit shall be transferable.

24 (h) Revocation, suspension, cancellation and surrender
25 of license and permit: The department may revoke the license

1 of any special fuel dealer or special fuel user or any
 2 special fuel vehicle permit for reasonable cause. Before
 3 revoking such license or permit, the department shall notify
 4 the licensee or permittee of its intention so to do, by
 5 either certified or registered mail, addressed to his last
 6 known address shown in the files of the department,
 7 requiring him to appear before the department on a day and
 8 hour specified in such notice, not more than thirty (30)
 9 days nor less than ten (10) days from date of such notice,
 10 and show cause, if any he has, why the license or the
 11 permit, or each of them, should not be revoked; provided,
 12 however, that at any time prior to and pending such hearing
 13 the department may, in the exercise of reasonable
 14 discretion, suspend such license or permit.

15 Upon revocation by the department of any such license
 16 or permit, the holder thereof shall immediately surrender
 17 the same to the department for cancellation; and the holder
 18 of any such permit, having permanently discontinued the use
 19 of any vehicle for which the permit was issued, for whatever
 20 reason, shall immediately surrender the same to the
 21 department for cancellation.

22 The department shall cancel any license to act as a
 23 special fuel dealer or a special fuel user or any special
 24 fuel vehicle permit immediately upon surrender thereof by
 25 the holder.

1 (i) Release of surety: Any surety on a bond furnished
 2 by a special fuel dealer or special fuel user as provided
 3 herein shall be released and discharged from any and all
 4 liability to the state accruing on such bond after the
 5 expiration of thirty (30) days from the date upon which such
 6 surety shall have lodged with the department a written
 7 request to be released and discharged, but this provision
 8 shall not operate to relieve, release, or discharge the
 9 surety from any liability already accrued or which shall
 10 accrue before the expiration of the thirty (30) day period.
 11 The department shall promptly upon receiving any such
 12 request, notify the special fuel dealer or special fuel user
 13 who furnished the bond, and unless the special fuel dealer
 14 or special fuel user shall, on or before the expiration of
 15 the thirty (30) day period, file a new bond, in accordance
 16 with the requirements of this section, or make a deposit in
 17 lieu thereof as provided in section 84-1831 (i), the
 18 department forthwith shall cancel the special fuel dealer's
 19 or special fuel user's license.

20 (j) Additional bond or deposit: The department may
 21 require a special fuel dealer or special fuel user to give a
 22 new or additional surety bond or to deposit additional
 23 securities of the character specified in section 84-1831
 24 (i), if, in its opinion, the security of the surety bond
 25 theretofore filed by such special fuel dealer or special

1 fuel user, or the market value of the properties deposited
2 as security by such special fuel dealer or special fuel
3 user, shall become impaired or inadequate; and upon failure
4 of the special fuel dealer or special fuel user to give such
5 new additional surety bond or to deposit additional
6 securities within thirty (30) days after being requested so
7 to do by the department, said department forthwith shall
8 cancel his license.

9 (k) All special fuel taxes due from any dealer or user
10 under the provisions of this act, together with all
11 penalties and interest thereon shall be a lien upon any and
12 all property of such dealer, user or other person upon the
13 filing by the state department of revenue of a duplicate
14 copy of the statement so made by the state department of
15 revenue, or a certified copy of any statement filed by said
16 department in the office of the county clerk of the county
17 where such property is situated which lien shall have
18 precedence over any other claim, lien or demand thereafter
19 filed or recorded and which may be enforced in the name of
20 the state of Montana in the same manner as judgment liens
21 are enforced by law."

22 SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE UPON
23 ITS PASSAGE AND APPROVAL.

-End-