

CHAPTER NO. 350.

SENATE BILL NO. 304

INTRODUCED BY TURNAGE

IN THE SENATE

January 31, 1979	Introduced and referred to Committee on Highways and Transportation.
February 9, 1979	Committee recommend bill do pass. Report adopted.
February 10, 1979	Printed and placed on members' desks.
February 12, 1979	Second reading, do pass.
February 13, 1979	Considered correctly engrossed.
February 14, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 15, 1979	Introduced and referred to Committee on Highways and Transportation.
March 8, 1979	Committee recommend bill be concurred in. Report adopted.
March 12, 1979	Second reading, pass consideration.
March 13, 1979	Second reading, concurred in.
March 16, 1979	Third reading, concurred in.

IN THE SENATE

March 17, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
----------------	---

1 *Jack* BILL NO. 304
2 INTRODUCED BY *Turnagl*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 15-70-301, MCA, TO PROVIDE THAT THE DEFINITION OF "SPECIAL
6 FUEL DEALER" INCLUDES ANY PERSON PROVIDING A FACILITY FROM
7 WHICH MORE THAN ONE SPECIAL FUEL USER OBTAINS SPECIAL FUEL."

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

10 Section 1. Section 15-70-301, MCA, is amended to read:
11 "15-70-301. Definitions. As used in this part, the
12 following definitions shall apply:

13 (1) "Bond" means:

14 (a) a bond duly executed by a special fuel dealer or
15 special fuel user as principal with a corporate surety
16 qualified under the laws of Montana, which bond shall be
17 payable to the state of Montana, conditioned upon faithful
18 performance of all requirements of this part, including the
19 payment of all taxes, penalties, and other obligations of
20 such special fuel dealer or special fuel user arising out of
21 this part; or

22 (b) a deposit with the state treasurer by the special
23 fuel dealer or special fuel user under such terms and
24 conditions as the department of revenue may prescribe of a
25 like amount of lawful money of the United States or bonds or

1 other obligations of the United States or the state of
2 Montana or of any county thereof of an actual market value
3 not less than the amount so fixed by the department.

4 (2) "Department" means the department of revenue.

5 (3) "Motor vehicle" means any vehicle which is
6 self-propelled upon the highways.

7 (4) "Person" means and includes any person, firm,
8 association, joint-stock company, syndicate, partnership, or
9 corporation; whenever used in any clause prescribing and
10 imposing a fine or imprisonment, or both, as applied to a
11 firm, association, syndicate, or partnership, means and
12 includes the partners or members thereof and, as applied to
13 joint-stock companies and corporations, the officers
14 thereof.

15 (5) "Public roads and highways of this state" shall
16 mean all streets, roads, highways, and related structures as
17 have been or shall be built and maintained with appropriated
18 funds of the United States and which have been or shall be
19 built and maintained with funds of the state of Montana or
20 any political subdivision thereof or which have been or
21 shall be dedicated to public use or have been acquired by
22 eminent domain or have been acquired by adverse use by the
23 public, jurisdiction having been assumed by the state or any
24 political subdivision thereof.

25 (6) "Special fuel" means those combustible gases and

1 liquids commonly referred to as diesel fuel or any other
2 volatile liquid of less than 46 degrees A.P.I. (American
3 petroleum institute) gravity test, except liquid petroleum
4 gas, when actually sold for use in motor vehicles propelled
5 upon the public highways or streets within the state of
6 Montana.

7 (7) "Special fuel dealer" means any person in the
8 business of handling special fuel who delivers any part
9 thereof into the fuel supply tank or tanks of a motor
10 vehicle not then owned or controlled by him or any person
11 who provides any facility, with or without attended
12 services, from which more than one special fuel user obtains
13 special fuel for use in the fuel supply tank of a motor
14 vehicle not then controlled by such dealer. For this
15 purpose the term "fuel supply tank or tanks" does not
16 include cargo tanks even though fuel is withdrawn directly
17 therefrom for propulsion of the vehicle.

18 (8) "Special fuel user" means any person other than a
19 county, incorporated city or town, or school district of
20 this state who consumes in this state special fuel for the
21 propulsion of motor vehicles owned or controlled by him upon
22 the highways of this state.

23 (9) "Use" means either the receipt, delivery, or
24 placing of special fuels by a special fuel dealer into the
25 fuel supply tank or tanks of any motor vehicle not owned or

1 controlled by him while such vehicle is within this state or
2 the consumption by a special fuel user of special fuels in
3 propulsion of a motor vehicle on the highways of this
4 state."

-End-

Approved by Committee
on Highways & Transportation

1 *Senate* BILL NO. 304

2 INTRODUCED BY *Turnage*

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 15-70-301, MCA, TO PROVIDE THAT THE DEFINITION OF "SPECIAL
6 FUEL DEALER" INCLUDES ANY PERSON PROVIDING A FACILITY FROM
7 WHICH MORE THAN ONE SPECIAL FUEL USER OBTAINS SPECIAL FUEL."

8

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

10 Section 1. Section 15-70-301, MCA, is amended to read:
11
12 "15-70-301. Definitions. As used in this part, the
13 following definitions shall apply:

14 (1) "Bond" means:

15 (a) a bond duly executed by a special fuel dealer or
16 special fuel user as principal with a corporate surety
17 qualified under the laws of Montana, which bond shall be
18 payable to the state of Montana, conditioned upon faithful
19 performance of all requirements of this part, including the
20 payment of all taxes, penalties, and other obligations of
21 such special fuel dealer or special fuel user arising out of
22 this part; or

23 (b) a deposit with the state treasurer by the special
24 fuel dealer or special fuel user under such terms and
25 conditions as the department of revenue may prescribe of a
like amount of lawful money of the United States or bonds or

1 other obligations of the United States or the state of
2 Montana or of any county thereof of an actual market value
3 not less than the amount so fixed by the department.

4 (2) "Department" means the department of revenue.

5 (3) "Motor vehicle" means any vehicle which is
6 self-propelled upon the highways.

7 (4) "Person" means and includes any person, firm,
8 association, joint-stock company, syndicate, partnership, or
9 corporation; whenever used in any clause prescribing and
10 imposing a fine or imprisonment, or both, as applied to a
11 firm, association, syndicate, or partnership, means and
12 includes the partners or members thereof and, as applied to
13 joint-stock companies and corporations, the officers
14 thereof.

15 (5) "Public roads and highways of this state" shall
16 mean all streets, roads, highways, and related structures as
17 have been or shall be built and maintained with appropriated
18 funds of the United States and which have been or shall be
19 built and maintained with funds of the state of Montana or
20 any political subdivision thereof or which have been or
21 shall be dedicated to public use or have been acquired by
22 eminent domain or have been acquired by adverse use by the
23 public, jurisdiction having been assumed by the state or any
24 political subdivision thereof.

25 (6) "Special fuel" means those combustible gases and

1 liquids commonly referred to as diesel fuel or any other
2 volatile liquid of less than 46 degrees A.P.I. (American
3 petroleum institute) gravity test, except liquid petroleum
4 gas, when actually sold for use in motor vehicles propelled
5 upon the public highways or streets within the state of
6 Montana.

7 (7) "Special fuel dealer" means any person in the
8 business of handling special fuel who delivers any part
9 thereof into the fuel supply tank or tanks of a motor
10 vehicle not then owned or controlled by him or any person
11 who provides any facility, with or without attended
12 services, from which more than one special fuel user obtains
13 special fuel for use in the fuel supply tank of a motor
14 vehicle not then controlled by such dealer. For this
15 purpose the term "fuel supply tank or tanks" does not
16 include cargo tanks even though fuel is withdrawn directly
17 therefrom for propulsion of the vehicle.

18 (8) "Special fuel user" means any person other than a
19 county, incorporated city or town, or school district of
20 this state who consumes in this state special fuel for the
21 propulsion of motor vehicles owned or controlled by him upon
22 the highways of this state.

23 (9) "Use" means either the receipt, delivery, or
24 placing of special fuels by a special fuel dealer into the
25 fuel supply tank or tanks of any motor vehicle not owned or

1 controlled by him while such vehicle is within this state or
2 the consumption by a special fuel user of special fuels in
3 propulsion of a motor vehicle on the highways of this
4 state."

-End-

Senate BILL NO. 304
Turnage

1 INTRODUCED BY Turnage

2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 15-70-301, MCA, TO PROVIDE THAT THE DEFINITION OF "SPECIAL
6 FUEL DEALER" INCLUDES ANY PERSON PROVIDING A FACILITY FROM
7 WHICH MORE THAN ONE SPECIAL FUEL USER OBTAINS SPECIAL FUEL."

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

10 Section 1. Section 15-70-301, MCA, is amended to read:
11
12 "15-70-301. Definitions. As used in this part, the
following definitions shall apply:

13 (1) "Bond" means:

14 (a) a bond duly executed by a special fuel dealer or
15 special fuel user as principal with a corporate surety
16 qualified under the laws of Montana, which bond shall be
17 payable to the state of Montana, conditioned upon faithful
18 performance of all requirements of this part, including the
19 payment of all taxes, penalties, and other obligations of
20 such special fuel dealer or special fuel user arising out of
21 this part; or

22 (b) a deposit with the state treasurer by the special
23 fuel dealer or special fuel user under such terms and
24 conditions as the department of revenue may prescribe of a
25 like amount of lawful money of the United States or bonds or

1 other obligations of the United States or the state of
2 Montana or of any county thereof of an actual market value
3 not less than the amount so fixed by the department.

4 (2) "Department" means the department of revenue.

5 (3) "Motor vehicle" means any vehicle which is
6 self-propelled upon the highways.

7 (4) "Person" means and includes any persons, firms,
8 association, joint-stock company, syndicate, partnerships or
9 corporation; whenever used in any clause prescribing and
10 imposing a fine or imprisonment, or both, as applied to a
11 firm, association, syndicate, or partnership, means and
12 includes the partners or members thereof and, as applied to
13 joint-stock companies and corporations, the officers
14 thereof.

15 (5) "Public roads and highways of this state" shall
16 mean all streets, roads, highways, and related structures as
17 have been or shall be built and maintained with appropriated
18 funds of the United States and which have been or shall be
19 built and maintained with funds of the state of Montana or
20 any political subdivision thereof or which have been or
21 shall be dedicated to public use or have been acquired by
22 eminent domain or have been acquired by adverse use by the
23 public, jurisdiction having been assumed by the state or any
24 political subdivision thereof.

25 (6) "Special fuel" means those combustible gases and

1 liquids commonly referred to as diesel fuel or any other
2 volatile liquid of less than 46 degrees A.P.I. (American
3 petroleum institute) gravity test, except liquid petroleum
4 gas, when actually sold for use in motor vehicles propelled
5 upon the public highways or streets within the state of
6 Montana.

7 (7) "Special fuel dealer" means any person in the
8 business of handling special fuel who delivers any part
9 thereof into the fuel supply tank or tanks of a motor
10 vehicle not then owned or controlled by him or any person
11 who provides any facility with or without attended
12 services, from which more than one special fuel user obtains
13 special fuel for use in the fuel supply tank of a motor
14 vehicle not then controlled by such dealer. For this
15 purpose the term "fuel supply tank or tanks" does not
16 include cargo tanks even though fuel is withdrawn directly
17 therefrom for propulsion of the vehicle.

18 (8) "Special fuel user" means any person other than a
19 county, incorporated city or town, or school district of
20 this state who consumes in this state special fuel for the
21 propulsion of motor vehicles owned or controlled by him upon
22 the highways of this state.

23 (9) "Use" means either the receipt, delivery, or
24 placing of special fuels by a special fuel dealer into the
25 fuel supply tank or tanks of any motor vehicle not owned or

1 controlled by him while such vehicle is within this state or
2 the consumption by a special fuel user of special fuels in
3 propulsion of a motor vehicle on the highways of this
4 state."

-End-

SENATE BILL NO. 304
INTRODUCED BY TURNAGE

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 15-70-301, MCA, TO PROVIDE THAT THE DEFINITION OF "SPECIAL
6 FUEL DEALER" INCLUDES ANY PERSON PROVIDING A FACILITY FROM
7 WHICH MORE THAN ONE SPECIAL FUEL USER OBTAINS SPECIAL FUEL."

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

10 Section 1. Section 15-70-301, MCA, is amended to read

11 "15-70-301. Definitions. As used in this part, the

12 following definitions shall apply:

13 (1) "Bond" means:

14 (a) a bond duly executed by a special fuel dealer or
15 special fuel user as principal with a corporate surety
16 qualified under the laws of Montana, which bond shall be
17 payable to the state of Montana, conditioned upon faithful
18 performance of all requirements of this part, including the
19 payment of all taxes, penalties, and other obligations of
20 such special fuel dealer or special fuel user arising out of
21 this part; or

22 (b) a deposit with the state treasurer by the special
23 fuel dealer or special fuel user under such terms and
24 conditions as the department of revenue may prescribe of a
25 like amount of lawful money of the United States or bonds or

1 other obligations of the United States or the state of
2 Montana or of any county thereof of an actual market value
3 not less than the amount so fixed by the department.

(2) "Department" means the department of revenue.

5 (3) "Motor vehicle" means any vehicle which is
6 self-propelled upon the highways.

7 (4) "Person" means and includes any person, firm,
8 association, joint-stock company, syndicate, partnership, or
9 corporation; whenever used in any clause prescribing and
10 imposing a fine or imprisonment, or both, as applied to a
11 firm, association, syndicate, or partnership, means and
12 includes the partners or members thereof and, as applied to
13 joint-stock companies and corporations, the officers
14 thereof.

15 (5) "Public roads and highways of this state" shall
16 mean all streets, roads, highways, and related structures as
17 have been or shall be built and maintained with appropriated
18 funds of the United States and which have been or shall be
19 built and maintained with funds of the state of Montana or
20 any political subdivision thereof or which have been or
21 shall be dedicated to public use or have been acquired by
22 eminent domain or have been acquired by adverse use by the
23 public, jurisdiction having been assumed by the state or any
24 political subdivision thereof.

25 (6) "Special fuel" means those combustible gases and

1 liquids commonly referred to as diesel fuel or any other
2 volatile liquid of less than 46 degrees A.P.I. (American
3 petroleum institute) gravity test, except liquid petroleum
4 gas, when actually sold for use in motor vehicles propelled
5 upon the public highways or streets within the state of
6 Montana.

7 (7) "Special fuel dealer" means any person in the
8 business of handling special fuel who delivers any part
9 thereof into the fuel supply tank or tanks of a motor
10 vehicle not then owned or controlled by him or any person
11 who provides any facility with or without attended
12 services from which more than one special fuel user obtains
13 special fuel for use in the fuel supply tank of a motor
14 vehicle not then controlled by such dealer. For this
15 purpose the term "fuel supply tank or tanks" does not
16 include cargo tanks even though fuel is withdrawn directly
17 therefrom for propulsion of the vehicle.

18 (8) "Special fuel user" means any person other than a
19 county, incorporated city or town, or school district of
20 this state who consumes in this state special fuel for the
21 propulsion of motor vehicles owned or controlled by him upon
22 the highways of this state.

23 (9) "Use" means either the receipt, delivery, or
24 placing of special fuels by a special fuel dealer into the
25 fuel supply tank or tanks of any motor vehicle not owned or

1 controlled by him while such vehicle is within this state or
2 the consumption by a special fuel user of special fuels in
3 propulsion of a motor vehicle on the highways of this
4 state."

-End-