

HOUSE BILL NO. 190

INTRODUCED BY ASAY, ELLISON, SWIFT, GOODOVER,
TVEIT, ABRAMS, LABROCKI

IN THE HOUSE

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| January 12, 1983 | Introduced and referred to Committee on Business and Industry. |
| January 19, 1983 | Committee recommend bill do pass as amended. Report adopted. |
| January 20, 1983 | Bill printed and placed on members' desks. |
| January 21, 1983 | Second reading, do pass. |
| January 22, 1983 | Considered correctly engrossed. |
| January 24, 1983 | Third reading, passed. Transmitted to Senate. |

IN THE SENATE

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| January 25, 1983 | Introduced and referred to Committee on Business and Industry. |
| February 11, 1983 | Committee recommend bill be concurred in as amended. Report adopted. |
| February 15, 1983 | Second reading, concurred in. |
| February 18, 1983 | Third reading, concurred in. Ayes, 48; Noes, 0. |

IN THE HOUSE

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| February 18, 1983 | Returned to House with amendments. |
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March 11, 1983

Second reading,
amendments concurred in.

March 12, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly
enrolled.

1 HOUSE BILL NO. 190
 2 INTRODUCED BY Gray Ellison Smith Gordon Trent
 3 Abraham Zabala

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PURCHASERS
 5 OF GASOLINE IN LARGE VOLUMES THE OPTION OF PURCHASING
 6 GASOLINE ON A TEMPERATURE CORRECTED BASIS; AMENDING SECTION
 7 30-12-409, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

10 Section 1. Section 30-12-409, MCA, is amended to read:

11 "30-12-409. Sale of gasoline and distillates on other
 12 than gross volume basis unlawful -- ~~exception. (1) Except as~~
 13 ~~provided in subsection (2) or in Title 82, chapter 15, part~~
 14 ~~1, the the sale, barter, or exchange~~ of gasoline and
 15 distillates on a temperature corrected basis or on any basis
 16 other than the gross volume of gasoline or distillate
 17 actually delivered is void. Any contract in violation of
 18 this section shall be unenforceable to the extent of the
 19 violation.

20 ~~(2) Sellers of gasoline and distillates shall offer~~
 21 ~~prospective purchasers the option to buy gasoline and~~
 22 ~~distillates either by gross volume actually delivered or on~~
 23 ~~the assumption that the temperature of the product is 60~~
 24 ~~degrees Fahrenheit or the centigrade equivalent. This~~
 25 ~~purchaser option may be exercised only on an annual basis~~

1 ~~and may be applied only to single deliveries of 7,500~~
 2 ~~gallons or more or the metric equivalent. Any adjustments to~~
 3 ~~volume during the temperature compensation process must be~~
 4 ~~made in accordance with standards set under 82-15-103,~~
 5 ~~82-15-108, and 82-15-109. Purchasers who choose to exercise~~
 6 ~~the option available under this subsection must be provided~~
 7 ~~with invoice listings of both net and gross gallons.~~

8 ~~(3) Subsection (2) does not apply to the exchange of~~
 9 ~~gasoline and distillates between refiners or transporters of~~
 10 ~~petroleum or petroleum products."~~

11 NEW SECTION. Section 2. Effective date. This act is
 12 effective May 1, 1983.

-End-

Approved by Committee
on Business and Industry

HOUSE BILL NO. 190

INTRODUCED BY ASAY, ELLISON, SWIFT, GUDDOVER,

TVEIT, ABRAMS, ZABROCKI

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PURCHASERS OF GASOLINE IN LARGE VOLUMES THE OPTION OF PURCHASING GASOLINE ON A TEMPERATURE CORRECTED BASIS; AMENDING SECTION 30-12-409, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 30-12-409, MCA, is amended to read:

"30-12-409. Sale of gasoline and distillates on other than gross volume basis unlawful ~~-- exception. (1) Except as provided in subsection (2) or in Title 82, chapter 15, part 1, the~~ The sale, ~~barter, or exchange~~ of gasoline and distillates on a temperature corrected basis or on any basis other than the gross volume of gasoline or distillate actually delivered is void. Any contract in violation of this section shall be unenforceable to the extent of the violation.

~~(2) Sellers of gasoline and distillates shall offer prospective purchasers the option to buy gasoline and distillates either by gross volume actually delivered or on the assumption that the temperature of the product is 60 degrees Fahrenheit or the centigrade equivalent. This~~

~~purchaser option may be exercised only on an annual basis and may be applied only to single deliveries of 7,500 gallons or more or the metric equivalent. Any adjustments to volume during the temperature compensation process must be made in accordance with standards set under 82-15-103, 82-15-108, and 82-15-109. Purchasers who choose to exercise the option available under this subsection must be provided with invoice listings of both net and gross gallons.~~

~~(3) Subsection (2) does not apply to the exchange of gasoline and distillates between refiners or transporters of petroleum or petroleum products."~~

NEW SECTION. Section 2. Effective date. This act is effective May 1, 1983.

-End-

HOUSE BILL NO. 190

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TVEIT, ABRAMS, ZABROCKI

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PURCHASERS OF GASOLINE IN LARGE VOLUMES THE OPTION OF PURCHASING GASOLINE ON A TEMPERATURE CORRECTED BASIS; AMENDING SECTION 30-12-409, MCA; AND PROVIDING AN EFFECTIVE DATE."

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(2) Sellers of gasoline and distillates shall offer prospective purchasers the option to buy gasoline and distillates either by gross volume actually delivered or on the assumption that the temperature of the product is 60 degrees Fahrenheit or the centigrade equivalent. This

~~purchaser option may be exercised only on an annual basis and may be applied only to single deliveries of 7,500 gallons or more or the metric equivalent. Any adjustments to volume during the temperature compensation process must be made in accordance with standards set under 82-15-103, 82-15-108, and 82-15-109. Purchasers who choose to exercise the option available under this subsection must be provided with invoice listings of both net and gross gallons.~~

~~(3) Subsection (2) does not apply to the exchange of gasoline and distillates between refiners or transporters of petroleum or petroleum products."~~

NEW SECTION. Section 2. Effective date. This act is effective May 1, 1983.

-End-

THIRD READING

SENATE STANDING COMMITTEE REPORT
(Business & Industry)

That House Bill No. 190 be amended as follows:

1. Title, line 5.

Following: "AUTHORIZING"

Strike: "PURCHASERS"

Insert: "WHOLESALE DISTRIBUTORS"

2. Page 1, line 21.

Following: "(2)"

Strike: "Sellers"

Insert: "Suppliers"

3. Page 1, line 21.

Following: line 20.

Strike: "prospective purchasers"

Insert: "Montana Petroleum Wholesale Distributors"

4. Page 2, line 12.

Following: line 11.

Insert: "(3) This section does not apply to the exchange or
or transfer of gasoline and distillates between refiners
or transporters of petroleum or petroleum products."

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INTRODUCED BY ASAY, ELLISON, SWIFT, GOODOVER,

TVEIT, ABRAMS, ZABROCKI

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PURCHASERS
WHOLESALE DISTRIBUTORS OF GASOLINE IN LARGE VOLUMES THE
OPTION OF PURCHASING GASOLINE ON A TEMPERATURE CORRECTED
BASIS; AMENDING SECTION 30-12-409, MCA; AND PROVIDING AN
EFFECTIVE DATE."

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

Section 1. Section 30-12-409, MCA, is amended to read:

"30-12-409. Sale of gasoline and distillates on other
than gross volume basis unlawful --exception. (1) Except as
provided in subsection (2) or in Title 82, chapter 15, part
1, the sale, barter, or exchange of gasoline and
distillates on a temperature corrected basis or on any basis
other than the gross volume of gasoline or distillate
actually delivered is void. Any contract in violation of
this section shall be unenforceable to the extent of the
violation.

(2) Sellers SUPPLIERS of gasoline and distillates
shall offer prospective purchasers MONTANA PETROLEUM
WHOLESALE DISTRIBUTORS the option to buy gasoline and
distillates either by gross volume actually delivered or on

the assumption that the temperature of the product is 60
degrees Fahrenheit or the centigrade equivalent. This
purchaser option may be exercised only on an annual basis
and may be applied only to single deliveries of 7,500
gallons or more or the metric equivalent. Any adjustments to
volume during the temperature compensation process must be
made in accordance with standards set under 82-15-103,
82-15-108, and 82-15-109. Purchasers who choose to exercise
the option available under this subsection must be provided
with invoice listings of both net and gross gallons.

~~(3) Subsection (2) does not apply to the exchange of
gasoline and distillates between refiners or transporters of
petroleum or petroleum products.~~

(3) THIS SECTION DOES NOT APPLY TO THE EXCHANGE OR
TRANSFER OF GASOLINE AND DISTILLATES BETWEEN REFINERS OR
TRANSPORTERS OF PETROLEUM OR PETROLEUM PRODUCTS."

NEW SECTION. Section 2. Effective date. This act is
effective May 1, 1983.

-End-