### HOUSE BILL NO. 190

# INTRODUCED BY ASAY, ELLISON, SWIFT, GOODOVER, TVEIT, ABRAMS, ZABROCKI

#### IN THE HOUSE

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' deaks.
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
January 25, 1983	Introduced and referred to Committee on Business and Industry.
Pebruary 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.
	AND A DESCRIPTION OF MANAGEMENT

#### IN THE HOUSE

February 18, 1983 Returned to House with amendments.

March 11, 1983

March 12, 1983

Second reading, amendments concurred in.

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

effective May 1, 1983.

INTRODUCED BY Gray Ellipa Suit Booken Twent abrana Satisle

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 gaspline and distillates on other
than gross volume basis unlawful == exception. [1] Extept as
provided in subsection [27 or in Title 82. chapter 15. part

1. the fine sale. barters or exchapte of gaspline and
distillates on a temperature corrected basis or on any basis
other than the gross volume of gaspline 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 ourchasers 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. Embrenheit or the centigrade equivalents. This purchaser option may be exercised only on an annual basis

gallons or more or the metric equivalent. Any adjustments to
yolume during the temperature compensation process must be
made in accordance with standards set under 82-15-103.

82-13-108. and 82-13-109. Purchasers who theose to exercise
the option available under this subsection must be provided
with invoice listings of both net and gross gallons.

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

-End-

NEW SECTION. Section 2. Effective date. This act is

48th Legislature

HB 0190/02

HB 0190/02

### Approved by Committee on Business and Industry

ı	HUUSE BILL NOS 170
2	INTRODUCED BY ASAY, ELLISON, SHIFT, GUDDOVER,
3	TVEIT: ABRAMS: ZABROCKI
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PURCHASERS
6	OF GASOLINE IN LARGE VOLUMES THE OPTION OF PURCHASING
7	GASOLINE ON A TEMPERATURE CORRECTED BASIS; AMENDING SECTION
8	30-12-409, MCA; AND PROVIDING AN EFFECTIVE DATE.*
9	
0	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
1	Section 1. Section 30-12-409, MCA, is amended to read:
2	*30-12-409. Sale of gasoline and distillates on other
3	than gross volume basis unlawful <u> exception- (1) Except as</u>
4	provided in subsection (2) or in Title 82: chapter 15: part
5	<u>le the</u> The sale <u>e bartere or exchange</u> of gasoline and
6	distillates on a temperature corrected basis or on any basis
7	other than the gross volume of gasoline or distillate
В	actually delivered is void. Any contract in violation of
9	this section shall be unenforceable to the extent of the
o	violation.
1	[2] <u>Sellers of gasoline and distillates shall offer</u>
2	prospective purchasers the option to buy gasoline and
3	distillates either by gross volume actually delivered or on
4	the assumption that the temperature of the product is 60
	decrees Eshraphoit or the contigrade equivalent. This

1	purchaser option may be exercised only on an annual basi
2	and may be applied only to single deliveries of 7.50
3	gallons or more or the metric equivalent. Any adjustments to
4	volume_during_the_temperature_compensation_process_must_b
5	made_in_accordance_with_standards_set_under_82-15-103
6	82-15-108. and 82-15-109. Purchasers who choose to exercise
7	the option available under this subsection must be provided
8	with invoice listings of both net and gross gallons.
9	<pre>#31-Subsection-f21-does-not-apply-to-theexchangeor</pre>
O	gazolios:and:distillates:between-refiners-or-transporters-o
1	petroleus-or-petroleum-products="
2	NEW_SECTION. Section 2. Effective date. This act is
3	effective May 1, 1983.

-End-

HB 0190/02

1	HOUSE BILL NO. 190
2	INTRODUCED BY ASAY, ELLISON, SWIFF, GOODDVER,
3	TVEIT, ABRAMS, ZABROCKI
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PURCHASERS
6	OF GASOLINE IN LARGE VOLUMES THE OPTION OF PURCHASING
7	GASOLINE ON A TEMPERATURE CORRECTED BASIS; AMENDING SECTION
8	30-12-409, MCA; AND PROVIDING AN EFFECTIVE DATE."
9	
.0	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.1	Section 1. Section 30-12-409, MCA, is amended to read:
. 2	*30-12-409. Sale of gasoline and distillates on other
3	than gross volume basis unlawful exception- (11 Except as
4	provided in subsection (2) or in Title 82. chapter 15. part
5	1. the The sale, barter, or exchange of gasoline and
6	distillates on a temperature corrected basis or on any basis
.7	other than the gross volume of gasoline or distillate
8	actually delivered is void. Any contract in violation of
.9	this section shall be unenforceable to the extent of the
0	violation.
1	121 Sellers of gasoline and distillates shall offer
22	prospective purchasers the option to buy gasoline and
:3	distillates either by gross volume actually delivered or on
4	the assumption that the temperature of the product is 60
.5	degrees Fahrenheit or the centigrade equivalent. This

1	bricussi obciou max be exercised outh ou au aumai basi
2	and may be applied only to single deliveries of 7.500
3	gallons_or_more_or_the_metric_equivalentAny_adjustments_te
4	volume_during_the_temperature_compensation_process_mustbe
5	made_in_accordance_with_standards_set_under_82-15-103
6	82-15-108. and 82-15-109. Purchasers who choose to exercise
7	the option available under this subsection must be provided
8	with invoice listings of both net and gross gallons.
9	<u> </u>
10	gasoline_and_distillates_between_refiners_ar_transporters_of
11	petroleum-or-petroleum-products:"
12	NEW SECTION. Section 2. Effective date. This act is
13	effective May 1, 1983.

-End-

February 11, 1983

## 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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4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PURCHASERS
6	WHOLESALE DISTRIBUTORS OF GASOLINE IN LARGE VOLUMES THE
7	OPTION OF PURCHASING GASOLINE ON A TEMPERATURE CORRECTED
в	BASIS; AMENDING SECTION 30-12-409, MCA; AND PROVIDING AN
9	EFFECTIVE DATE.*
. a	
1	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 30-12-409, MCA, is amended to read:
13	"30-12-409. Sale of gasoline and distillates on other
14	than gross volume basis unlawful == exception. (1) Except as
15	provided in subsection (2) or in Title 82. chapter 15. part
15	<u>lathe</u> The sale <u>a barters or exchange</u> of gasoline and
17	distillates on a temperature corrected basis or on any basis
18	other than the gross volume of gasoline or distillate
19	actually delivered is void. Any contract in violation of
20	this section shall be unenforceable to the extent of the
21	violation.
22	(2) Sellera SUPPLIERS of gaspline and distillates
23	shall offer prospective purchasers MONIANA PETROLEUM
24	HHQLESALE_DISTRIBUTORS the option to buy gasoline and
25	distillates aither by gross volume actually delivered or on

1	the assumption that the temperature of the product is 6
2	degreesEabrenbeit_or_the_centigrade_equivalentThi
3	purchaser_option_may_be_exercised_only_on_an_annual_basi
4	and_may_be_applied_pnly_to_single_deliveries_of_7.50
5	gallons_or_more_or_the_metric_equivalentAny_adjustments_t
6	volume_during_the_temperature_compensation_processmust_b
7	made_in_accordance_with_standards_set_under_82-15-103
8	82-15-108. and 82-15-109. Purchasers who choose to exercis
9	the option available under this subsection must be provide
10	with invoice listings of both net and gross gallons.
11	proposed section of the contract of the contra
12	gosotice-and-distillates-between:reftpers-or-transporters-
13	petroleum-or:petroleum-productam
14	(3) THIS SECTION DOES NOT APPLY TO THE EXCHANGE O
15	TRANSCER_QE_GASDLINE_AND_DISTILLATES_BETWEEN_REEINERS_C
16	TRANSPORTERS DE RETROLEUM OR PETROLEUM PRODUCIS."
17	YEW SECTION. Section 2. Effective date. This act i
18	effective May 1, 1983.

-End-