

HOUSE BILL NO. 89
INTRODUCED BY GILBERT

IN THE HOUSE

January 7, 1985	Introduced and referred to Committee on Highways and Transportation.
January 30, 1985	Committee recommend bill do pass as amended. Report adopted. Bill printed and placed on members' desks.
February 1, 1985	Second reading, do pass. Considered correctly engrossed.
February 2, 1985	Third reading, passed. Ayes, 89; Noes, 0. Transmitted to Senate.

IN THE SENATE

February 6, 1985	Introduced and referred to Committee on Highways and Transportation.
March 13, 1985	Committee recommend bill be concurred in. Report adopted.
March 15, 1985	Second reading, concurred in.
March 18, 1985	Third reading, concurred in. Ayes, 49; Noes, 0. Returned to House.

IN THE HOUSE

March 19, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MODIFY THE
5 REQUIREMENT OF DISPLAYING A SPECIAL FUEL USER'S PERMIT FOR
6 MONTANA-BASED PROPORTIONALLY REGISTERED MOTOR CARRIERS;
7 AMENDING SECTIONS 15-70-302 AND 15-70-311, MCA."

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

10 Section 1. Section 15-70-302, MCA, is amended to read:

11 "15-70-302. Special fuel dealer's licenses and special
12 fuel user's permits required -- exceptions. (1) It shall be
13 unlawful for any person to act as a special fuel dealer in
14 this state unless such person is the holder of an uncanceled
15 fuel dealer's license issued to him by the department.

16 (2) Every special fuel user shall obtain annually from
17 the department, prior to the use of such special fuel for
18 the propulsion of a motor vehicle or vehicles in this state,
19 a special fuel user's permit and, except as provided in
20 subsection (5), shall at all times display the original or a
21 reproduced copy of the permit in each such vehicle or
22 vehicles operated by him upon the highways as herein defined
23 which shall be exhibited for inspection on request of any
24 checking station officer, Montana highway patrol officer,
25 authorized employee of the department, or any other law

1 enforcement officer. The special fuel user shall be
2 responsible for reproducing clear and legible copies of the
3 permit.

4 (3) A special fuel user's permit is not required of
5 any person whose sole use of special fuel is for the
6 propulsion of a privately operated passenger automobile
7 provided the person purchases special fuel, tax paid, from a
8 licensed special fuel dealer in this state. For purposes of
9 this exemption, a privately operated passenger vehicle does
10 not include a motor vehicle used for the transportation of
11 persons for hire or for compensation or designed, used, or
12 maintained primarily for transportation of property.

13 (4) Any out-of-state user who operates a special fuel
14 vehicle solely for recreation or for religious, charitable,
15 educational, or other eleemosynary purposes shall secure a
16 special fuel user's courtesy vehicle permit. The permit
17 shall not be transferable and shall be valid for 90 days.
18 Permits will be issued at no cost to the user by the
19 department, scale house personnel, and gross vehicle weight
20 patrol crews. The department may require the user who has
21 fuel capacity in excess of 30 gallons to file a report and
22 pay the tax on fuel used in Montana on which the tax has not
23 been paid.

24 (5) If a registration card, issued by the department
25 of highways to a proportionately registered vehicle based in



1 Montana indicating the special fuel use permit number, is
 2 available for inspection in the vehicle, the operator of the
 3 vehicle need not display the original or a reproduced copy
 4 of the permit as required by subsection (2)."

5 Section 2. Section 15-70-311, MCA, is amended to read:

6 "15-70-311. Special fuel user's temporary trip permits
 7 -- nonresident agricultural harvesting equipment special
 8 fuel permit. (1) Any person operating a special fuel-powered
 9 vehicle upon the public roads and highways of this state who
 10 fails or neglects to carry in the vehicle a valid special
 11 fuel vehicle permit or registration card indicating the
 12 special fuel use permit number, as provided by 15-70-302,
 13 shall be required to purchase a special fuel user's
 14 temporary trip permit. The permits will be issued by scale
 15 house personnel, gross vehicle weight patrol crews, Montana
 16 highway patrolmen, and such other enforcing agents as the
 17 department of revenue may prescribe by order or rule.

18 (2) Any nonresident upon entering the state with
 19 agricultural harvesting equipment powered by special fuel
 20 and operating upon the public roads and highways of this
 21 state who fails or neglects to carry in or on equipment a
 22 valid special fuel vehicle permit, as provided by 15-70-302,
 23 shall be required to purchase a nonresident agricultural
 24 harvesting equipment special fuel permit. The permit will be
 25 issued by scale house personnel, gross vehicle weight patrol

1 crews, Montana highway patrolmen, and such other enforcing
 2 agents as the department may prescribe by order or rule."

3 NEW SECTION. Section 3. Extension of authority. Any
 4 existing authority of the department of highways or
 5 department of revenue to make rules on the subject of the
 6 provisions of this act is extended to the provisions of this
 7 act.

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APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

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23 been paid.

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2 ~~available for inspection in the vehicle, the operator of the~~
3 ~~vehicle need not display the original or a reproduced copy~~
4 ~~of the permit as required by subsection (2).~~

5 (5) A SPECIAL FUEL USER NEED NOT DISPLAY THE ORIGINAL
6 OR REPRODUCED COPY OF THE SPECIAL FUEL USER'S PERMIT AS
7 REQUIRED BY SUBSECTION (2) IF:

8 (A) THE MOTOR VEHICLE OPERATED BY HIM IS A VEHICLE
9 THAT IS PART OF A MOTOR VEHICLE FLEET BASED IN MONTANA THAT
10 IS PROPORTIONALLY REGISTERED UNDER THE PROVISIONS OF
11 61-3-711 THROUGH 61-3-733;

12 (B) HE OBTAINS A REGISTRATION CARD ISSUED BY THE
13 DEPARTMENT OF HIGHWAYS INDICATING THE SPECIAL FUEL USER'S
14 PERMIT NUMBER; AND

15 (C) THE REGISTRATION CARD INDICATING THE SPECIAL FUEL
16 USER'S PERMIT NUMBER IS CARRIED IN THE VEHICLE AND IS
17 AVAILABLE FOR INSPECTION."

18 Section 2. Section 15-70-311, MCA, is amended to read:
19 "15-70-311. Special fuel user's temporary trip permits
20 -- nonresident agricultural harvesting equipment special
21 fuel permit. (1) Any person operating a special fuel powered
22 vehicle upon the public roads and highways of this state who
23 fails or neglects to carry in the vehicle a valid special
24 fuel vehicle permit or registration card indicating the
25 special fuel use permit number, as provided by 15-70-302,

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6 (2) Any nonresident upon entering the state with
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16 NEW SECTION. Section 3. Extension of authority. Any
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Section 2. Section 15-70-311, MCA, is amended to read:

"15-70-311. Special fuel user's temporary trip permits -- nonresident agricultural harvesting equipment special fuel permit. (1) Any person operating a special fuel-powered vehicle upon the public roads and highways of this state who fails or neglects to carry in the vehicle a valid special fuel vehicle permit or registration card indicating the special fuel use permit number, as provided by 15-70-302,

shall be required to purchase a special fuel user's temporary trip permit. The permits will be issued by scale house personnel, gross vehicle weight patrol crews, Montana highway patrolmen, and such other enforcing agents as the department of revenue may prescribe by order or rule.

(2) Any nonresident upon entering the state with agricultural harvesting equipment powered by special fuel and operating upon the public roads and highways of this state who fails or neglects to carry in or on equipment a valid special fuel vehicle permit, as provided by 15-70-302, shall be required to purchase a nonresident agricultural harvesting equipment special fuel permit. The permit will be issued by scale house personnel, gross vehicle weight patrol crews, Montana highway patrolmen, and such other enforcing agents as the department may prescribe by order or rule."

NEW SECTION. Section 3. Extension of authority. Any existing authority of the department of highways or department of revenue to make rules on the subject of the provisions of this act is extended to the provisions of this act.

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