

HOUSE BILL NO. 356

1/22 Introduced
1/22 Referred to Highways & Transportation
1/23 Fiscal Note Requested
1/28 Fiscal Note Received
2/14 Hearing
Died in Committee

1 HOUSE BILL NO. 356
 2 INTRODUCED BY Byron Lewis Dandy, HARP
 3 Harold Paul

4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING PICKUP TRUCKS
 5 UP TO 1-TON CAPACITY FROM THE SPECIAL FUEL USER'S PERMIT
 6 REQUIREMENT; AMENDING SECTION 15-70-302, MCA."
 7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9 Section 1. Section 15-70-302, MCA, is amended to read:

10 "15-70-302. Special fuel dealer's licenses and special
 11 fuel user's permits required -- exceptions. (1) It shall be
 12 unlawful for any person to act as a special fuel dealer in
 13 this state unless such person is the holder of an uncanceled
 14 fuel dealer's license issued to him by the department.

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

1 copies of the permit.

2 (3) A special fuel user's permit is not required of
 3 any person whose ~~sole use of special fuel is for the~~
 4 ~~propulsion of a privately operated passenger automobile~~
 5 ~~provided the person who purchases special fuel, tax paid,~~
 6 ~~from a licensed special fuel dealer in this state, solely~~
 7 for the propulsion of:

8 (a) a privately operated passenger automobile For
 9 ~~purposes of this exemption, a privately operated passenger~~
 10 ~~vehicle does that is not include a motor vehicle~~ used for
 11 the transportation of persons for hire or for compensation
 12 or designed, used, or maintained primarily for
 13 transportation of property; or

14 (b) a pickup truck of 1-ton or less capacity for
 15 personal use or for transportation of property on a casual
 16 or occasional basis or in connection with an agricultural
 17 enterprise.

18 (4) Any out-of-state user who operates a special fuel
 19 vehicle solely for recreation or for religious, charitable,
 20 educational, or other eleemosynary purposes shall secure a
 21 special fuel user's courtesy vehicle permit. The permit
 22 shall not be transferable and shall be valid for 90 days.
 23 Permits will be issued at no cost to the user by the
 24 department, scale house personnel, and gross vehicle weight
 25 patrol crews. The department may require the user who has



LC 1184/01

1 fuel capacity in excess of 30 gallons to file a report and
2 pay the tax on fuel used in Montana on which the tax has not
3 been paid."

4 NEW SECTION. Section 2. Extension of authority. Any
5 existing authority of the department of revenue to make
6 rules on the subject of the provisions of this act is
7 extended to the provisions of this act.

-End-

STATE OF MONTANA
F I S C A L N O T E

REQUEST NO. FNN 187-85

Form BD-15

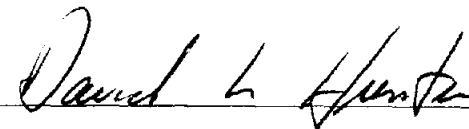
In compliance with a written request received January 24, 19 85, there is hereby submitted a Fiscal Note for H.B. 356 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act exempting pickup trucks up to 1-ton capacity from the special fuel user's permit requirement; amending section 15-70-302, MCA.

ASSUMPTIONS:

The fiscal impact cannot be estimated because data currently available does not indicate the size or use of vehicles that require the special fuel user's permit.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 28, 1985

HB 356