

HOUSE BILL NO. 452

1/23 Introduced
1/23 Referred to Highways & Transportation
2/14 Hearing
2/15 Committee Report-Bill Do Pass
2/16 2nd Reading Pass
2/18 Fiscal Note Requested
2/21 Fiscal Note Received
2/26 3rd Reading Pass

Transmitted to Senate

3/04 Referred to Highways & Transportation
3/26 Hearing
3/26 Committee Report-Bill Concurred
3/29 2nd Reading Indefinitely Postponed

1 HOUSE BILL NO. 452
 2 INTRODUCED BY Rep. Frank Harris
 3 Connolly BY REQUEST OF THE DEPARTMENT OF COMMERCE Harris
 4 Sybil 136 Brown

5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN
 6 OUT-OF-STATE PERSON WHO OPERATES A VEHICLE CARRYING PERSONS
 7 SOLELY ENGAGED IN TOURIST-TYPE ACTIVITIES TO OBTAIN A
 8 SPECIAL FUEL USER'S COURTESY VEHICLE PERMIT; AMENDING
 9 SECTION 15-70-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 10 DATE."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

19 (2) Every special fuel user shall obtain annually from
 20 the department, prior to the use of such special fuel for
 21 the propulsion of a motor vehicle or vehicles in this state,
 22 a special fuel user's permit and shall at all times display
 23 the original or a reproduced copy of the permit in each such
 24 vehicle or vehicles operated by him upon the highways as
 25 herein defined which shall be exhibited for inspection on

1 request of any checking station officer, Montana highway
 2 patrol officer, authorized employee of the department, or
 3 any other law enforcement officer. The special fuel user
 4 shall be responsible for reproducing clear and legible
 5 copies of the permit.

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

15 (4) Any out-of-state user who has no bulk storage
 16 facility in this state and purchases special fuel, tax paid,
 17 from a licensed fuel dealer and operates a special fuel
 18 vehicle solely to carry persons engaged in tourist-type
 19 activities or 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, the department of highways scale house
 25 personnel, and gross vehicle weight patrol crews. The



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

5 NEW SECTION. Section 2. Extension of authority. Any
6 existing authority of the department of revenue to make
7 rules on the subject of the provisions of this act is
8 extended to the provisions of this act, and under such
9 authority the department of revenue shall define and delimit
10 the terms used in this act.

11 NEW SECTION. Section 3. Effective date. This act is
12 effective on passage and approval.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 467-85

Form BD-15

In compliance with a written request received February 18, 19 85, there is hereby submitted a Fiscal Note for Amended House Bill 452 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:

House Bill 452 allows an out-of-state person who operates a vehicle carrying persons solely engaged in tourist-type activities to obtain a special fuel user's courtesy vehicle permit.

ASSUMPTIONS:

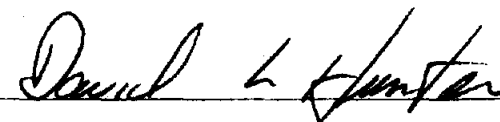
1. Approximately 3,000 charter buses travel in Montana each year.
2. 1,200 to 1,700 purchase temporary fuel permits.

FISCAL IMPACT:

On State Special Revenues:

	<u>FY 1986</u>	<u>FY 1987</u>
Revenues	<u>(\$50,000)</u>	<u>(\$50,000)</u>

It is estimated that the maximum loss to the highway earmarked revenue account will be \$50,000/year.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date:

Feb 21, 1985

HB 452

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

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3 Connelly BY REQUEST OF THE DEPARTMENT OF COMMERCE Harris
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LC 1044/01

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