SB 5 INTRODUCED BY HAFFEY REFUELING SERVICE AT SELF-SERVICE PRICE FOR HANDICAPPED DRIVERS

1/05 INTRODUCED

1/05 REFERRED TO BUSINESS & INDUSTRY

1/05 FISCAL NOTE REQUESTED

1/07 HEARING

1/07 FISCAL NOTE RECEIVED

1/09 ADVERSE COMMITTEE REPORT ADOPTED 41 8

LC 0013/01 LC 0013/01 50th Legislature

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1	SENATE BILL NO. 5
2	INTRODUCED BY HAFFEY
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING REFUELING
5	SERVICE FOR A HANDICAPPED DRIVER AT SELF-SERVICE PRICE; AND
6	AMENDING SECTIONS 49-4-306, 49-4-307, AND 61-3-454, MCA."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	NEW SECTION. Section 1. Service station refueling
LO	service for handicapped persons exceptions notices.
1	(1) (a) Each person who operates a gasoline service station
l 2	or other facility that offers gasoline or other motor
13	vehicle fuel for sale to the public from such a facility
L 4	shall provide upon request refueling service, as described
L 5	in subsection (6), to:
L 6	(i) a handicapped driver of a vehicle, who is
.7	unaccompanied by a physically able person and whose vehicle
.8	lawfully displays a parking permit issued under 49-4-301; or
.9	(ii) a 100% disabled veteran who is the driver of a
20	vehicle that lawfully displays a specially inscribed license
21	plate issued under 61-3-451.
22	(b) The refueling service must be provided at a price
2 3	no greater than that which the facility would otherwise

charge the public generally to purchase motor vehicle fuel

at the self-service price.

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(2) Each person subject to subsection (1) shall post in his service station or facility the following notice in a manner and single location which is conspicuous to a driver seeking refueling service:

SERVICE TO HANDICAPPED PERSONS

Handicapped persons properly displaying 6 handicapped parking permit are entitled to request 7 and receive at this gas station refueling service 9 at a price that is no more than the self-service price. 10

- (3) The provisions of this section do not apply to:
- (a) self-service gasoline stations that have remotely controlled gasoline pumps that are operated by a single cashier and that do not provide pump island service; or
- (b) convenience stores that sell gasoline and that have remotely controlled gasoline pumps that are operated by a single cashier and that do not provide pump island service.
- (4) The county attorney, upon his own motion or upon 19 verified complaint, shall investigate and prosecute alleged 20 violations of this section. 21
- (5) The department of revenue shall provide a notice 22 23 setting forth the provisions of [sections 1 through 4] to each person licensed to do business under 15-70-202 or 24 25 15-70-203.

-2- INTRODUCED BILL

- 1 (6) For the purposes of this section, "refueling 2 service" means the pumping of motor vehicle fuel into the 3 tank of a motor vehicle.
- Section 2. Section 49-4-306, MCA, is amended to read:

 "49-4-306. Department of justice to publicize permit

 and refueling service requirement. (1) The department of

 justice shall publicize the provisions of 49-4-301 through

 49-4-305 and of [sections 1 through 4] in a manner designed

 to inform those eligible for a special parking permit.
- 10 (2) The department of justice shall budget sufficient
 11 funds to accomplish the requirements of subsection (1)."

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- Section 3. Section 49-4-307, MCA, is amended to read:

 "49-4-307. Penalty. A person who parks a motor vehicle
 in violation of 49-4-302(2) or who refuses to provide, upon
 request, refueling service as required in [section 1] is
 guilty of a misdemeanor and is punishable by a fine of not
 less than \$10 or more than \$100."
- Section 4. Section 61-3-454, MCA, is amended to read: 18 "61-3-454. Special parking privilege -- refueling 19 20 service. A vehicle lawfully displaying specially inscribed 21 license plates issued under 61-3-451 and conveying a 100% 22 disabled veteran is entitled to the parking privileges 23 allowed a handicapped person's vehicle under 49-4-302 and, 24 whenever the 100% disabled veteran is unaccompanied by a 25 physically able person, the refueling service required under

- l [section 1]."
- NEW SECTION. Section 5. Extension of authority. Any existing authority of the department of justice and the department of revenue to make rules on the subject of the provisions of this act is extended to the provisions of this act.
- NEW SECTION. Section 6. Codification instruction.

 8 Section 1 is intended to be codified as an integral part of

 9 Title 49, chapter 4, part 3, and the provisions of Title 49,

 10 chapter 4, part 3, apply to section 1.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB005, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill to require refueling service for a handicapped driver at self-service price.

ASSUMPTIONS:

- 1. Requiring refueling service for a handicapped driver at self-service price will not appreciably alter driving habits or fuel consumption.
- 2. There will be no violations of the amended Section 49-4-307.

FISCAL IMPACT:	FY88		
	Current Law	Proposed Law	Difference
Expenditures: Special Revenue Fund	- 0 -	\$ 5,685	\$ 5,685

Revenues:

N/A

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

N/A

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

N/A

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

N/A

DATE /5/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

JACK KAFFEY, PRIMARY SPONSOR

DATE

Fiscal Note for SB005, as introduced.