

SB 116 INTRODUCED BY FARRELL
STRENGTHEN ENFORCEMENT OF GASOLINE LICENSE TAX
COLLECTION LAWS

1/16	INTRODUCED		
1/16	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/16	FISCAL NOTE REQUESTED		
1/24	FISCAL NOTE RECEIVED		
2/03	HEARING		
2/06	COMMITTEE REPORT--BILL PASSED		
2/10	2ND READING PASSED	50	0
2/12	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/18	REFERRED TO TAXATION		
3/13	HEARING		
4/08	TABLED IN COMMITTEE		

1 Senate BILL NO. 116
 2 INTRODUCED BY Fanell

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO STRENGTHEN
 5 ENFORCEMENT OF THE GASOLINE LICENSE TAX COLLECTION LAWS; AND
 6 AMENDING SECTIONS 15-70-201, 15-70-202, 15-70-204,
 7 15-70-205, AND 15-70-209, MCA."
 8

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

10 Section 1. Section 15-70-201, MCA, is amended to read:
 11 "15-70-201. Definitions. As used in this part, unless
 12 the context requires otherwise, the following definitions
 13 apply:

14 (1) "Agricultural use" means use of gasoline by a
 15 person whose major endeavor and primary source of earned
 16 income is from the business of farming or ranching.

17 (2) "Aviation dealer" means any person in this state
 18 engaged in the business of selling aviation gasoline, either
 19 from a wholesale or retail outlet, on which the license tax
 20 has been paid to a licensed distributor as herein provided
 21 for.

22 (3) "Aviation gasoline" means gasoline or any other
 23 liquid fuel by whatsoever name such liquid fuel may be known
 24 or sold, compounded for use in and sold for use in aircraft,
 25 including but not limited to any and all such gasoline or

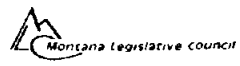
1 liquid fuel meeting or exceeding the minimum specifications
 2 prescribed by the United States for use by its military
 3 forces in aircraft.

4 (4) "Bulk delivery" means placing gasoline in storage
 5 or containers. The term does not mean gasoline delivered
 6 into the supply tank of a motor vehicle.

7 (5) (a) Gasoline refined, produced, manufactured, or
 8 compounded in this state and placed in tanks thereat or
 9 gasoline transferred from a refinery or pipeline terminal in
 10 this state and placed in tanks thereat or gasoline imported
 11 into this state and placed in storage at refineries or
 12 pipeline terminals shall be deemed to be "distributed", for
 13 the purpose of this part, at the time the gasoline is
 14 withdrawn from such tanks, refinery, or terminal storage for
 15 sale or use in this state or for the transportation to
 16 destinations in this state other than by pipeline to another
 17 refinery or pipeline terminal in this state. When withdrawn
 18 from such tanks, refinery, or terminal, such gasoline may be
 19 distributed only by a person who is the holder of a valid
 20 distributor's license.

21 (b) Gasoline imported into this state, other than that
 22 gasoline placed in storage at refineries or pipeline
 23 terminals, shall be deemed to be "distributed" after it has
 24 arrived in and is brought to rest in this state.

25 (6) "Distributor" means:



1 (a) any person who engages in the business in this
2 state of producing, refining, manufacturing, or compounding
3 gasoline for sale, use, or distribution;

4 (b) any person who imports not less than one transport
5 load of gasoline during any 6-month period from outside the
6 state into Montana for sale, use, or distribution;

7 (c) any person who engages in the wholesale
8 distribution of gasoline in this state and chooses to become
9 licensed to assume the Montana state gasoline tax liability;

10 (d) any dealer licensed as of January 1, 1969, except
11 a dealer at an established airport; or

12 (e) any person in Montana who blends alcohol with
13 gasoline.

14 (7) "Export" means export as defined in 15-70-503.

15 (8) "Gasohol" means all products commonly or
16 commercially known or sold as gasohol, used for the purpose
17 of effectively and efficiently operating internal combustion
18 engines, consisting of not less than 10% anhydrous ethanol
19 produced in Montana from Montana agricultural products,
20 including Montana wood or wood products.

21 (9) "Gasoline" includes all products commonly or
22 commercially known or sold as gasolines, including
23 casinghead gasoline, natural gasoline, aviation gasoline,
24 and all flammable liquids composed of a mixture of selected
25 hydrocarbons expressly manufactured and blended for the

1 purpose of effectively and efficiently operating internal
2 combustion engines. Gasoline does not include special fuels
3 as defined in 15-70-301(6).

4 (10) "Import" shall include and mean to receive into
5 any person's possession or custody first after its arrival
6 and coming to rest at destination within the state of any
7 gasoline shipped or transported into this state from point
8 of origin without this state other than in the fuel supply
9 tank of a motor vehicle.

10 (11) "Motor vehicle" means all vehicles operated or
11 propelled upon the public highways or streets of this state
12 in whole or in part by the combustion of gasoline.

13 (12) "Person" means any person, firm, association,
14 joint-stock company, syndicate, or corporation.

15 (13) "Use" shall include and mean the operation of
16 motor vehicles upon the public roads or highways of the
17 state or of any political subdivision thereof."

18 Section 2. Section 15-70-202, MCA, is amended to read:

19 "15-70-202. License, fee, and security of gasoline
20 distributors. (1) All gasoline distributors, prior to the
21 commencement of doing business, shall file an application
22 for a license with the department of revenue on forms
23 prescribed and furnished by the department setting forth the
24 information as may be requested by the department. Each
25 distributor shall at the same time file security with the

1 department in an amount to be determined by the department.
 2 However, the required amount of security may not exceed
 3 twice the estimated amount of gasoline taxes the distributor
 4 will pay to this state each month. Upon approval of the
 5 application, the department shall issue to the distributor a
 6 nonassignable license which shall continue in force until
 7 surrendered or canceled.

8 (2) Any person who engages in the wholesale
 9 distribution of gasoline in this state ~~exercising the option~~
 10 ~~under 15-70-201(6)(c)~~ shall pay an annual license fee of
 11 \$200 and upon renewal of the license shall pay an annual fee
 12 of \$200.

13 (3) "Security" means:

14 (a) a bond executed by a distributor as principal with
 15 a corporate surety qualified under the laws of Montana,
 16 payable to the state of Montana, and conditioned upon
 17 faithful performance of all requirements of this part,
 18 including the payment of all taxes and penalties; or

19 (b) a deposit made by the distributor with the
 20 department, under such conditions as the department may
 21 prescribe, of certificates of deposit or irrevocable letters
 22 of credit issued by a bank and insured by the federal
 23 deposit insurance corporation."

24 Section 3. Section 15-70-204, MCA, is amended to read:

25 "15-70-204. Gasoline license tax -- rate. (1) Every

1 distributor shall pay to the department of revenue a license
 2 tax for the privilege of engaging in and carrying on
 3 business in this state in an amount equal to 1 cent for each
 4 gallon of aviation gasoline, which shall be allocated to the
 5 department of commerce as provided by 67-1-301, as amended,
 6 and 17 cents for each gallon of all other gasoline
 7 distributed by him within the state and upon which the
 8 gasoline license tax has not been paid by any other
 9 distributor.

10 ~~(2) Gasoline exported or sold for export out of the~~
 11 ~~state shall not be included in the measure of the~~
 12 ~~distributor's license tax.~~

13 ~~(3)(2)~~ Alcohol that is blended or is to be blended
 14 with gasoline to be sold as gasohol is subject to a tax per
 15 gallon equal to the license tax imposed on nonaviation
 16 gasoline distributors under subsection (1)."

17 Section 4. Section 15-70-205, MCA, is amended to read:

18 "15-70-205. Distributor's statement and payment. (1)
 19 Each distributor shall, not later than the 25th day of each
 20 calendar month, render a true statement, duly signed, to the
 21 department of revenue of all gasoline distributed and
 22 received by him in this state during the preceding calendar
 23 month and containing such other information as the
 24 department may reasonably require in order to administer the
 25 gasoline license tax law. The statement shall be accompanied

1 by a payment in an amount equal to the tax imposed by
 2 15-70-204 less any refund credit issued under 15-70-226 and
 3 less 2% of the first 6 cents tax which shall be deducted by
 4 the distributor as an allowance for evaporation and other
 5 loss of gasoline distributed by such distributor; provided,
 6 however, that no such allowance shall be deducted from the 1
 7 cent tax on aviation gasoline.

8 (2) Any distributor engaged in or carrying on his
 9 business at more than one place or location in this state
 10 may include all such places of business in one statement.

11 (3) Each licensed distributor who sells gasoline for
 12 the purpose of export to a person not having a Montana
 13 gasoline distributor's license shall collect and remit the
 14 gasoline license tax on such sales unless, on or before the
 15 day the tax payment is due, the licensed distributor
 16 produces copies of bills of lading provided him by the
 17 purchaser for export that:

18 (a) set forth the name and address of the person to
 19 whom the purchaser for export delivered gasoline purchased
 20 from the licensed distributor;

21 (b) specify the date, time, and quantity of gasoline
 22 so delivered;

23 (c) verify that the purchaser for export delivered to
 24 destinations outside of Montana all of the gasoline
 25 purchased from the licensed distributor for export."

1 Section 5. Section 15-70-209, MCA, is amended to read
 2 "15-70-209. Information reports. (1) Any perso
 3 receiving gasoline, including every common carrier, privat
 4 carrier, and contract carrier of property who shall haul
 5 receive, transport, or ship any gasoline from any othe
 6 state or foreign country into this state or from this stat
 7 to any other state or foreign country or from any refiner
 8 or pipeline terminal in this state to another point withi
 9 this state, shall submit to the department of revenue, upo
 10 its request and within the time specified, a statemen
 11 showing the number of gallons of gasoline contained in eac
 12 shipment in interstate commerce and the movement of suc
 13 products from any refinery or pipeline terminal locate
 14 within this state to another point within this state durin
 15 the preceding calendar month, the names and addresses of th
 16 consignor and the consignee, and the date of delivery to th
 17 consignee.

18 (2) Any person who purchases gasoline in a foreign
 19 country and transports it through this state shall, no
 20 later than the 25th day of each month, render a tru
 21 statement duly signed to the department listing th
 22 destination of and number of gallons contained in eac
 23 shipment during the preceding month.

24 (2)(3) In case of any person, except license
 25 distributors, who refuses or fails to file a statement a

1 herein provided for, there is hereby imposed a penalty of
2 \$25 for each failure or refusal; provided, however, that if
3 any person shall establish to the satisfaction of the
4 department that his failure to file a statement as
5 prescribed by the department was due to reasonable cause,
6 the department shall waive the penalty."

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

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB116, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to strengthen enforcement of the gasoline license tax collection laws; and amending sections 15-70-201, 15-70-202, 15-70-204, 15-70-205, and 15-70-209, MCA.

FISCAL IMPACT:

Passage of this proposal would enable the Department of Revenue to more effectively tax gasoline imported for distribution in Montana. This proposal would also enhance the Department of Revenue's ability to collect gasoline license taxes on gasoline claimed to have been exported out of state (hence, tax exempt) but actually distributed within the state. Its fiscal impact would consist of additional gasoline distributor's license fees and possible additional gasoline license tax revenue. Gasoline distributor's license fee collections would increase by approximately \$12,000 per year (assuming 60 additional importers and refiners would pay the fee each year). The increase in gasoline license tax revenue realized under this proposal would depend on the number of additional gallons of gasoline it enabled the Department to tax each year (gallons of gasoline that would escape taxation under provisions of the current law).

David L. Hunter DATE 1/22/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Bill Farrell DATE 1/23/87
WILLIAM FARRELL, PRIMARY SPONSOR

Fiscal Note for SB116, as introduced

SB 116

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

1 Senate BILL NO. 116
2 INTRODUCED BY Farnell
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12 the context requires otherwise, the following definitions
13 apply:

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15 person whose major endeavor and primary source of earned
16 income is from the business of farming or ranching.

17 (2) "Aviation dealer" means any person in this state
18 engaged in the business of selling aviation gasoline, either
19 from a wholesale or retail outlet, on which the license tax
20 has been paid to a licensed distributor as herein provided
21 for.

22 (3) "Aviation gasoline" means gasoline or any other
23 liquid fuel by whatsoever name such liquid fuel may be known
24 or sold, compounded for use in and sold for use in aircraft,
25 including but not limited to any and all such gasoline or

1 liquid fuel meeting or exceeding the minimum specifications
2 prescribed by the United States for use by its military
3 forces in aircraft.

4 (4) "Bulk delivery" means placing gasoline in storage
5 or containers. The term does not mean gasoline delivered
6 into the supply tank of a motor vehicle.

7 (5) (a) Gasoline refined, produced, manufactured, or
8 compounded in this state and placed in tanks thereat or
9 gasoline transferred from a refinery or pipeline terminal in
10 this state and placed in tanks thereat or gasoline imported
11 into this state and placed in storage at refineries or
12 pipeline terminals shall be deemed to be "distributed", for
13 the purpose of this part, at the time the gasoline is
14 withdrawn from such tanks, refinery, or terminal storage for
15 sale or use in this state or for the transportation to
16 destinations in this state other than by pipeline to another
17 refinery or pipeline terminal in this state. When withdrawn
18 from such tanks, refinery, or terminal, such gasoline may be
19 distributed only by a person who is the holder of a valid
20 distributor's license.

21 (b) Gasoline imported into this state, other than that
22 gasoline placed in storage at refineries or pipeline
23 terminals, shall be deemed to be "distributed" after it has
24 arrived in and is brought to rest in this state.

25 (6) "Distributor" means:

1 (a) any person who engages in the business in this
2 state of producing, refining, manufacturing, or compounding
3 gasoline for sale, use, or distribution;

4 (b) any person who imports not less than one transport
5 load of gasoline during any 6-month period from outside the
6 state into Montana for sale, use, or distribution;

7 (c) any person who engages in the wholesale
8 distribution of gasoline in this state and chooses to become
9 licensed to assume the Montana state gasoline tax liability;

10 (d) any dealer licensed as of January 1, 1969, except
11 a dealer at an established airport; or

12 (e) any person in Montana who blends alcohol with
13 gasoline.

14 (7) "Export" means export as defined in 15-70-503.

15 (8) "Gasohol" means all products commonly or
16 commercially known or sold as gasohol, used for the purpose
17 of effectively and efficiently operating internal combustion
18 engines, consisting of not less than 10% anhydrous ethanol
19 produced in Montana from Montana agricultural products,
20 including Montana wood or wood products.

21 (9) "Gasoline" includes all products commonly or
22 commercially known or sold as gasolines, including
23 casinghead gasoline, natural gasoline, aviation gasoline,
24 and all flammable liquids composed of a mixture of selected
25 hydrocarbons expressly manufactured and blended for the

1 purpose of effectively and efficiently operating internal
2 combustion engines. Gasoline does not include special fuels
3 as defined in 15-70-301(6).

4 (10) "Import" shall include and mean to receive into
5 any person's possession or custody first after its arrival
6 and coming to rest at destination within the state of any
7 gasoline shipped or transported into this state from point
8 of origin without this state other than in the fuel supply
9 tank of a motor vehicle.

10 (11) "Motor vehicle" means all vehicles operated or
11 propelled upon the public highways or streets of this state
12 in whole or in part by the combustion of gasoline.

13 (12) "Person" means any person, firm, association,
14 joint-stock company, syndicate, or corporation.

15 (13) "Use" shall include and mean the operation of
16 motor vehicles upon the public roads or highways of the
17 state or of any political subdivision thereof."

18 Section 2. Section 15-70-202, MCA, is amended to read:

19 "15-70-202. License, fee, and security of gasoline
20 distributors. (1) All gasoline distributors, prior to the
21 commencement of doing business, shall file an application
22 for a license with the department of revenue on forms
23 prescribed and furnished by the department setting forth the
24 information as may be requested by the department. Each
25 distributor shall at the same time file security with the

1 department in an amount to be determined by the department.
 2 However, the required amount of security may not exceed
 3 twice the estimated amount of gasoline taxes the distributor
 4 will pay to this state each month. Upon approval of the
 5 application, the department shall issue to the distributor a
 6 nonassignable license which shall continue in force until
 7 surrendered or canceled.

8 (2) Any person who engages in the wholesale
 9 distribution of gasoline in this state ~~exercising the option~~
 10 ~~under 15-70-201(6)(c)~~ shall pay an annual license fee of
 11 \$200 and upon renewal of the license shall pay an annual fee
 12 of \$200.

13 (3) "Security" means:

14 (a) a bond executed by a distributor as principal with
 15 a corporate surety qualified under the laws of Montana,
 16 payable to the state of Montana, and conditioned upon
 17 faithful performance of all requirements of this part,
 18 including the payment of all taxes and penalties; or

19 (b) a deposit made by the distributor with the
 20 department, under such conditions as the department may
 21 prescribe, of certificates of deposit or irrevocable letters
 22 of credit issued by a bank and insured by the federal
 23 deposit insurance corporation."

24 Section 3. Section 15-70-204, MCA, is amended to read:
 25 "15-70-204. Gasoline license tax -- rate. (1) Every

1 distributor shall pay to the department of revenue a license
 2 tax for the privilege of engaging in and carrying on
 3 business in this state in an amount equal to 1 cent for each
 4 gallon of aviation gasoline, which shall be allocated to the
 5 department of commerce as provided by 67-1-301, as amended,
 6 and 17 cents for each gallon of all other gasoline
 7 distributed by him within the state and upon which the
 8 gasoline license tax has not been paid by any other
 9 distributor.

10 ~~(2) Gasoline exported or sold for export out of the~~
 11 ~~state shall not be included in the measure of the~~
 12 ~~distributor's license tax.~~

13 ~~(3)~~(2) Alcohol that is blended or is to be blended
 14 with gasoline to be sold as gasohol is subject to a tax per
 15 gallon equal to the license tax imposed on nonaviation
 16 gasoline distributors under subsection (1)."

17 Section 4. Section 15-70-205, MCA, is amended to read:
 18 "15-70-205. Distributor's statement and payment. (1)
 19 Each distributor shall, not later than the 25th day of each
 20 calendar month, render a true statement, duly signed, to the
 21 department of revenue of all gasoline distributed and
 22 received by him in this state during the preceding calendar
 23 month and containing such other information as the
 24 department may reasonably require in order to administer the
 25 gasoline license tax law. The statement shall be accompanied

1 by a payment in an amount equal to the tax imposed by
 2 15-70-204 less any refund credit issued under 15-70-226 and
 3 less 2% of the first 6 cents tax which shall be deducted by
 4 the distributor as an allowance for evaporation and other
 5 loss of gasoline distributed by such distributor; provided,
 6 however, that no such allowance shall be deducted from the 1
 7 cent tax on aviation gasoline.

8 (2) Any distributor engaged in or carrying on his
 9 business at more than one place or location in this state
 10 may include all such places of business in one statement.

11 (3) Each licensed distributor who sells gasoline for
 12 the purpose of export to a person not having a Montana
 13 gasoline distributor's license shall collect and remit the
 14 gasoline license tax on such sales unless, on or before the
 15 day the tax payment is due, the licensed distributor
 16 produces copies of bills of lading provided him by the
 17 purchaser for export that:

18 (a) set forth the name and address of the person to
 19 whom the purchaser for export delivered gasoline purchased
 20 from the licensed distributor;

21 (b) specify the date, time, and quantity of gasoline
 22 so delivered;

23 (c) verify that the purchaser for export delivered to
 24 destinations outside of Montana all of the gasoline
 25 purchased from the licensed distributor for export."

1 Section 5. Section 15-70-209, MCA, is amended to read:
 2 "15-70-209. Information reports. (1) Any person
 3 receiving gasoline, including every common carrier, private
 4 carrier, and contract carrier of property who shall haul,
 5 receive, transport, or ship any gasoline from any other
 6 state or foreign country into this state or from this state
 7 to any other state or foreign country or from any refinery
 8 or pipeline terminal in this state to another point within
 9 this state, shall submit to the department of revenue, upon
 10 its request and within the time specified, a statement
 11 showing the number of gallons of gasoline contained in each
 12 shipment in interstate commerce and the movement of such
 13 products from any refinery or pipeline terminal located
 14 within this state to another point within this state during
 15 the preceding calendar month, the names and addresses of the
 16 consignor and the consignee, and the date of delivery to the
 17 consignee.

18 (2) Any person who purchases gasoline in a foreign
 19 country and transports it through this state shall, not
 20 later than the 25th day of each month, render a true
 21 statement duly signed to the department listing the
 22 destination of and number of gallons contained in each
 23 shipment during the preceding month.

24 ~~(2)~~(3) In case of any person, except licensed
 25 distributors, who refuses or fails to file a statement as

1 herein provided for, there is hereby imposed a penalty of
2 \$25 for each failure or refusal; provided, however, that if
3 any person shall establish to the satisfaction of the
4 department that his failure to file a statement as
5 prescribed by the department was due to reasonable cause,
6 the department shall waive the penalty."

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

-End-

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23 liquid fuel by whatsoever name such liquid fuel may be known
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8 compounded in this state and placed in tanks thereat or
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12 pipeline terminals shall be deemed to be "distributed", for
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14 withdrawn from such tanks, refinery, or terminal storage for
15 sale or use in this state or for the transportation to
16 destinations in this state other than by pipeline to another
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5 load of gasoline during any 6-month period from outside the
6 state into Montana for sale, use, or distribution;

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9 tank of a motor vehicle.

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 2 However, the required amount of security may not exceed
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 4 will pay to this state each month. Upon approval of the
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 10 ~~under 15-70-201(6)(c)~~ shall pay an annual license fee of
 11 \$200 and upon renewal of the license shall pay an annual fee
 12 of \$200.

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 16 payable to the state of Montana, and conditioned upon
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 18 including the payment of all taxes and penalties; or

19 (b) a deposit made by the distributor with the
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 21 prescribe, of certificates of deposit or irrevocable letters
 22 of credit issued by a bank and insured by the federal
 23 deposit insurance corporation."

24 Section 3. Section 15-70-204, MCA, is amended to read:

25 "15-70-204. Gasoline license tax -- rate. (1) Every

1 distributor shall pay to the department of revenue a license
 2 tax for the privilege of engaging in and carrying on
 3 business in this state in an amount equal to 1 cent for each
 4 gallon of aviation gasoline, which shall be allocated to the
 5 department of commerce as provided by 67-1-301, as amended,
 6 and 17 cents for each gallon of all other gasoline
 7 distributed by him within the state and upon which the
 8 gasoline license tax has not been paid by any other
 9 distributor.

10 ~~(2) Gasoline exported or sold for export out of the~~
 11 ~~state shall not be included in the measure of the~~
 12 ~~distributor's license tax.~~

13 ~~(3)(2)~~ Alcohol that is blended or is to be blended
 14 with gasoline to be sold as gasohol is subject to a tax per
 15 gallon equal to the license tax imposed on nonaviation
 16 gasoline distributors under subsection (1)."

17 Section 4. Section 15-70-205, MCA, is amended to read:

18 "15-70-205. Distributor's statement and payment. (1)

19 Each distributor shall, not later than the 25th day of each
 20 calendar month, render a true statement, duly signed, to the
 21 department of revenue of all gasoline distributed and
 22 received by him in this state during the preceding calendar
 23 month and containing such other information as the
 24 department may reasonably require in order to administer the
 25 gasoline license tax law. The statement shall be accompanied

1 by a payment in an amount equal to the tax imposed by
 2 15-70-204 less any refund credit issued under 15-70-226 and
 3 less 2% of the first 6 cents tax which shall be deducted by
 4 the distributor as an allowance for evaporation and other
 5 loss of gasoline distributed by such distributor; provided,
 6 however, that no such allowance shall be deducted from the 1
 7 cent tax on aviation gasoline.

8 (2) Any distributor engaged in or carrying on his
 9 business at more than one place or location in this state
 10 may include all such places of business in one statement.

11 (3) Each licensed distributor who sells gasoline for
 12 the purpose of export to a person not having a Montana
 13 gasoline distributor's license shall collect and remit the
 14 gasoline license tax on such sales unless, on or before the
 15 day the tax payment is due, the licensed distributor
 16 produces copies of bills of lading provided him by the
 17 purchaser for export that:

18 (a) set forth the name and address of the person to
 19 whom the purchaser for export delivered gasoline purchased
 20 from the licensed distributor;

21 (b) specify the date, time, and quantity of gasoline
 22 so delivered;

23 (c) verify that the purchaser for export delivered to
 24 destinations outside of Montana all of the gasoline
 25 purchased from the licensed distributor for export."

1 Section 5. Section 15-70-209, MCA, is amended to read:

2 "15-70-209. Information reports. (1) Any person
 3 receiving gasoline, including every common carrier, private
 4 carrier, and contract carrier of property who shall haul,
 5 receive, transport, or ship any gasoline from any other
 6 state or foreign country into this state or from this state
 7 to any other state or foreign country or from any refinery
 8 or pipeline terminal in this state to another point within
 9 this state, shall submit to the department of revenue, upon
 10 its request and within the time specified, a statement
 11 showing the number of gallons of gasoline contained in each
 12 shipment in interstate commerce and the movement of such
 13 products from any refinery or pipeline terminal located
 14 within this state to another point within this state during
 15 the preceding calendar month, the names and addresses of the
 16 consignor and the consignee, and the date of delivery to the
 17 consignee.

18 (2) Any person who purchases gasoline in a foreign
 19 country and transports it through this state shall, not
 20 later than the 25th day of each month, render a true
 21 statement duly signed to the department listing the
 22 destination of and number of gallons contained in each
 23 shipment during the preceding month.

24 ~~(2)~~(3) In case of any person, except licensed
 25 distributors, who refuses or fails to file a statement as

1 herein provided for, there is hereby imposed a penalty of
2 \$25 for each failure or refusal; provided, however, that if
3 any person shall establish to the satisfaction of the
4 department that his failure to file a statement as
5 prescribed by the department was due to reasonable cause,
6 the department shall waive the penalty."

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

-End-