

1 SENATE BILL NO. 4
2 INTRODUCED BY HAGER
3 BY REQUEST OF THE DEPARTMENT OF REVENUE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "BULK STORAGE"
6 OF GASOLINE; AND AMENDING SECTION 15-70-301, MCA."
7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 **Section 1.** Section 15-70-301, MCA, is amended to read:
10 "15-70-301. Definitions. As used in this part, the
11 following definitions shall apply:
12 (1) "Bond" means:
13 (a) a bond duly executed by a special fuel dealer or
14 special fuel user as principal with a corporate surety
15 qualified under the laws of Montana, which bond shall be
16 payable to the state of Montana, conditioned upon faithful
17 performance of all requirements of this part, including the
18 payment of all taxes, penalties, and other obligations of
19 such special fuel dealer or special fuel user arising out of
20 this part; or
21 (b) a deposit with the department by the special fuel
22 dealer or special fuel user, under such terms and conditions
23 as the department of revenue may prescribe, of certificates
24 of deposit or irrevocable letters of credit issued by a bank
25 and insured by the federal deposit insurance corporation.

1 (2) "Bulk storage" means storage in any tank, vessel,
2 or container used to store special fuel other than in the
3 fuel supply tank of a motor vehicle.
4 ~~(2)~~(3) "Cardtrol" or "keylock" means any unique device
5 intended to allow access to a special fuel dealer's
6 unattended pump or dispensing unit for the purpose of
7 delivery of special fuel to an authorized user of the unique
8 device.
9 ~~(3)~~(4) "Department" means the department of revenue.
10 ~~(4)~~(5) "Motor vehicle" means any vehicle which is
11 self-propelled upon the highways.
12 ~~(5)~~(6) "Person" means and includes any person, firm,
13 association, joint-stock company, syndicate, partnership, or
14 corporation; whenever used in any clause prescribing and
15 imposing a fine or imprisonment, or both, as applied to a
16 firm, association, syndicate, or partnership, means and
17 includes the partners or members thereof and, as applied to
18 joint-stock companies and corporations, the officers
19 thereof.
20 ~~(6)~~(7) "Public roads and highways of this state" means
21 all streets, roads, highways, and related structures as have
22 been or shall be built and maintained with appropriated
23 funds of the United States and which have been or shall be
24 built and maintained with funds of the state of Montana or
25 any political subdivision thereof or which have been or

1 shall be dedicated to public use or have been acquired by
2 eminent domain or have been acquired by adverse use by the
3 public, jurisdiction having been assumed by the state or any
4 political subdivision thereof.

5 {7}{8} "Special fuel" means those combustible gases
6 and liquids commonly referred to as diesel fuel or any other
7 volatile liquid of less than 46 degrees A.P.I. (American
8 petroleum institute) gravity test, except liquid petroleum
9 gas, when actually sold for use in motor vehicles propelled
10 upon the public highways or streets within the state of
11 Montana. The term includes compressed natural gas.

12 {8}{9} "Special fuel dealer" means any person in the
13 business of handling special fuel who delivers any part
14 thereof into the fuel supply tank or tanks of a motor
15 vehicle not then owned or controlled by him or any person
16 who sells special fuel at a location unattended by the
17 dealer through an unattended pump by use of a cardtrol,
18 keylock, or similar device or who provides any facility,
19 with or without attended services, from which more than one
20 special fuel user obtains special fuel for use in the fuel
21 supply tank of a motor vehicle not then controlled by such
22 dealer. For this purpose the term "fuel supply tank or
23 tanks" does not include cargo tanks even though fuel is
24 withdrawn directly therefrom for propulsion of the vehicle.

25 {9}{10} "Special fuel user" means any person other than

1 a county, incorporated city or town, or school district of
2 this state who consumes in this state special fuel for the
3 propulsion of motor vehicles owned or controlled by him upon
4 the highways of this state.

5 {10}{11} "Use" means either the receipt, delivery, or
6 placing of special fuels by a special fuel dealer into the
7 fuel supply tank or tanks of any motor vehicle not owned or
8 controlled by him while such vehicle is within this state or
9 the consumption by a special fuel user of special fuels in
10 propulsion of a motor vehicle on the highways of this
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-End-

APPROVED BY COMM. ON
BUSINESS & INDUSTRY

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(2) "Bulk storage" means storage OF AT LEAST 50
GALLONS OF SPECIAL FUEL in any tank, vessel, or container
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