

HOUSE BILL NO. 165

INTRODUCED BY LARSON, BECK, SMITH, BIRD, MCCAFFREE,  
STANFORD, DAVIS

IN THE HOUSE

JANUARY 13, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.  FIRST READING.
JANUARY 21, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 22, 1993	PRINTING REPORT.
JANUARY 23, 1993	SECOND READING, DO PASS.
JANUARY 25, 1993	ENGROSSING REPORT.
JANUARY 26, 1993	THIRD READING, PASSED. AYES, 81; NOES, 15.  TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 28, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.  FIRST READING.
FEBRUARY 9, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 10, 1993	SECOND READING, CONCURRED IN.
FEBRUARY 11, 1993	THIRD READING, CONCURRED IN. AYES, 37; NOES, 13.  RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 12, 1993	RECEIVED FROM SENATE.  SENT TO ENROLLING.  REPORTED CORRECTLY ENROLLED.
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1 House BILL NO. 165  
2 INTRODUCED BY Donna Buck Birch Bird  
3 McClure Stanford Lewis  
4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING ADDITIONAL  
5 TERMS REGARDING LIQUEFIED PETROLEUM PRODUCTS; SPECIFYING  
6 UNLAWFUL ACTS; PROVIDING FOR THE COUNTY ATTORNEY TO  
7 PROSECUTE VIOLATIONS; PROVIDING A PENALTY; PROVIDING FOR  
8 OWNER IDENTIFICATION ON LIQUEFIED PETROLEUM PRODUCT  
9 CONTAINERS; AND AMENDING SECTION 82-15-101, MCA."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 82-15-101, MCA, is amended to read:

13 "82-15-101. Definitions. As used in this part, the  
14 following definitions apply:

15 (1) "Dealer" means any person engaged in the petroleum  
16 business and includes petroleum dealers and liquefied  
17 petroleum dealers.

18 (2) "Department" means the department of commerce  
19 provided for in Title 2, chapter 15, part 18.

20 (3) "Liquefied petroleum dealer" means a dealer  
21 engaged, directly or indirectly, in the business of  
22 delivering or distributing to a consumer or of selling or  
23 offering or advertising for sale or refining or  
24 manufacturing or keeping for sale in this state any  
25 petroleum product composed predominately of any of the

1 following hydrocarbons or mixtures thereof of hydrocarbons:  
2 propane, propylene, butanes (normal butane or isobutane),  
3 and butylenes but excluding prepackaged liquefied petroleum  
4 products.

5 (4) "Liquefied petroleum product" means a product  
6 composed predominately of any of the following hydrocarbons  
7 or mixtures of hydrocarbons: propane, propylene, butanes  
8 (normal butane or isobutane), and butylenes.

9 (5) "Liquefied petroleum product container" means an  
10 American society of mechanical engineers-approved container  
11 that can hold 110 gallons or more of a liquefied petroleum  
12 product.

13 (4)(6) "Mislabeled" means a package label or dispensing  
14 device of a product which that bears any statement, design,  
15 or device regarding the same product or regarding  
16 ingredients or substances therein in the product or  
17 regarding the properties, quality, or kind of such products,  
18 which that is false or misleading in any manner.

19 (7) "Owner" means a person:

20 (a) who is listed with the American society of  
21 mechanical engineers or with the manufacturer as owner by  
22 the serial number of the liquefied petroleum product  
23 container;

24 (b) who holds a written bill of sale or other  
25 instrument under which title to a liquefied petroleum

product container was transferred; or

(c) who holds a paid invoice showing purchase of and payment for a liquefied petroleum product container.

(5)(8) "Person" means an individual, trust, estate, partnership, corporation, joint-stock company, firm, agency, association, or any receiver appointed by law.

(6)(9) "Petroleum dealer" means a dealer engaged, directly or indirectly, in the business of delivering or distributing to a consumer or offering or advertising for sale, refining, manufacturing, or keeping for sale in this state any gasoline, kerosene, distillate, road oil, fuel oil, lubricating oil, or greases or any oil or gas or oil and gas product except prepackaged petroleum products and except as otherwise defined as a liquefied petroleum dealer in subsection (3).

(7)(10) "Sell" and "sale" includes barter and exchange."

**NEW SECTION. Section 2.** Refilling of liquefied petroleum product containers -- unlawful acts. Only the owner or a person authorized by the owner may:

(1) fill or refill a liquefied petroleum product container;

(2) deface, erase, obliterate, cover up, remove, conceal, or change the name or other identification of the owner or the information on the manufacturer's specification plate; or

(3) place the name of a person other than the owner on the liquefied petroleum product container.

**NEW SECTION. Section 3.** Violation -- penalty. A person who violates [section 2] is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$500 or by imprisonment in the county jail for a term not exceeding 120 days, or both.

**NEW SECTION. Section 4.** County attorney to prosecute violations. If a person presents to the county attorney of any county in the state of Montana proof of a violation of [section 2], the county attorney shall promptly investigate and either commence and prosecute an action or furnish the informant with a written statement of the reasons for not commencing and prosecuting an action under [section 3].

**NEW SECTION. Section 5.** Owner identification. The owner of a liquefied petroleum product container shall place the name, initials, or trademark of the owner on the dome near the filling apparatus of each container.

**NEW SECTION. Section 6.** Codification instruction. [Sections 2 through 5] are intended to be codified as an integral part of Title 82, chapter 15, part 1, and the provisions of Title 82, chapter 15, part 1, apply to [sections 2 through 5].

-End-

APPROVED BY COMM. ON BUSINESS  
AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 165

INTRODUCED BY LARSON, BECK, SMITH, BIRD, MCCAFFREE,  
STANFORD, DAVIS

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING ADDITIONAL  
TERMS REGARDING LIQUEFIED PETROLEUM PRODUCTS; SPECIFYING  
UNLAWFUL ACTS; ~~PROVIDING--FOR--THE--COUNTY---ATTORNEY---TO~~  
~~PROSECUTE--VIOLATIONS;~~ PROVIDING A PENALTY; PROVIDING FOR  
OWNER IDENTIFICATION ON LIQUEFIED PETROLEUM PRODUCT  
CONTAINERS; AND AMENDING SECTION 82-15-101, MCA."

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

**Section 1.** Section 82-15-101, MCA, is amended to read:

"82-15-101. Definitions. As used in this part, the  
following definitions apply:

(1) "Dealer" means any person engaged in the petroleum  
business and includes petroleum dealers and liquefied  
petroleum dealers.

(2) "Department" means the department of commerce  
provided for in Title 2, chapter 15, part 18.

(3) "Liquefied petroleum dealer" means a dealer  
engaged, directly or indirectly, in the business of  
delivering or distributing to a consumer or of selling or  
offering or advertising for sale or refining or  
manufacturing or keeping for sale in this state any

petroleum product composed predominately of any of the  
following hydrocarbons or mixtures thereof of hydrocarbons:  
propane, propylene, butanes (normal butane or isobutane),  
and butylenes but excluding prepackaged liquefied petroleum  
products.

(4) "Liquefied petroleum product" means a product  
composed predominately of any of the following hydrocarbons  
or mixtures of hydrocarbons: propane, propylene, butanes  
(normal butane or isobutane), and butylenes.

(5) "Liquefied petroleum product container" means an  
American society of mechanical engineers-approved container  
that can hold 110 gallons or more of a liquefied petroleum  
product.

~~(4)~~(6) "Misabeled" means a package label or dispensing  
device of a product which that bears any statement, design,  
or device regarding the same product or regarding  
ingredients or substances therein in the product or  
regarding the properties, quality, or kind of such products,  
which that is false or misleading in any manner.

(7) "Owner" means a person:

(a) who is listed with the American society of  
mechanical engineers or with the manufacturer as owner by  
the serial number of the liquefied petroleum product  
container;

(b) who holds a written bill of sale or other

instrument under which title to a liquefied petroleum product container was transferred; or

(c) who holds a paid invoice showing purchase of and payment for a liquefied petroleum product container.

{5}(8) "Person" means an individual, trust, estate, partnership, corporation, joint-stock company, firm, agency, association, or any receiver appointed by law.

{6}(9) "Petroleum dealer" means a dealer engaged, directly or indirectly, in the business of delivering or distributing to a consumer or offering or advertising for sale, refining, manufacturing, or keeping for sale in this state any gasoline, kerosene, distillate, road oil, fuel oil, lubricating oil, or greases or any oil or gas or oil and gas product except prepackaged petroleum products and except as otherwise defined as a liquefied petroleum dealer in subsection (3).

{7}(10) "Sell" and "sale" includes barter and exchange."

**NEW SECTION. Section 2.** Refilling of liquefied petroleum product containers -- unlawful acts. Only the owner or a person authorized by the owner may:

(1) fill or refill a liquefied petroleum product container;

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plate; or

(3) place the name of a person other than the owner on the liquefied petroleum product container.

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**NEW SECTION. Section 4.** Owner identification. The owner of a liquefied petroleum product container shall place the name, initials, or trademark of the owner on the dome near the filling apparatus of each container.

**NEW SECTION. Section 5.** Codification instruction. [Sections 2 through 5 4] are intended to be codified as an integral part of Title 82, chapter 15, part 1, and the provisions of Title 82, chapter 15, part 1, apply to [sections 2 through 5 4].

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provided for in Title 2, chapter 15, part 18.

(3) "Liquefied petroleum dealer" means a dealer  
engaged, directly or indirectly, in the business of  
delivering or distributing to a consumer or of selling or  
offering or advertising for sale or refining or  
manufacturing or keeping for sale in this state any

petroleum product composed predominately of any of the  
following hydrocarbons or mixtures thereof of hydrocarbons:  
propane, propylene, butanes (normal butane or isobutane),  
and butylenes but excluding prepackaged liquefied petroleum  
products.

(4) "Liquefied petroleum product" means a product  
composed predominately of any of the following hydrocarbons  
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(5) "Liquefied petroleum product container" means an  
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that can hold 110 gallons or more of a liquefied petroleum  
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the serial number of the liquefied petroleum product  
container;

(b) who holds a written bill of sale or other

1 instrument under which title to a liquefied petroleum  
 2 product container was transferred; or  
 3 (c) who holds a paid invoice showing purchase of and  
 4 payment for a liquefied petroleum product container.

5 {5}{8} "Person" means an individual, trust, estate,  
 6 partnership, corporation, joint-stock company, firm, agency,  
 7 association, or any receiver appointed by law.

8 {6}{9} "Petroleum dealer" means a dealer engaged,  
 9 directly or indirectly, in the business of delivering or  
 10 distributing to a consumer or offering or advertising for  
 11 sale, refining, manufacturing, or keeping for sale in this  
 12 state any gasoline, kerosene, distillate, road oil, fuel  
 13 oil, lubricating oil, or greases or any oil or gas or oil  
 14 and gas product except prepackaged petroleum products and  
 15 except as otherwise defined as a liquefied petroleum dealer  
 16 in subsection (3).

17 {7}{10} "Sell" and "sale" includes barter and exchange."

18 NEW SECTION. Section 2. Refilling of liquefied  
 19 petroleum product containers -- unlawful acts. Only the  
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 22 container;

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1 plate; or

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 6 conviction shall be punished by a fine not to exceed \$500 or  
 7 by imprisonment in the county jail for a term not exceeding  
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9 ~~NEW SECTION. Section 4. County attorney to prosecute~~  
 10 ~~violations. If a person presents to the county attorney of~~  
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