

SENATE BILL NO. 127

INTRODUCED BY STANG
BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

IN THE SENATE

JANUARY 11, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION.
JANUARY 12, 1993	FIRST READING.
JANUARY 15, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 16, 1993	PRINTING REPORT. SECOND READING, DO PASS.
JANUARY 18, 1993	ENGROSSING REPORT. THIRD READING, PASSED. AYES, 48; NOES, 0. TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 19, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION. FIRST READING.
JANUARY 29, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
FEBRUARY 1, 1993	SECOND READING, CONCURRED IN.
FEBRUARY 3, 1993	THIRD READING, CONCURRED IN. AYES, 86; NOES, 13.
FEBRUARY 4, 1993	RETURNED TO SENATE.

IN THE SENATE

FEBRUARY 4, 1993	RECEIVED FROM HOUSE. SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED.
------------------	--

1 Senate BILL NO. 127
2 INTRODUCED BY Stang
3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PETROLEUM
6 DEALER WHO IS NOT LICENSED BY THE DEPARTMENT OF
7 TRANSPORTATION UNDER TITLE 15, CHAPTER 70 OR 71, MCA, TO
8 FILE QUARTERLY REPORTS ON FUEL RECEIVED AND SOLD DURING THE
9 QUARTER; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

12 NEW SECTION. Section 1. Report by unlicensed petroleum
13 dealer -- definition -- penalty. (1) Within 30 days of the
14 end of a quarter, a petroleum dealer who is not licensed by
15 the department of transportation under Title 15, chapter 70
16 or 71, shall file on a form prescribed by the department a
17 report of the amount of fuel received and sold during the
18 quarter. The report must also contain other information as
19 required by the department.

20 (2) As used in this section, "petroleum dealer" means a
21 dealer who:

22 (a) is directly or indirectly engaged in delivering or
23 distributing to a consumer gasoline, aviation gasoline,
24 special fuel, liquefied petroleum gas (LPG), or compressed
25 natural gas (CNG) in this state; or

1 (b) offers or advertises to sell, refine, manufacture,
2 or store gasoline, aviation gasoline, special fuel,
3 liquefied petroleum gas (LPG), or compressed natural gas
4 (CNG) in this state.

5 (3) A petroleum dealer who fails to file the report
6 required by subsection (1) shall be fined \$50 for the first
7 offense, \$75 for the second offense, and \$100 for the third
8 and each subsequent offense.

9 NEW SECTION. Section 2. Codification instruction.
10 [Section 1] is intended to be codified as an integral part
11 of Title 15, chapter 70, part 1, and the provisions of Title
12 15, chapter 70, part 1, apply to [section 1].

13 NEW SECTION. Section 3. Effective date. [This act] is
14 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0127/02, second reading.

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing the Department of Transportation to require a petroleum dealer who is not licensed by the department under title 15, Chapter 70 or 71, MCA, to file quarterly reports on fuel received and sold during the quarter; and providing an immediate effective date.

ASSUMPTIONS:

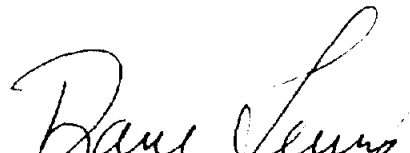
1. The reports will be requested from unlicensed fuel dealers on Indian Reservations only.
2. There will be less than 50 required to report.
3. The additional programming and operating costs will be absorbed by the Accounting Services Bureau current level budget.
4. If local governments start requesting information, then it may have a minor fiscal impact on the Department of Transportation.
5. All reports will be filed as required, no penalties will be assessed, and there will be no effect on revenues.

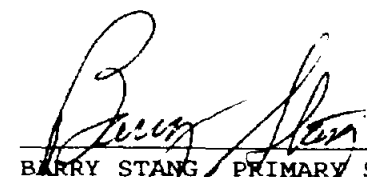
FISCAL IMPACT:

No significant impact.

TECHNICAL NOTES:

This bill was originally introduced as Senate Bill 126. It is now Senate Bill 127/02, and SB126 is now "an act limiting the time period in which a request for a refund or credit can be made for special fuel taxes or for a temporary permit fee". This should be addressed with the Legislative Council as it appears to be an error.

 1-23-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1/26/93
BARRY STANG, PRIMARY SPONSOR DATE
Fiscal Note for SB0127/02, second reading
SB 127

APPROVED BY COMMITTEE
ON TAXATION

SENATE BILL NO. 127

INTRODUCED BY STANG

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ALLOWING THE DEPARTMENT OF TRANSPORTATION TO REQUIRE A PETROLEUM DEALER WHO IS NOT LICENSED BY THE DEPARTMENT OF--TRANSPORTATION UNDER TITLE 15, CHAPTER 70 OR 71, MCA, TO FILE QUARTERLY REPORTS ON FUEL RECEIVED AND SOLD DURING THE QUARTER; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Report by unlicensed petroleum dealer -- definition -- penalty. (1) Within-30-days-of-the end-of-a--quarter, THE DEPARTMENT OF TRANSPORTATION MAY REQUIRE a petroleum dealer who is not licensed by the department of-transportation under Title 15, chapter 70 or 71, shall TO file, WITHIN 30 DAYS OF THE END OF A QUARTER, on a form prescribed by the department a report of the amount of fuel received and sold during the quarter. The report must also contain other information as required by the department.

(2) As used in this section, "petroleum dealer" means a dealer who:

(a) is directly or indirectly engaged in delivering or

distributing to--a--consumer gasoline, aviation gasoline, special fuel, liquefied petroleum gas (LPG), or compressed natural gas (CNG) TO A CONSUMER in this state; or

(b) offers or advertises to sell, refine, manufacture, or store gasoline, aviation gasoline, special fuel, liquefied petroleum gas (LPG), or compressed natural gas (CNG) in this state.

(3) A petroleum dealer who fails to file the report required by subsection (1) shall be fined \$50 for the first offense, \$75 for the second offense, and \$100 for the third and each subsequent offense.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 15, chapter 70, part 1, and the provisions of Title 15, chapter 70, part 1, apply to [section 1].

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

-End-

1 SENATE BILL NO. 127

2 INTRODUCED BY STANG

3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ALLOWING THE
6 DEPARTMENT OF TRANSPORTATION TO REQUIRE A PETROLEUM DEALER
7 WHO IS NOT LICENSED BY THE DEPARTMENT OF--TRANSPORTATION
8 UNDER TITLE 15, CHAPTER 70 OR 71, MCA, TO FILE QUARTERLY
9 REPORTS ON FUEL RECEIVED AND SOLD DURING THE QUARTER; AND
10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

13 NEW SECTION. Section 1. Report by unlicensed petroleum
14 dealer -- definition -- penalty. (1) Within-30-days-of-the
15 end-of-a--quarter, THE DEPARTMENT OF TRANSPORTATION MAY
16 REQUIRE a petroleum dealer who is not licensed by the
17 department of-transportation under Title 15, chapter 70 or
18 71, shall TO file, WITHIN 30 DAYS OF THE END OF A QUARTER,
19 on a form prescribed by the department a report of the
20 amount of fuel received and sold during the quarter. The
21 report must also contain other information as required by
22 the department.

23 (2) As used in this section, "petroleum dealer" means a
24 dealer who:

25 (a) is directly or indirectly engaged in delivering or

1 distributing to--a--consumer gasoline, aviation gasoline,
2 special fuel, liquefied petroleum gas (LPG), or compressed
3 natural gas (CNG) TO A CONSUMER in this state; or

4 (b) offers or advertises to sell, refine, manufacture,
5 or store gasoline, aviation gasoline, special fuel,
6 liquefied petroleum gas (LPG), or compressed natural gas
7 (CNG) in this state.

8 (3) A petroleum dealer who fails to file the report
9 required by subsection (1) shall be fined \$50 for the first
10 offense, \$75 for the second offense, and \$100 for the third
11 and each subsequent offense.

12 NEW SECTION. Section 2. Codification instruction.
13 [Section 1] is intended to be codified as an integral part
14 of Title 15, chapter 70, part 1, and the provisions of Title
15 15, chapter 70, part 1, apply to [section 1].

16 NEW SECTION. Section 3. Effective date. [This act] is
17 effective on passage and approval.

-End-

SENATE BILL NO. 127

INTRODUCED BY STANG

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT ~~REQUIRING~~ ALLOWING THE
DEPARTMENT OF TRANSPORTATION TO REQUIRE A PETROLEUM DEALER
WHO IS NOT LICENSED BY THE DEPARTMENT ~~OF--TRANSPORTATION~~
UNDER TITLE 15, CHAPTER 70 OR 71, MCA, TO FILE QUARTERLY
REPORTS ON FUEL RECEIVED AND SOLD DURING THE QUARTER; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Report by unlicensed petroleum
dealer -- definition -- penalty. (1) ~~Within 30 days of the~~
~~end of a quarter,~~ THE DEPARTMENT OF TRANSPORTATION MAY
REQUIRE a petroleum dealer who is not licensed by the
department of transportation under Title 15, chapter 70 or
71, ~~shall~~ TO file, WITHIN 30 DAYS OF THE END OF A QUARTER,
on a form prescribed by the department a report of the
amount of fuel received and sold during the quarter. The
report must also contain other information as required by
the department.

(2) As used in this section, "petroleum dealer" means a
dealer who:

(a) is directly or indirectly engaged in delivering or

distributing to--a--consumer gasoline, aviation gasoline,
special fuel, liquefied petroleum gas (LPG), or compressed
natural gas (CNG) TO A CONSUMER in this state; or

(b) offers or advertises to sell, refine, manufacture,
or store gasoline, aviation gasoline, special fuel,
liquefied petroleum gas (LPG), or compressed natural gas
(CNG) in this state.

(3) A petroleum dealer who fails to file the report
required by subsection (1) shall be fined \$50 for the first
offense, \$75 for the second offense, and \$100 for the third
and each subsequent offense.

NEW SECTION. Section 2. Codification instruction.
[Section 1] is intended to be codified as an integral part
of Title 15, chapter 70, part 1, and the provisions of Title
15, chapter 70, part 1, apply to [section 1].

NEW SECTION. Section 3. Effective date. [This act] is
effective on passage and approval.

-End-