

**SENATE BILL 195**

**Introduced by Hager**

1/19	Introduced
1/19	Referred to Taxation
1/19	First Reading
1/28	Hearing
1/29	Tabled in Committee

Senate BILL NO. 195

1                   2 INTRODUCED BY

Hagger

3  
4   A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION  
5   OF DISTRIBUTOR FOR THE PURPOSES OF A LOCAL OPTION MOTOR FUEL  
6   TAX; AMENDING SECTION 7-14-301, MCA; AND PROVIDING AN  
7   EFFECTIVE DATE."

8  
9   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10                 Section 1. Section 7-14-301, MCA, is amended to read:

11                 "7-14-301. Local option motor fuel excise tax  
12   authorized. (1) A motor fuel excise tax, in increments of 1  
13   cent per gallon, not to exceed 2 cents per gallon upon  
14   gasoline sold to the ultimate consumer within the county for  
15   use in motor vehicles operated upon public highways,  
16   streets, and roads may be imposed:

17                 (a) by the people of the county by initiative; or  
18                 (b) by the board of county commissioners by adoption of  
19   a resolution and referral to the people.

20                 (2) The initiative or referendum must specify that the  
21   tax is to be collected by the department of transportation.

22                 (3) Such-a The motor fuel excise tax may not be  
23   assessed sooner than 90 days from the date of passage of  
24   such an initiative or referendum.

25                 (4) Every distributor, as defined in subsection (7)(b),

1                 shall pay the motor fuel excise tax to the agency specified  
2   in the initiative or referendum as provided in subsection  
3   (1). When the tax is collected by the department of  
4   transportation, each distributor shall render a monthly  
5   statement to the department of all gasoline distributed  
6   during the preceding calendar month in the county in which  
7   it is sold to the ultimate consumer and such other  
8   information as the department may reasonably require in  
9   order to administer the motor fuel excise tax.

10                 (5) The information, recordkeeping, and examination of  
11   records provisions of Title 15, chapter 70, apply to this  
12   part.

13                 (6) The department of transportation collecting the tax  
14   authorized under subsection (1) shall establish procedures  
15   to provide a refund to a person who has paid the excise tax  
16   but who can substantiate that the motor fuel was purchased  
17   for a use other than on public highways, streets, and roads.

18                 (7) (a) In this part, the terms "distributor",  
19   "gasoline", "import", "motor vehicle", "person", and "use"  
20   have the meanings ascribed to them in 15-70-201.

21                 (b) In this part, the term "distributor" means a person  
22   who engages in the wholesale distribution within the county  
23   of gasoline to retail outlets, farms or ranches, or motor  
24   vehicle fleet operations."

25                 **NEW SECTION. Section 2. Effective date.** [This act] is

LC 0421/01

1 effective July 1, 1993.

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