

Unofficial Draft Copy

As of: August 23, 2016 (1:14pm)

LCdyed

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act limiting access to fuel pumps that dispense dyed special fuel to authorized users; allowing the department of transportation to implement a method for limiting access to fuel pumps that dispense dyed special fuel to authorized users; providing rulemaking authority; amending section 15-70-441, MCA."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-70-441, MCA, is amended to read:

"15-70-441. Dyed special fuel restrictions -- penalties.

(1) ~~(a)~~ A person may not use dyed special fuel to operate a motor vehicle on the public roads and highways of this state unless:

~~(i)~~(a) the motor vehicle has a gross vehicle weight of greater than 12,000 pounds, exclusive of any towed units, is equipped with a feed delivery box that is permanently affixed to the vehicle, and is used solely for the feeding of livestock; or

~~(ii)~~(b) the use is permitted pursuant to rules adopted under subsection ~~(2)~~~~(c)~~ (3).

~~(b)~~~~(i)~~ (2) (a) The purposeful or knowing use of dyed special fuel in a motor vehicle operating on the public roads and highways of this state in violation of ~~this~~ subsection (1) is subject to the civil penalty imposed under subsection ~~(i)~~~~(b)~~~~(ii)~~

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(2)(b). Each use is a separate offense. The civil penalty may be in addition to criminal penalties imposed under 15-70-443.

~~(ii)~~(b) The department shall, after giving notice and holding a hearing, if requested, impose a civil penalty not to exceed \$1,000 for the first offense and \$5,000 for the second offense for using dyed special fuel in violation of the provisions of this section. A subsequent offense is subject to criminal penalties imposed under 15-70-443.

~~(c)~~(3) The department shall adopt and enforce reasonable rules for the movement of off-highway vehicles traveling from one location to another on the public roads and highways of this state when using dyed special fuel or nontaxed fuel.

(4) (a) Fuel pumps that dispense dyed special fuel at retail and self-serve locations may be accessed only by users of dyed special fuel authorized under Title 15, chapter 70, part 4.

(b) The department may develop a method to limit access to fuel pumps that dispense dyed special fuel only to authorized users. In developing such a method, the department shall adopt rules to implement an application process for authorized users to gain access to fuel pumps that dispense dyed special fuel.

~~(2)~~(5) The operator of the vehicle is liable for the tax imposed in 15-70-403. If the operator refuses or fails to pay the tax, in whole or in part, the seller of the dyed special fuel is jointly and severally liable for the tax imposed under 15-70-403 and for the penalties described in this section if the seller knows or has reason to know that the fuel will be used for a taxable purpose."

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{*Internal References to 15-70-441: None.*}

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{Name : Megan M. Moore
Title : Research Analyst
Agency : Montana Legislative Services
Phone : 406-444-4496
E-Mail : memoore@mt.gov}