

SENATE BILL NO. 43

INTRODUCED BY M. TROPILA

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT MODIFYING LICENSING PROVISIONS FOR PETROLEUM MEASURING DEVICES WHEN OWNERSHIP OF THE DEVICES CHANGES; AND AMENDING SECTION 82-15-105, MCA."

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

Section 1. Section 82-15-105, MCA, is amended to read:

"82-15-105. Licenses and fees -- status of license on transfer of ownership. (1) A petroleum dealer or liquefied petroleum dealer may not do business in this state until licensed by the department. The license must be obtained by the dealer by making application to the department upon ~~blank~~ forms provided by the department. A dealer who has not been issued a license and who is found selling, offering for sale, delivering, or distributing petroleum products shall ~~upon conviction~~ be punished upon conviction as provided by this part.

(2) The department shall adopt rules establishing license fees based upon the measuring devices used by the dealer. The fees may be paid by credit card and may be discounted for payment processing charges paid by the department to a third party. The fees must be deposited in the state special revenue fund of the department for use in administrating and enforcing this part.

(3) All licenses are annual and expire on the anniversary date established by rule by the board of review established in 30-16-302. There is an additional charge of 50% on all license fees that are not paid within 60 days of the licensee's anniversary date. If the fee is not paid, the equipment must be sealed and removed from service by the department. It is unlawful for anyone to use a device removed from service or to break the seal until all fees have been paid.

~~(4) If ownership of a measuring device changes and the device:~~

~~—— (a) remains at the same location, the license transfers to the new owner and remains in effect until December 31 of that year;~~

~~—— (b) is moved to a new location, the license is void, and the new owner shall:~~

~~—— (i) apply for a new license that will expire on the anniversary date of that year, as provided in subsection~~

1 ~~(3), and~~

2 ~~_____ (ii) pay the applicable fees."~~

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