

1 HOUSE BILL NO. 308

2 INTRODUCED BY . DURAM

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO DYED SPECIAL FUEL;
5 CLARIFYING THAT THE USE OF UNTAXED DYED SPECIAL FUEL ON PUBLIC ROADS AND HIGHWAYS
6 IS SUBJECT TO EXISTING CIVIL PENALTIES; AND AMENDING SECTION 15-70-441, MCA."

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

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

11 **"15-70-441. Dyed special fuel restrictions -- penalties.** (1) (a) A person may not use untaxed dyed
12 special fuel in violation of 15-70-403(8) or (9) or to operate a motor vehicle on the public roads and highways of
13 this state unless:

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

17 (ii) the use is permitted pursuant to rules adopted under subsection (1)(c).

18 (b) (i) ~~The purposeful or knowing~~ use of untaxed dyed special fuel in a motor vehicle operating on the
19 public roads and highways of this state in violation of 15-70-403(8) or (9) or this subsection (1) is subject to the
20 civil penalty imposed under subsection (1)(b)(ii). Each use is a separate offense. The civil penalty may be in
21 addition to criminal penalties imposed under 15-70-443.

22 (ii) The department shall, after giving notice and holding a hearing, if requested, impose a civil penalty
23 not to exceed \$1,000 for the first offense and \$5,000 for the second offense for using dyed special fuel in
24 violation of the provisions of this section. A subsequent offense is subject to criminal penalties imposed under
25 15-70-443.

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

