
By: Chairman, Ways and Means Committee (Departmental - Comptroller)

Introduced and read first time: January 15, 1997

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Fuel and Lubricants - Petroleum Transporters**

3 FOR the purpose of altering the definition of a "conveyance" in a provision of law
4 relating to motor fuel and lubricants; eliminating certain registration requirements
5 of petroleum transporters and the Comptroller; requiring the Comptroller to issue a
6 letter of registration to certain applicants; repealing the requirement that the
7 Comptroller assign petroleum transporter identification markers for each vehicle
8 used to transport motor fuel; authorizing the Comptroller to establish through
9 regulations those petroleum transporters required to file certain reports; and
10 generally relating to the regulation of petroleum transporters.

11 BY repealing and reenacting, with amendments,
12 Article - Business Regulation
13 Section 10-101, 10-401, 10-403, 10-408, and 10-410
14 Annotated Code of Maryland
15 (1992 Volume and 1996 Supplement)

16 BY repealing
17 Article - Business Regulation
18 Section 10-402
19 Annotated Code of Maryland
20 (1992 Volume and 1996 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Business Regulation**

24 10-101.

25 (a) In this title the following words have the meanings indicated.

26 (b) (1) "Conveyance" means a carrying or transporting device that has a
27 capacity that exceeds [50] 1,749 gallons exclusive of the fuel supply tank for its own
28 propulsion.

29 (2) "Conveyance" includes a pipeline, tank car, vehicle, and vessel.

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1 [(3) "Conveyance" does not include a carrying or transporting device with a
2 capacity of less than 300 gallons that a farmer uses while engaged in the business of
3 farming.]

4 (c) (1) "Gasoline" means a product that:

5 (i) is used as fuel in a spark ignited, internal combustion engine; or

6 (ii) is designated as gasoline by the Comptroller.

7 (2) "Gasoline" includes:

8 (i) casing head gasoline;

9 (ii) absorption gasoline;

10 (iii) other natural gasoline; and

11 (iv) aviation gasoline, as defined in § 9-101(c) of the Tax - General
12 Article.

13 (d) "Motor fuel" means:

14 (1) gasoline; or

15 (2) special fuel.

16 (e) "Motor vehicle" means a vehicle that:

17 (1) is self-propelled;

18 (2) is designed to be operated on a public highway; and

19 (3) is not operated only on rails.

20 (f) "Petroleum transporter" means a person who transports motor fuel in
21 interstate or intrastate commerce in a conveyance, whether or not the person owns the
22 conveyance.

23 (g) "Producer" means a company, or agent, parent company, subsidiary, or joint
24 venture of a company, that extracts crude oil from the earth.

25 (h) "Refiner" means a person who makes motor fuel from crude oil by changing
26 the physical or chemical characteristics of the crude oil.

27 (i) "Retail service station dealer" means a person who operates a retail place of
28 business where motor fuel is sold and delivered into the fuel supply tanks of motor
29 vehicles.

30 (j) (1) "Special fuel" means a product that is usable as fuel in an internal
31 combustion engine.

32 (2) "Special fuel" does not include gasoline.

33 (k) "Vehicle" means a conveyance for transporting motor fuel on a public
34 highway.

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1 10-401.

2 (a) [(1)] Each petroleum transporter shall register with the Comptroller before
3 transporting motor fuel to or from a place in the State.

4 [(2) Each petroleum transporter shall register with the Comptroller each
5 conveyance that the petroleum transporter uses to transport motor fuel to or from a place
6 in the State.]

7 (b) An applicant for registration shall submit to the Comptroller an application on
8 the form that the Comptroller requires.

9 (c) The Comptroller shall register [each applicant and each conveyance that
10 meets the requirements of this subtitle] AND ISSUE A LETTER OF REGISTRATION TO
11 EACH APPLICANT THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE.

12 [(d) (1) Unless a registration is renewed as provided in this subsection, the
13 registration expires on the first September 30 after its effective date.

14 (2) At least 1 month before a registration expires, the Comptroller shall mail
15 to the registrant, at the last known address of the registrant, a renewal notice that states:

16 (i) the date on which the current registration expires; and

17 (ii) the date by which the Comptroller must receive the renewal
18 application for the renewal to be issued and mailed before the registration expires.

19 (3) Before a registration expires, the registrant periodically may renew it for
20 an additional 1-year term, if the registrant:

21 (i) otherwise is entitled to the registration; and

22 (ii) submits to the Comptroller a renewal application on the form that
23 the Comptroller requires.

24 (4) The Comptroller shall renew the registration of each registrant and each
25 conveyance that meets the requirements of this subsection.]

26 [(e)] (D) A petroleum transporter shall notify the Comptroller of each change in
27 registration information within 5 days of the change.

28 [10-402.

29 (a) (1) The Comptroller shall assign to a petroleum transporter an
30 identification marker for each vehicle that the petroleum transporter registers to
31 transport motor fuel.

32 (2) The petroleum transporter shall affix the identification marker in a
33 prominent place on the vehicle.

34 (b) Motor fuel may not be placed in or on a vehicle unless an identification
35 marker is displayed on the vehicle.

36 (c) The Comptroller may:

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1 (1) issue a temporary or emergency identification marker for a vehicle; or

2 (2) grant an exception to a requirement of subsection (a) or (b) of this
3 section.

4 (d) Each identification marker shall be validated annually when the petroleum
5 transporter renews registration.

6 (e) Each identification marker issued or validated under this section is the
7 property of the State.]

8 10-403.

9 Subject to the hearing provisions of § 10-404 of this subtitle, the Comptroller may
10 deny registration to an applicant, reprimand a registrant, or suspend or revoke the
11 registration of a petroleum transporter[, registration of a conveyance, or a vehicle
12 identification marker,] if the applicant or registrant:

13 (1) fraudulently or deceptively obtains or attempts to obtain the registration
14 for the applicant or registrant or for another person;

15 (2) fraudulently or deceptively uses the registration;

16 (3) fails to submit a report required under § 10-410 of this subtitle;

17 (4) submits false information in a report required under § 10-410 of this
18 subtitle; or

19 (5) violates this subtitle.

20 10-408.

21 [For each registered vehicle, a] EACH petroleum transporter:

22 (1) shall keep for inspection a manufacturer's certificate of origin that shows
23 the measured calibration by pots or compartments for [the vehicle; or] EACH VEHICLE
24 THAT MEETS THE DEFINITION OF A CONVEYANCE; OR

25 (2) if such a certificate is unavailable, shall get and keep for inspection at
26 the request of the Comptroller a certificate from a governmental unit or professional
27 engineer.

28 10-410.

29 Each petroleum transporter REQUIRED BY REGULATION TO REPORT TO THE
30 COMPTROLLER SHALL:

31 (1) [shall] report monthly on the form required by the Comptroller all
32 motor fuel that the petroleum transporter imports into or exports from the State;

33 (2) [shall] keep for 2 years a record of each interstate and each intrastate
34 shipment of motor fuel;

35 (3) on request, [shall] provide these records to the Comptroller; and

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1 (4) [shall] report immediately to the Comptroller the loss of any motor
2 fuel, unless the loss is due to:

3 (i) temperature correction; or

4 (ii) a spill that is reported to another State unit.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 1997.