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

Introduced and read first time: January 15, 1997

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: February 4, 1997

CHAPTER ____

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:

2

1 **Article - Business Regulation**

2 10-101.

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

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

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

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

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

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

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

14 (2) "Gasoline" includes:

15 (i) casing head gasoline;

16 (ii) absorption gasoline;

17 (iii) other natural gasoline; and

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

20 (d) "Motor fuel" means:

21 (1) gasoline; or

22 (2) special fuel.

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

24 (1) is self-propelled;

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

26 (3) is not operated only on rails.

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

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

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

3

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

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

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

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

9 10-401.

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

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

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

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

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

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

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

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

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

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

30 (ii) submits to the Comptroller a renewal application on the form that
31 the Comptroller requires.

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

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

4

1 [10-402.

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

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

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

9 (c) The Comptroller may:

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

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

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

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

17 10-403.

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

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

24 (2) fraudulently or deceptively uses the registration;

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

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

28 (5) violates this subtitle.

29 10-408.

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

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

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

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1 10-410.

2 Each petroleum transporter REQUIRED BY REGULATION TO REPORT TO THE
3 COMPTROLLER SHALL:

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

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

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

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

11 (i) temperature correction; or

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

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