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By: Chairman, Finance Committee (Departmental - Comptroller)

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Introduced and read first time: January 23, 2002

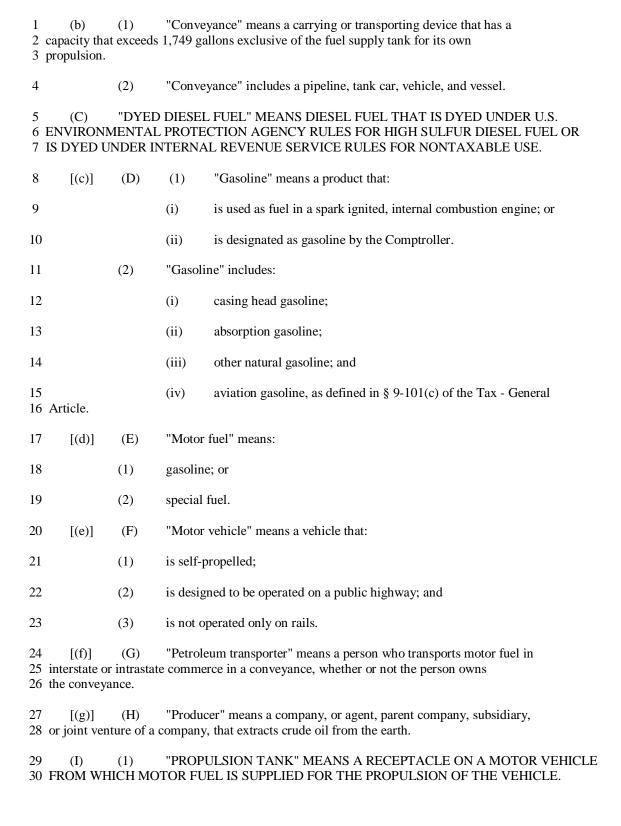
Assigned to: Rules

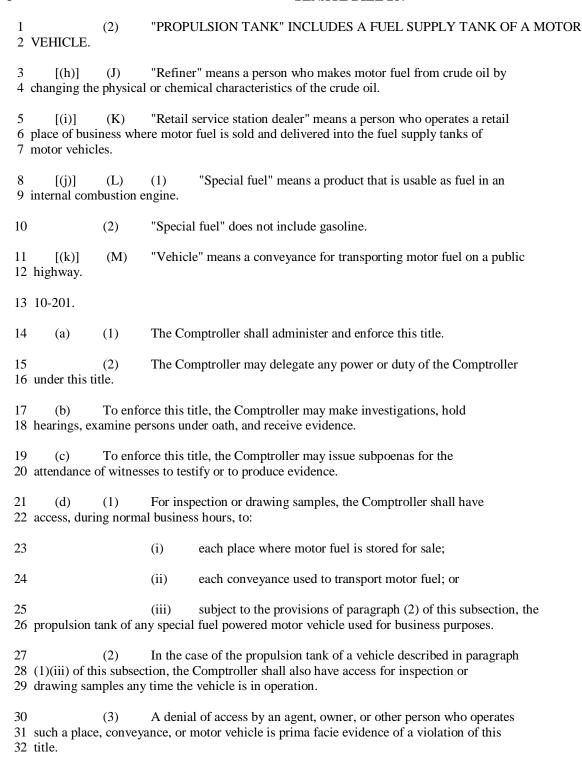
A BILL ENTITLED

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1	AN	ACT	concerning

2 Motor Fuel and Lubricants - Dyed Diesel Fuel

- 3 FOR the purpose of prohibiting the use of dyed diesel fuel in the propulsion tanks of
- 4 highway vehicles; prohibiting the sale or delivery of dyed diesel fuel under
- 5 certain circumstances; defining certain terms; establishing certain penalties for
- 6 violations of this Act; authorizing the Comptroller to inspect the propulsion
- 7 tanks of certain vehicles; requiring the Comptroller to enforce certain provisions
- 8 of this Act; requiring certain persons to provide certain notice and requiring the
- 9 posting of a certain notice relating to dyed diesel fuel under certain
- 10 circumstances; and generally relating to prohibiting the use of dyed motor fuel
- 11 for on-highway purposes.
- 12 BY repealing and reenacting, with amendments,
- 13 Article Business Regulation
- 14 Section 10-101 and 10-201
- 15 Annotated Code of Maryland
- 16 (1998 Replacement Volume and 2001 Supplement)
- 17 BY adding to
- 18 Article Business Regulation
- 19 Section 10-323.2
- 20 Annotated Code of Maryland
- 21 (1998 Replacement Volume and 2001 Supplement)
- 22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 23 MARYLAND, That the Laws of Maryland read as follows:
- 24 Article Business Regulation
- 25 10-101.
- 26 (a) In this title the following words have the meanings indicated.





1 (E) THE COMPTROLLER MAY DETAIN A MOTOR VEHICLE, VESSEL (1) (I)2 OR RAILROAD TANK CAR PLACED ON A CUSTOMER'S SIDING FOR USE OR STORAGE 3 FOR THE PURPOSE OF INSPECTING THE VEHICLE'S PROPULSION TANKS. THE COMPTROLLER MAY REMOVE SAMPLES OF DIESEL FUEL IN 5 REASONABLE QUANTITIES NECESSARY TO DETERMINE THE COMPOSITION OF THE 6 FUEL. THE COMPTROLLER MAY INSPECT AND ISSUE CITATIONS TO 7 8 OPERATORS OF MOTOR VEHICLES FOR VIOLATIONS OF THIS SUBTITLE AT SITES 9 WHERE FUEL IS, OR MAY BE, PRODUCED, STORED, OR LOADED INTO OR CONSUMED 10 BY MOTOR VEHICLES INCLUDING: 11 (I) A TERMINAL; 12 (II)A FUEL STORAGE FACILITY OR BULK STORAGE FACILITY THAT 13 IS NOT A TERMINAL; 14 A RETAIL FUEL FACILITY; (III)A HIGHWAY REST STOP; AND 15 (IV) A HIGHWAY INSPECTION STATION, WEIGH STATION, MOBILE 16 (V) 17 INSPECTION STATION, OR OTHER SIMILAR LOCATION DESIGNATED BY THE 18 COMPTROLLER. 19 10-323.2. A NOTICE STATING "DYED DIESEL FUEL, NONTAXABLE USE ONLY" 20 (A) (1) 21 SHALL BE: 22 PROVIDED BY THE TERMINAL OPERATOR OR DISTRIBUTOR TO (I) 23 ANY PERSON THAT RECEIVES DYED DIESEL FUEL AT A TERMINAL OR DISTRIBUTOR 24 RACK: 25 PROVIDED BY THE SELLER OF DYED DIESEL FUEL TO ITS (II)26 BUYER IF THE FUEL IS LOCATED OUTSIDE THE BULK TRANSFER OR TERMINAL 27 SYSTEM AND IS NOT SOLD FROM A RETAIL PUMP ON WHICH THE NOTICE REQUIRED 28 BY THIS SECTION HAS BEEN POSTED IN ACCORDANCE WITH ITEM (III) OF THIS 29 PARAGRAPH; AND POSTED BY A SELLER ON ANY RETAIL PUMP WHERE THE 30 (III)31 SELLER SELLS DYED DIESEL FUEL FOR USE BY THE BUYER OF THE DYED DIESEL 32 FUEL. 33 THE NOTICE REQUIRED UNDER PARAGRAPH (1)(I) OR (II) OF THIS 34 SUBSECTION SHALL BE PROVIDED AT THE TIME OF THE REMOVAL OR SALE OF THE 35 DYED DIESEL FUEL AND SHALL APPEAR ON SHIPPING PAPERS, BILLS OF LADING, 36 AND INVOICES ACCOMPANYING THE SALE OR REMOVAL OF THE DYED DIESEL FUEL.

- 1 (3) THE MOTOR FUEL TAX DIVISION MAY DETERMINE THAT
- 2 COMPLIANCE WITH A FEDERAL NOTICE PROVISION THAT IS SUBSTANTIALLY
- 3 SIMILAR TO A NOTICE REQUIREMENT OF THIS SUBSECTION SATISFIES THAT NOTICE
- 4 REQUIREMENT OF THIS SUBSECTION.
- 5 (B) (1) A PERSON MAY NOT OPERATE A MOTOR VEHICLE ON A HIGHWAY IN
- 6 THE STATE WITH FUEL SUPPLY TANKS CONTAINING DYED DIESEL FUEL UNLESS
- 7 PERMITTED TO DO SO UNDER A FEDERAL LAW OR REGULATION RELATING TO THE
- 8 USE OF DYED DIESEL FUEL ON THE HIGHWAYS.
- 9 (2) (I) A PERSON MAY NOT SELL OR DELIVER DYED DIESEL FUEL IF
- 10 THE PERSON KNOWS OR HAS REASON TO KNOW THAT THE DYED DIESEL FUEL WILL
- 11 BE CONSUMED FOR A PROHIBITED ON-HIGHWAY USE.
- 12 (II) A PERSON WHO DISPENSES DYED DIESEL FUEL FROM A RETAIL
- 13 PUMP THAT IS NOT PROPERLY LABELED WITH THE NOTICE REQUIRED BY
- 14 SUBSECTION (A)(1) OF THIS SECTION, OR WHO KNOWINGLY DELIVERS DYED DIESEL
- 15 FUEL INTO THE STORAGE TANK OF SUCH A PUMP, SHALL BE PRESUMED TO KNOW
- 16 THAT THE DYED DIESEL FUEL WILL BE CONSUMED ON THE HIGHWAY.
- 17 (C) A PERSON MAY NOT:
- 18 (1) EXCEPT AS PROVIDED IN SUBSECTION (B)(1) OF THIS SECTION,
- 19 OPERATE A MOTOR VEHICLE ON A HIGHWAY IN THE STATE WITH DYED DIESEL FUEL
- 20 IN THE PROPULSION TANK OF THE MOTOR VEHICLE:
- 21 (2) SELL OR DELIVER DYED DIESEL FUEL FROM A RETAIL PUMP THAT IS
- 22 NOT PROPERLY LABELED AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION;
- 23 (3) SELL OR DELIVER DYED DIESEL FUEL FROM A PETROLEUM
- 24 DELIVERY VEHICLE INTO A PROPULSION TANK OF A MOTOR VEHICLE; OR
- 25 (4) REFUSE TO PERMIT INSPECTION OF A PROPULSION TANK IN
- 26 ACCORDANCE WITH § 10-201(E) OF THIS TITLE.
- 27 (D) A PERSON THAT VIOLATES ANY PROVISIONS OF THIS SECTION IS GUILTY
- 28 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
- 29 \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.
- 30 (E) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, THE
- 31 COMPTROLLER MAY ASSESS AGAINST ANY PERSON THAT VIOLATES ANY PROVISION
- 32 OF THIS SECTION DEALING WITH THE USE, SALE, TRANSPORTATION, OR STORAGE OF
- 33 DYED DIESEL FUEL:
- 34 (1) FOR THE FIRST VIOLATION, A FINE OF \$1,000 OR \$10 PER GALLON OF
- 35 DYED DIESEL FUEL INVOLVED IN THE VIOLATION, WHICHEVER AMOUNT IS
- 36 GREATER; AND

- 1 (2) FOR A SECOND OR SUBSEQUENT VIOLATION, A FINE EQUAL TO THE 2 AMOUNT OF THE PENALTY ASSESSED UNDER ITEM (1) OF THIS SUBSECTION FOR THE 3 FIRST VIOLATION MULTIPLIED BY THE TOTAL NUMBER OF VIOLATIONS.

- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 5 October 1, 2002.