

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 8

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO MOTOR FUELS TAXES; AMENDING SECTION 63-2425, IDAHO CODE, TO PROVIDE A CIVIL PENALTY FOR PROHIBITED USE OF DYED FUEL OR OTHER UNTAXED FUEL ON A HIGHWAY; AND AMENDING SECTION 63-2434, IDAHO CODE, TO PROVIDE THAT CERTAIN AUTHORIZED OFFICIALS AND LAW ENFORCEMENT OFFICERS MAY INSPECT OR TAKE FUEL SAMPLES FROM TANKS AND EQUIPMENT USED IN CONNECTION WITH DYED DIESEL FUEL, AND TO PROVIDE A CIVIL PENALTY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-2425, Idaho Code, be, and the same is hereby amended to read as follows:

63-2425. DYED FUEL AND OTHER UNTAXED FUEL PROHIBITED FOR USE ON A HIGHWAY. (1) Except as provided in subsection (2) of this section, no person shall operate a motor vehicle on a highway in this state if the fuel supply tanks of the vehicle contain diesel fuel which has been dyed or marked under the provisions of 26 U.S.C. 4082 and regulations adopted thereunder, or under the clean air act and regulations adopted thereunder, or contain other motor fuel on which the tax under section 63-2402, Idaho Code, has not been paid.

(2) The following vehicles may use dyed fuel on the highway but are subject to the tax under section 63-2402, Idaho Code, unless exempt under other provisions of this chapter:

- (a) State and local government vehicles;
(b) Any vehicles which may use dyed fuel on the highway under the provisions of 26 U.S.C. 4082 or regulations adopted thereunder.

(3) In addition to the provisions of section 63-2443, Idaho Code, any person violating the provisions of this section shall be subject to a civil penalty in the amount of one thousand dollars (\$1,000) for each such violation which the commission may assess as a deficiency pursuant to sections 63-2434 and 63-3045, Idaho Code.

SECTION 2. That Section 63-2434, Idaho Code, be, and the same is hereby amended to read as follows:

63-2434. ENFORCEMENT PROVISIONS. (1) For the purpose of carrying out its duties to enforce or administer the provisions of this chapter, the commission shall have the powers and duties provided by sections 63-3038, 63-3039, 63-3042 through 63-3066, 63-3068, 63-3071, 63-3074 through 63-3078, and 63-217, Idaho Code, which sections are incorporated by reference herein as though set out verbatim.

(2) Any authorized employee, delegate or agent of the commission or the Idaho transportation department or any law enforcement officer may physically inspect or examine and may take a sample of a fuel product from:

- 1        (a) Any tank, reservoir or other container that can or may be used for the production,  
2        storage or transportation of diesel fuel, diesel fuel dyes or diesel fuel marker;
- 3        (b) Any equipment used for, or in connection with, the production, storage or  
4        transportation of diesel fuel, diesel fuel dyes or diesel fuel marker;
- 5        (c) Any equipment used for the dyeing or marking of diesel fuel.
- 6        (3) The commission may assess a civil penalty of one thousand dollars (\$1,000) against a  
7        person who refuses to allow an inspection under this section, which the commission may assess  
8        as a deficiency pursuant to this section and section 63-3045, Idaho Code. For subsequent  
9        refusals, the penalty shall be multiplied by the total number of separate refusals by that person.