



States' Biofuels Statutes

STATE OF MONTANA

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).

Current through the 2013 Legislative Session of the Montana General Assembly.

15-70-221. Refund or credit authorized

(1) A person who purchases and uses any gasoline on which the Montana gasoline license tax has been paid for denaturing ethanol to be used in ethanol-blended gasoline, for operating stationary gasoline engines used off the public highways and streets, or for any commercial use other than operating vehicles upon any of the public highways or streets of this state is allowed a refund of the amount of tax paid directly or indirectly on the gasoline. The refund may not exceed the tax paid or to be paid to the state. Except as provided in subsection (5), a refund is not allowed for the tax per gallon upon aviation fuel allocated to the department of transportation by 67-1-301.

(2) A distributor who pays the gasoline license tax to this state erroneously is allowed a credit or refund of the amount of tax paid erroneously.

(3)(a) A distributor is entitled to a credit for the tax paid to the department on those sales of gasoline with a tax liability of \$200 or greater for which the distributor has not received consideration from or on behalf of the purchaser and for which the distributor has not forgiven any liability. The distributor may not have declared the accounts of the purchaser worthless more than once during a 3-year period, and the distributor must have claimed those accounts as bad debts for federal or state income tax purposes.

(b) If a credit has been granted under this subsection (3), any amount collected on the accounts that were declared worthless must be reported to the department and the tax due must be prorated on the collected amount and must be paid to the department.

(c) The department may require a distributor to submit periodic reports listing accounts that are delinquent for 90 days or more.

(4) A person who purchases and exports for sale, use, or consumption outside Montana gasoline on which the Montana gasoline tax has been paid is entitled to a credit or refund of the amount of tax paid unless the person is not licensed and is not paying the tax to the state the fuel is destined for. The credit or refund must be made upon completion of the information reports required under 15-70-209 and presentation to the department of proof of delivery outside Montana as it may by rule require.

(5) A scheduled passenger air carrier certified under 14 CFR, part 121 or 135, may claim a refund of 2 cents on each gallon of aviation fuel purchased by the carrier on which the Montana gasoline license tax has been paid. The refund must be paid from the account established in 67-1-301(3)(a)(ii).

Credits: Enacted by Laws 1969, ch. 369, § 11. Amended by Laws 1971, ch. 13, § 2; amended by Laws 1971, ch. 204, § 7; amended by Laws 1971, ch. 400, § 1; amended by Laws 1973, ch. 200, § 1; amended by Laws 1973, ch. 516, § 97; amended by Laws 1974, ch. 80, § 1; Revised Code of Montana 1947, 84-1855(1); amended by Laws 1979, ch. 627, § 2; amended by Laws 1981, ch. 274, § 6; amended by Laws 1983, ch. 649, § 13; amended by Laws 1989, ch. 8, § 5; amended by Laws 1989, ch. 562, § 1; amended by Laws 1993, ch. 231, § 5; amended by Laws 1993, ch. 428, § 1; amended by Laws 1993, ch. 642, §§ 6, 7; amended by Laws 1999, ch. 340, § 4; amended by Laws 1999, ch. 585, § 3; amended by Laws 2001, ch. 404, § 3; amended by Laws 2007, ch. 100, § 6; amended by Laws 2009, ch. 22, § 1, eff. July 1, 2009.