

HOUSE BILL No. 4913

June 13, 2007, Introduced by Rep. Mayes and referred to the Committee on Agriculture.

A bill to amend 1984 PA 274, entitled
"Michigan antitrust reform act,"
by amending section 2 (MCL 445.772).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) A contract, combination, or conspiracy between 2
2 or more persons in restraint of, or to monopolize, trade or
3 commerce in a relevant market is unlawful.

4 (2) IT IS UNLAWFUL FOR A PERSON ENGAGED IN THE RETAIL SALE OF
5 MOTOR FUEL AT A RETAIL LOCATION OR FACILITY IN THIS STATE TO LIMIT
6 THE QUANTITY OF MOTOR FUEL SOLD OR OFFERED FOR SALE TO ANY
7 PURCHASER FROM ANY TANK, CONTAINER, FUEL PUMP, OR OTHER
8 DISTRIBUTING DEVICE TO A QUANTITY LESS THAN THE ENTIRE REMAINING
9 SUPPLY OF THAT MOTOR FUEL AVAILABLE FOR SALE AT THAT RETAIL

1 LOCATION OR FACILITY. THIS SUBSECTION DOES NOT APPLY DURING AN
2 EMERGENCY PERIOD IF THE RETAIL LOCATION OR FACILITY IS LOCATED IN
3 AN EMERGENCY AREA. AS USED IN THIS SUBSECTION:

4 (A) "EMERGENCY AREA" MEANS AN AREA OF THIS STATE SUBJECT TO A
5 STATE OF EMERGENCY DECLARED BY THE GOVERNOR UNDER THE EMERGENCY
6 MANAGEMENT ACT, 1976 PA 390, MCL 30.401 TO 30.421, OR UNDER 1945 PA
7 302, MCL 10.31 TO 10.33, OR A STATE OF ENERGY EMERGENCY DECLARED BY
8 THE GOVERNOR UNDER 1982 PA 191, MCL 10.81 TO 10.89.

9 (B) "EMERGENCY PERIOD" MEANS THE PERIOD DURING WHICH A STATE
10 OF EMERGENCY DECLARED BY THE GOVERNOR IS EFFECTIVE UNDER THE
11 EMERGENCY MANAGEMENT ACT, 1976 PA 390, MCL 30.401 TO 30.421, OR
12 UNDER 1945 PA 302, MCL 10.31 TO 10.33, OR A STATE OF ENERGY
13 EMERGENCY DECLARED BY THE GOVERNOR UNDER 1982 PA 191, MCL 10.81 TO
14 10.89.

15 (C) "MOTOR FUEL" MEANS THAT TERM AS DEFINED IN SECTION 4 OF
16 THE MOTOR FUEL TAX ACT, 2000 PA 403, MCL 207.1004.