

HOUSE BILL No. 5996

March 25, 2010, Introduced by Rep. Johnson and referred to the Committee on Commerce.

A bill to amend 1984 PA 44, entitled
"Motor fuels quality act,"
by amending section 6 (MCL 290.646), as amended by 2006 PA 271, and
by adding section 4b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 4B. (1) BEGINNING THE FIRST LICENSE CYCLE THAT BEGINS AT
2 LEAST 12 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
3 ADDED THIS SECTION, A RETAIL OUTLET SHALL MAKE AVAILABLE TO THE
4 PUBLIC AT LEAST 1 FULL-SERVICE GASOLINE PUMP, WHICH PROVIDES FOR AN
5 AGENT OR EMPLOYEE OF THE RETAIL OUTLET TO DISPENSE THE GASOLINE.

6 (2) IF A RETAIL OUTLET SELLS GASOLINE AT A HIGHER PRICE FOR
7 FULL-SERVICE PUMPS, THE RETAIL OUTLET SHALL NOT CHARGE THE
8 DIFFERENTIAL UNDER THE FOLLOWING CIRCUMSTANCES:

1 (A) THE INDIVIDUAL WHOSE VEHICLE IS BEING SERVICED BY THE
2 FULL-SERVICE PUMP IS 65 YEARS OF AGE OR OLDER, AS EVIDENCED BY THE
3 INDIVIDUAL'S DRIVER OR CHAUFFEUR'S LICENSE OR MICHIGAN
4 IDENTIFICATION CARD.

5 (B) THE INDIVIDUAL WHOSE VEHICLE IS BEING SERVICED BY THE
6 FULL-SERVICE PUMP IS CONSIDERED A PERSON WITH DISABILITIES, AS
7 EVIDENCED BY SPECIAL REGISTRATION PLATES OR A WINDSHIELD PLACARD
8 ISSUED BY THE SECRETARY OF STATE UNDER THE MICHIGAN VEHICLE CODE,
9 1949 PA 300, MCL 257.1 TO 257.923, OR AS EVIDENCED BY A WINDSHIELD
10 PLACARD OR REGISTRATION PLATE OF ANOTHER STATE CLEARLY IDENTIFYING
11 THE INDIVIDUAL AS A PERSON WITH DISABILITIES.

12 (3) AS USED IN THIS SECTION, "DIFFERENTIAL" MEANS THE
13 DIFFERENCE OF PRICE BETWEEN THE AMOUNT CHARGED AT FULL-SERVICE
14 PUMPS AND SELF-SERVE PUMPS.

15 Sec. 6. (1) Before a distributor or retail dealer engages in
16 transferring, selling, dispensing, or offering for sale gasoline,
17 diesel fuel, biodiesel, biodiesel blend, or hydrogen fuel in this
18 state, the distributor or retail dealer shall obtain a license from
19 the department for each retail outlet operated by that person. In
20 administering the licensing under this section, the department may
21 attempt to coordinate the licensing with the licensing applicable
22 to gasoline administered by the department of treasury pursuant to
23 the motor fuel tax act, 2000 PA 403, MCL 207.1001 to 207.1170, and
24 the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78.

25 (2) A license expires annually on November 30 unless renewed
26 before December 1 of each year or unless suspended, denied, or
27 revoked by the department. **BEGINNING THE FIRST LICENSE CYCLE THAT**

1 BEGINS AT LEAST 12 MONTHS AFTER THE EFFECTIVE DATE OF THE
2 AMENDATORY ACT THAT ADDED SECTION 4B AND AS PART OF THE INITIAL
3 APPLICATION OR RENEWAL APPLICATION FOR A RETAIL OUTLET, AN
4 APPLICANT SHALL DEMONSTRATE IN A MANNER ACCEPTABLE TO THE
5 DEPARTMENT THAT HE OR SHE HAS AVAILABLE AT LEAST 1 FULL-SERVICE
6 GASOLINE PUMP AS DESCRIBED IN SECTION 4B.

7 (3) The fee for a license is ~~\$15.00 for each year or portion~~
8 ~~of a year through July 31, 2002, \$50.00 for each year or portion of~~
9 ~~a year through July 31, 2003, \$75.00 for each year or portion of a~~
10 ~~year through July 31, 2004, and \$100.00 beginning August 1, 2004~~
11 and each year or portion of a year thereafter. A license shall not
12 be issued or renewed until the fee and any administrative fines
13 ~~issued~~ **IMPOSED** under section 10a have been paid. A hearing is not
14 required before the refusal to issue or renew a license under this
15 subsection. Fees collected shall be deposited in the gasoline
16 inspection and testing fund.

17 (4) An application for a license shall be ~~made~~ **SUBMITTED** to
18 the department upon a form furnished by the department. The
19 completed form shall contain the information requested by the
20 department and shall be accompanied by the fee specified in
21 subsection (3).

22 (5) The director may suspend, deny, or revoke a license issued
23 pursuant to this act for failure to comply with the requirements
24 provided for in section 3, for failure to provide notice as
25 provided in section 4, for violating section 31 of the weights and
26 measures act, ~~of 1964,~~ 1964 PA 283, MCL 290.631, if that violation
27 occurs at any of the licensee's retail outlets and involves the

1 transferring, selling, dispensing, or the offering for sale of
2 gasoline in this state, or for otherwise failing to comply with
3 this act or a rule promulgated under this act or an order issued
4 under this act.

5 ~~——(6) This section does not apply until June 29, 1985.~~

6 (6) ~~(7)~~—If a person licensed under this act is convicted of a
7 willful violation under section 31 of the weights and measures act
8 of 1964, 1964 PA 283, MCL 290.631, any license issued pursuant to
9 this act shall be revoked for 2 years.

10 (7) ~~(8)~~—A suspension, revocation, or denial of a license of a
11 person who is an individual shall result in the suspension,
12 revocation, or denial of any other license held or applied for by
13 that individual under this act. The license of a corporation,
14 partnership, or other association shall be suspended when a license
15 or license application of a partner, trustee, director, or officer,
16 member, or a person exercising control of the corporation,
17 partnership, or other association is suspended, revoked, or denied.
18 The suspension shall remain in force until the director determines
19 that the disability created by the suspension, revocation, or
20 denial has been removed.

21 (8) ~~(9)~~—Except as otherwise provided in subsection (3),
22 ~~beginning on July 23, 2004,~~ the department shall issue an initial
23 or renewal license not later than 120 days after the applicant
24 files a completed application. If the application is considered
25 incomplete by the department, the department shall notify the
26 applicant in writing or make notification electronically available
27 within 40 days after receipt of the incomplete application,

1 describing the deficiency and requesting the additional
2 information. The 120-day period is tolled upon notification by the
3 department of a deficiency until the date all of the information
4 requested during the 40-day period is received by the department.
5 Requests for new or additional information by the department that
6 fall outside the 40-day period do not toll the 120-day period. The
7 determination of the completeness of an application does not
8 operate as an approval of the application for the license and does
9 not confer eligibility of an applicant determined otherwise
10 ineligible for issuance of a license.

11 (9) ~~(10)~~—If the department does not issue or deny a license
12 within 120 days after the receipt of a completed application, the
13 department shall return the license fee and shall reduce the
14 license fee for the applicant's next renewal application, if any,
15 by 15%. The failure to issue a license within the time required
16 under this subsection does not allow the department to otherwise
17 delay the processing of the application, and that application, upon
18 completion, shall be placed in sequence with other completed
19 applications received at that same time. The department shall not
20 discriminate against an applicant in the processing of an
21 application based on the fact that the application fee was refunded
22 or discounted under this subsection.

23 (10) ~~(11)~~—Beginning October 1, 2005, the director of the
24 department shall submit a report by December 1 of each year to the
25 standing committees and appropriations subcommittees of the senate
26 and house of representatives concerned with motor fuel quality
27 issues. The director shall include all of the following information

1 in the report concerning the preceding fiscal year:

2 (a) The number of initial and renewal applications the
3 department received and completed within the 120-day time period
4 described in subsection ~~(9)~~-(8).

5 (b) The number of applications denied.

6 (c) The number of applications not issued within the 120-day
7 period and the amount of money returned to licensees and
8 registrants under subsection ~~(10)~~-(9).

9 (11) ~~(12)~~—Before a blender engages in the transferring,
10 selling, dispensing, or offering for sale blended gasoline in this
11 state, the blender shall register the finished product with the
12 department and provide to the department test results as the
13 department considers necessary. If the product does not comply with
14 the requirements ~~of~~ **PROVIDED FOR IN** section 3, the blender shall
15 provide the department with a written list of the business names
16 and addresses to whom the blended product is sold.

17 (12) ~~(13)~~—As used in this section, "completed application"
18 means an application complete on its face and submitted with any
19 applicable licensing fees as well as any other information,
20 records, approval, security, or similar item required by law or
21 rule from a local unit of government, a federal agency, or a
22 private entity but not from another department or agency of ~~the~~
23 **THIS** state. ~~of Michigan.~~