

**SUBSTITUTE FOR
SENATE BILL NO. 1171**

A bill to amend 1984 PA 44, entitled
"Motor fuels quality act,"
by amending sections 2, 3, 4, 4a, 5, 6, 7, 10a, and 10d (MCL
290.642, 290.643, 290.644, 290.644a, 290.645, 290.646, 290.647,
290.650a, and 290.650d), sections 2, 4a, 5, and 7 as amended by
2006 PA 271, section 3 as amended by 2008 PA 313, section 4 as
amended by 2003 PA 116, section 6 as amended by 2018 PA 308,
section 10a as amended by 2002 PA 13, and section 10d as amended by
2006 PA 104, and by adding sections 4b, 7a, and 7b; and to repeal
acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Additive" means any substance in gasoline other than

1 gasoline but does not include approved blending components, other
2 than lead, sodium, and phosphate components, introduced at
3 refineries or terminals as octane or product quality enhancers in
4 quantities of less than 1% of volume.

5 (b) "Alcohol" means a volatile, flammable liquid that has the
6 general formula $C_nH_{2n+1}OH$, that is used or sold for the purpose of
7 blending or mixing with gasoline for use in motor vehicles, and
8 that is commonly or commercially known or sold as an alcohol,
9 including ethanol or methanol.

10 (c) "Antiknock index" or "AKI" means an index number arrived
11 at by adding the motor octane number and the research octane
12 number, then dividing by 2.

13 (d) ~~(b) "American society for testing and materials"~~ "ASTM
14 international" means ~~an the~~ international nonprofit scientific, and
15 educational, ~~society devoted to and technical organization founded~~
16 ~~for~~ the promotion of knowledge of the materials of engineering and
17 the standardization of specification and methods of testing and
18 formerly known as the American society for testing and materials.

19 ~~(c) "Antiknock index" or "AKI" means an index number arrived~~
20 ~~at by adding the motor octane number and the research octane~~
21 ~~number, then dividing by 2.~~

22 (e) ~~(d) "Biodiesel"~~ means a fuel composed of mono-alkyl esters
23 of long chain fatty acids derived from vegetable oils or animal
24 fats, and, in accordance with standards specified by ~~the American~~
25 ~~society for testing and materials,~~ ASTM international, designated
26 B100, and meeting the requirements of D-6751, as approved by the
27 department.

28 (f) ~~(e) "Biodiesel blend"~~ means a fuel comprised of a blend of
29 biodiesel fuel with petroleum-based diesel fuel, suitable for use

1 as a fuel in a compression-ignition internal combustion diesel
2 engine.

3 (g) **"Biomass-based diesel" means a diesel fuel substitute**
4 **produced from nonpetroleum renewable resources and includes fuel**
5 **derived from animal wastes, including animal fat and poultry wastes**
6 **and other waste materials, or from solid waste, sludge, and oils**
7 **derived from municipal wastewater. Biomass-based diesel does not**
8 **include biodiesel.**

9 (h) ~~(f)~~ **"Blender" means a person who as an individual or**
10 **through ~~his or her~~ that person's** agent adds an oxygenate to a
11 gasoline.

12 (i) ~~(g)~~ **"Bulk purchaser-end user" means a person who is an**
13 **ultimate consumer of gasoline and receives delivery of gasoline**
14 **into a storage tank of at least 550-gallon capacity substantially**
15 **under ~~his or her~~ that person's** control.

16 (j) ~~(h)~~ **"CARB" means the California air resources board.**

17 (k) **"Compressed natural gas" means methane stored at a high**
18 **pressure that is used as a motor fuel.**

19 (l) **"Cosolvent" means an alcohol, other than ethanol or**
20 **methanol, that is blended with either ethanol or methanol, or both,**
21 **to minimize phase separation in gasoline.**

22 (m) ~~(i)~~ **"Delivery vessel" means a tank truck, tank equipped**
23 **trailer, or a similar vessel used for the delivery of gasoline to a**
24 **dispensing facility.**

25 (n) ~~(j)~~ **"Department" means the department of agriculture **and****
26 **rural development.**

27 (o) ~~(k)~~ **"Diesel fuel" means any liquid other than gasoline**
28 **that is suitable for use as a fuel or a component of a fuel in a**
29 **compression-ignition internal combustion diesel engine.**

1 **(p)** ~~(l)~~ "Director" means the director of the department of
2 agriculture or his or her **the director's** authorized representative.

3 **(q)** ~~(m)~~ "Dispensing facility" means a site used for gasoline
4 refueling.

5 **(r)** ~~(n)~~ "Dispensing unit" means a device designed for the
6 delivery of gasoline in which 1 nozzle equates to 1 dispensing
7 unit.

8 **(s)** ~~(o)~~ "Distributor" means a person who purchases,
9 transports, or stores or causes the transportation or storage of
10 gasoline at any point between a gasoline refinery and a retail
11 outlet or bulk purchaser-end user facility.

12 **(t)** ~~(p)~~ "E.P.A." means the United States ~~environmental~~
13 ~~protection agency.~~ **Environmental Protection Agency.**

14 **(u)** "Ethanol" means ethyl alcohol, a flammable liquid having
15 the formula C_2H_5OH that is used or sold for the purpose of blending
16 or mixing with gasoline for use in motor vehicles.

17 **(v)** "Ethanol flex fuel" means an alcohol-based fuel.

18 **(w)** ~~(q)~~ "Gasoline" means a volatile mixture of liquid
19 hydrocarbons generally containing small amounts of additives
20 suitable for use in spark-ignition internal combustion engines, and
21 commonly or commercially known or sold as gasoline.

22 **(x)** ~~(r)~~ "Hydrogen fuel" means a substance containing the
23 chemical formula $H_{\text{subscript} \leftarrow 2 \rightarrow \text{subscript} \leftarrow}$ ~~H2~~ that exists as
24 a colorless, odorless, and highly flammable gas, except at low
25 cryogenic temperatures or when highly compressed, **and** that is
26 gaseous or liquefied and **is** suitable for use in a fuel cell or
27 hydrogen fuel vehicle.

28 **(y)** ~~(s)~~ "Leak" means liquid or vapor loss from the gasoline
29 dispensing system or stage I vapor-recovery system as determined by

1 visual inspection or functional testing.

2 **(z) "Methanol" means methyl alcohol, a flammable liquid having**
3 **the formula CH₃OH that is used or sold for the purpose of blending**
4 **or mixing with gasoline for use in motor vehicles.**

5 **(aa) ~~(t)~~"Modification"** means any change, removal, or
6 addition, other than an identical replacement, of any component
7 contained within a stage I vapor-recovery system. The resultant
8 modification must constitute an approved vapor-recovery system.

9 **(bb) "Motor fuel" means a fuel suitable for use in a vehicle**
10 **that is propelled by an internal combustion engine or motor and is**
11 **designed to permit the vehicle to operate on public roadways or**
12 **waterways. Motor fuel includes, but is not limited to, diesel fuel,**
13 **ethanol flex fuel, gasoline, biodiesel, biodiesel blends, and**
14 **hydrogen fuel.**

15 **(cc) "Motor fuel storage tank" means a stationary storage**
16 **system used for motor fuel.**

17 **(dd) ~~(u)~~"Motor octane number" or "MON"** means a knock
18 characteristic of gasoline determined by use of standard procedures
19 on a motor engine.

20 **(ee) ~~(v)~~"Operator"** means a person who owns, leases, operates,
21 manages, supervises, or controls, directly or indirectly, a
22 gasoline-dispensing facility.

23 **(ff) ~~(w)~~"Oxygenate"** means an oxygen-containing, ashless,
24 organic compound, such as alcohol or ether, that may be used as
25 fuel or fuel supplement.

26 **(gg) ~~(x)~~"Person"** means an individual, sole proprietorship,
27 partnership, corporation, association, or other legal entity.

28 **(hh) "PSI" means pounds per square inch.**

29 **(ii) ~~(y)~~"Refiner"** means a person who owns, leases, operates,

1 controls, or supervises a refinery.

2 (jj) ~~(z)~~ "Refinery" means a plant at which gasoline is
3 produced.

4 (kk) **"Reformulated gasoline" means gasoline that fully**
5 **satisfies the federal specifications for reformulated gasoline**
6 **under 42 USC 7545.**

7 (ll) ~~(aa)~~ "Research octane number" or "RON" means a knock
8 characteristic of gasoline determined by use of standard procedures
9 on a research engine.

10 (mm) ~~(bb)~~ "Retail dealer" means a person who owns, leases,
11 operates, controls, or supervises a retail outlet.

12 (nn) ~~(cc)~~ "Retail outlet" means an establishment at which
13 motor fuel is sold or offered for sale to the public.

14 (oo) ~~(dd)~~ "Rule" means a rule promulgated pursuant to the
15 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
16 24.328.

17 (pp) ~~(ee)~~ "Stage I vapor-recovery system" means a vapor tight
18 collection system that is approved by the department and is
19 designed to capture the gasoline vapors displaced during delivery
20 into a stationary storage tank and to return not less than 90% of
21 the displaced vapors to the delivery vessel.

22 (qq) **"Vapor pressure" means the vapor pressure of gasoline or**
23 **gasoline oxygenate blends as determined by either of the following**
24 **ASTM international test methods:**

25 (i) D5191-22, "Standard Test Method for Vapor Pressure of
26 Petroleum Products and Liquid Fuels (Mini Method)" (2022).

27 (ii) D5482-20a, "Standard Test Method for Vapor Pressure of
28 Petroleum Products and Liquid Fuels (Mini Method-Atmospheric)"
29 (2020).

1 Sec. 3. ~~(1) The director shall establish standards pursuant to~~
2 ~~this act to ensure the purity and quality of gasoline and diesel~~
3 ~~fuel sold or offered for sale in this state.~~

4 ~~(2) The director shall establish standards for the amount and~~
5 ~~type of additives allowed to be included in gasoline and diesel~~
6 ~~fuel.~~

7 (1) Except as otherwise provided in this section, or until a
8 more recent standard is adopted under subsection (6), the following
9 ASTM international standards apply to gasoline, ethanol flex fuel,
10 fuels containing ethanol, diesel fuel, biodiesel, and biodiesel
11 blends, as applicable, that are sold or offered for retail sale in
12 this state:

13 (a) D4806-21a, "Standard Specification for Denatured Fuel
14 Ethanol for Blending with Gasoline for Use as Automotive Spark-
15 Ignition Engine Fuel" (2021).

16 (b) D4814-24a, "Standard Specification for Automotive Spark-
17 Ignition Engine Fuel" (2024).

18 (c) D5798-21, "Standard Specification for Ethanol Fuel Blends
19 for Flexible-Fuel Automotive Spark-Ignition Engines" (2021).

20 (d) D6751-24, "Standard Specification for Biodiesel Fuel
21 Blend-stock (B100) for Middle Distillate Fuels" (2024).

22 (e) D975-24a, "Standard Specification for Diesel Fuel" (2024).

23 (f) D7467-23, "Standard Specification for Diesel Fuel Oil,
24 Biodiesel Blend (B6 to B20)" (2023).

25 (2) If gasoline is blended with ethanol, the ethanol must meet
26 the requirements of ASTM international standard D4806-21a and the
27 blend must meet the requirements of ASTM international standard
28 D4814-24a, except that the maximum vapor pressure may exceed the
29 limits in ASTM international standard D4814-24a, by not more than

1 any of the following:

2 (a) 1.0 pound per square inch for blends containing 9% to 15%
3 ethanol by volume from June 1 through September 15.

4 (b) 1.0 pound per square inch for blends containing 1% or more
5 ethanol by volume for volatility classes A, B, C, and D from
6 September 16 through May 31.

7 (c) 0.5 pound per square inch for blends containing 1% or more
8 ethanol by volume for volatility class E from September 16 through
9 May 31.

10 (3) The director shall establish standards for the grading of
11 gasoline, including, but not limited to, ~~subregular with a minimum~~
12 ~~85 AKI, all of the following:~~

13 (a) ~~regular~~ **Regular** with a minimum ~~87~~ **87.0** AKI and a minimum
14 ~~82~~ **82.0** MON. ~~7 midgrade~~

15 (b) **Midgrade** 88 with a minimum ~~88~~ **88.0** AKI and a minimum ~~82~~
16 **82.0** MON. ~~7 midgrade~~

17 (c) **Midgrade** 89 with a minimum ~~89~~ **89.0** AKI and a minimum ~~83~~
18 **83.0** MON. ~~7 premium~~

19 (d) **Premium** 90 with a minimum ~~90~~ **90.0** AKI. ~~7 premium~~

20 (e) **Premium** 91 with a minimum ~~91~~ **91.0** AKI. ~~7 premium~~

21 (f) **Premium** 92 with a minimum ~~92~~ **92.0** AKI. ~~7 premium~~

22 (g) **Premium** 93 with a minimum ~~93~~ **93.0** AKI. ~~7 and premium~~

23 (h) **Premium** 94 with a minimum ~~94~~ **94.0** AKI.

24 (4) Special grades of motor fuel may be offered for sale if
25 listed with and approved by the department. To apply for listing,
26 the refiner or blender shall provide the department with the motor
27 fuel brand name, the grade specifications, and a copy of the
28 complete test results for all applicable standards specified in
29 this act and others as required by the department. All of the

1 following apply to a listing described in this subsection:

2 (a) All motor fuels that do not meet the ASTM international
3 standards listed in subsection (1) must be registered with the
4 director on forms prescribed by the director not less than 30 days
5 before the registrant engages in sales. The registration form must
6 include all of the following information for the registrant:

7 (i) Business name and all business addresses.

8 (ii) Mailing address if different from the business address.

9 (iii) The type of legal entity that owns the distributor or
10 retail dealer, including, but not limited to, an individual,
11 partnership, association, trust, corporation, or any other legal
12 entity or combination of legal entities.

13 (iv) An authorized signature, title, and date for each
14 registration.

15 (v) The product brand name and product description.

16 (vi) A product specification form approved by the department.

17 (vii) If the motor fuel is marketed under a waiver granted by
18 the E.P.A., the registration must include the regulatory citation
19 number or other acceptable proof of a valid waiver.

20 (viii) If requested by the department, a complete list of names
21 of businesses to which the product is being delivered or from which
22 the product is being offered for sale.

23 (b) Registration is subject to annual renewal and expires 1
24 year from the date of issuance. All previous listings and
25 registrations with the department are rescinded 30 days after the
26 effective date of the amendatory act that added this subsection.

27 (c) Reregistration is required not less than 30 days before
28 any changes are made to the information described in subdivision

29 (a) .

1 (d) The director may decline to register any product that
2 actually or by implication would deceive or tend to deceive a
3 purchaser as to the product's identity.

4 (5) ~~(4) The director shall establish standards adopt~~
5 **requirements** for vapor pressure ~~as specified by the American~~
6 ~~society for testing and materials, by adopting the ASTM~~
7 **international standards listed in subsection (1),** except as
8 otherwise required to conform to federal or state law.

9 Notwithstanding anything to the contrary in section 10d, the
10 director shall establish the vapor pressure as 9.0 pounds per
11 square inch (psi) for retail outlets during the period beginning
12 June 1 through September 15 of each year, except for dispensing
13 facilities in counties where the director establishes the vapor
14 pressure as 7.0 psi. ~~or 7.8 psi in the year 2007 and thereafter. As~~
15 ~~used in this act, "vapor pressure" means the vapor pressure of~~
16 ~~gasoline or gasoline oxygenate blend as determined by ASTM test~~
17 ~~method D6378 or D5191 or an ASTM method approved by the department.~~

18 (6) ~~(5) In establishing additive and grading standards the The~~
19 director shall adopt the latest standards for gasoline established
20 by ~~the American society for testing and materials~~ **ASTM**
21 **international** and shall adopt the latest standards for gasoline
22 established by federal law or regulation. The standards established
23 by the director shall not prohibit a gasoline blend that is
24 permitted by a valid waiver granted by the ~~United States~~
25 ~~environmental protection agency~~ **E.P.A.** pursuant to the fuel or fuel
26 additive waiver in section 211(f) (4) of part A of title II of the
27 clean air act, 42 USC 7545, and the ethanol waiver of 1.0 psi in
28 section 211(h) (4) of part A of title II of the clean air act, 42
29 USC 7545, if the gasoline blend meets all of the conditions set

1 forth in the waiver. ~~Beginning June 1, 2003, the~~ **The** director shall
2 not permit the use of the additive methyl tertiary butyl ether
3 (MTBE) in this state.

4 ~~(6) The director shall establish standards pursuant to this~~
5 ~~act to ensure the purity and quality of diesel fuel sold or offered~~
6 ~~for sale in this state. No later than June 1, 2009, the director~~
7 ~~shall make available for public comment proposed standards to~~
8 ~~ensure the purity and quality of diesel fuel that is biodiesel or a~~
9 ~~biodiesel blend, including, but not limited to, a biodiesel blend~~
10 ~~designated as B20.~~

11 (7) Any firm offering hydrogen fuel for sale in this state
12 shall ~~must~~ first register with and obtain approval from the
13 department. Registration shall ~~must~~ include a complete list of the
14 fuel specifications the product is to meet and the sites where the
15 product is offered for sale to the general public.

16 (8) Standards established **or adopted** pursuant to this section
17 shall be by rules promulgated pursuant to the administrative
18 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

19 Sec. 4. (1) A retail dealer shall not transfer, sell,
20 dispense, or offer gasoline for sale in this state unless the pump
21 dispensing the gasoline is posted with a notice, as provided in
22 ~~subsection (2),~~ **section 4b**, that indicates the grade of gasoline
23 and the additives in the gasoline that are dispensed from the pump.
24 ~~If the gasoline contains at least 1% alcohol by volume, the notice~~
25 ~~shall state: "Contains (indicate the type of alcohol such as~~
26 ~~methanol, and if methanol the label shall state "alcohol:~~
27 ~~methanol", followed, in the same size type, by the concentration to~~
28 ~~the nearest whole percent)". If the gasoline contains alcohols or~~
29 ethers that have a molecular weight greater than ethanol and are

1 not mixed with methanol, those alcohols or ethers are not subject
2 to the notice requirement of this section. Gasoline that contains
3 10% or less ethanol **by volume** is not subject to the notice
4 requirement of this section.

5 ~~(2) The director shall design a uniform means of providing the~~
6 ~~notice required by subsection (1). The notice shall be designed in~~
7 ~~such a manner that the consumer can readily identify the grade of~~
8 ~~gasoline and the additives in the gasoline. The notice shall~~
9 ~~include a statement indicating that the gasoline dispensed from the~~
10 ~~pump meets the quality and purity standards established by the laws~~
11 ~~of this state and indicating the number of the 24-hour toll free~~
12 ~~consumer hot line maintained pursuant to section 7(2).~~

13 ~~(3) The director shall include the design for the uniform~~
14 ~~notice required by this section in a rule promulgated under the~~
15 ~~administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to~~
16 ~~24.328.~~

17 **(2) Gasoline containing more than 10% ethanol by volume and**
18 **less than 15% ethanol by volume must be labeled with the E.P.A.'s**
19 **required label.**

20 **(3)** ~~(4)~~ A person who violates this section ~~or rules~~
21 ~~promulgated pursuant to this section~~ is liable for a civil fine not
22 to exceed \$1,000.00 for each day of the continuance of the
23 violation. A civil fine ordered pursuant to this section shall be
24 submitted to the state treasurer for deposit in the gasoline
25 inspection and testing fund created by section 8.

26 ~~(5) Subsection (1) shall not apply until 90 days after the~~
27 ~~rule required by subsection (3) is promulgated.~~

28 Sec. 4a. (1) A storage tank at a retail outlet shall be
29 periodically tested by the retail dealer to ~~insure~~ **ensure** that the

1 tank does not have water or water-alcohol at the bottom of that
2 tank in an amount greater than ~~2 inches~~. **1/2 inch**. If there is more
3 than ~~2 inches~~ **1/2 inch** of water or water-alcohol at the bottom of
4 the storage tank, gasoline, diesel fuel, biodiesel, or biodiesel
5 blend shall not be sold to a consumer from that tank until the
6 water or water-alcohol level is reduced to a level of less than ~~2~~
7 ~~inches~~. **1/2 inch**.

8 **(2) Motor fuel dispensers dispensing any alcohol fuel blend**
9 **must be fitted with fuel-water removing filters of 10 microns or**
10 **less designed to detect phase separation.**

11 **(3)** ~~(2)~~ Adequate testing supplies, as determined by the
12 department, shall be maintained at the retail outlet and shall also
13 be made available to the department to determine the water or
14 water-alcohol level in the storage tank.

15 **Sec. 4b. (1) A retail dealer shall not transfer, sell,**
16 **dispense, or offer gasoline for sale in this state unless every**
17 **dispenser is posted with a notice that contains all of the**
18 **following information listed in the following order:**

19 **(a) The statement: "MEETS MICH. QUALITY & PURITY STANDARDS**
20 **FOR" or, subject to subsection (4)(b), "MEETS MICH. QUALITY &**
21 **PURITY STANDARDS".**

22 **(b) The name of 1 of the 8 uniform gasoline grades established**
23 **in section 3 or the name of a special grade listed with and**
24 **approved by the department.**

25 **(c) A statement that the gasoline contains methanol,**
26 **cosolvent, or any additives in the amount of 1% or more by volume**
27 **and the information required in subsection (2). If the gasoline**
28 **does not contain additives in the amount of 1% or more by volume or**
29 **contains an alcohol or ether that has a molecular weight greater**

1 than ethanol and is not mixed with methanol or ethanol, the
2 dispenser is not required to be posted with a list of additives.

3 (d) The statement: "CONSUMER COMPLAINT TOLL-FREE HOT LINE:
4 CALL 1-800-MDA-FUEL".

5 (2) If an additive is methanol, the notice must state
6 "CONTAINS ALCOHOL: METHANOL _____%", the blank to be filled in
7 with the concentration to the nearest whole percent. If an additive
8 is another alcohol other than methanol and is used as a cosolvent,
9 the notice must state "CONTAINS _____", the blank to be filled
10 in with the type of alcohol, such as tertiary butyl alcohol, and
11 the concentration to the nearest whole percent. If an additive is
12 ethanol, no notice indicating the presence or concentration is
13 required if the gasoline contains not more than 10% ethanol by
14 volume.

15 (3) A retail dealer shall not transfer, sell, dispense, or
16 offer diesel, biodiesel, biodiesel blend, biomass-based diesel,
17 biomass-based diesel blend, or ethanol flex fuel for sale in this
18 state unless every dispenser is posted with a notice that contains
19 all of the following information listed in the following order:

20 (a) The statement: "MEETS MICH. QUALITY & PURITY STANDARDS
21 FOR" or, subject to subsection (4) (b), "MEETS MICH. QUALITY &
22 PURITY STANDARDS".

23 (b) The commodity name and content statement as follows:

24 (i) For diesel blended to contain 5%-20% by volume biodiesel,
25 the statement "BIODIESEL BLEND: CONTAINS BIODIESEL IN QUANTITIES
26 BETWEEN 5 PERCENT AND 20 PERCENT".

27 (ii) For diesel blended to contain more than 20% by volume
28 biodiesel, the statement "B_____, BIODIESEL BLEND: CONTAINS MORE
29 THAN 20% BIODIESEL", the blank to be filled in with the volume

percentage of biodiesel in the diesel fuel blend.

(iii) For 100% biodiesel, the statement "B 100 BIODIESEL: CONTAINS 100 PERCENT BIODIESEL".

(iv) For diesel blended to contain 5%-20% by volume biomass-based diesel or combination of biomass-based diesel and biodiesel, the statement "BIOMASS-BASED DIESEL BLEND: CONTAINS BIOMASS-BASED DIESEL OR BIODIESEL IN QUANTITIES BETWEEN 5 PERCENT AND 20 PERCENT".

(v) For diesel blended to contain more than 20% by volume biomass-based diesel or combination of biomass-based diesel and biodiesel, the statement "____% BIOMASS-BASED DIESEL BLEND; CONTAINS MORE THAN 20% BIOMASS-BASED DIESEL OR BIODIESEL", the blank to be filled in with the volume percentage of biomass-based diesel in the diesel fuel blend.

(vi) For 100% biomass-based diesel, the statement "100% BIOMASS-BASED DIESEL: CONTAINS 100 PERCENT BIOMASS-BASED DIESEL".

(vii) For diesel not blended with biodiesel or biomass-based diesel or blended to contain 0%-5% biodiesel or 0%-5% biomass-based diesel or 0%-5% by volume of a combination of biodiesel and biomass-based diesel must be labeled as follows:

(A) "ULTRA-LOW SULFUR HIGHWAY DIESEL FUEL" for a diesel fuel containing not more than 15 ppm sulfur.

(B) "LOW SULFUR HIGHWAY DIESEL FUEL" for a diesel fuel containing not more than 500 ppm sulfur.

(C) "NON-HIGHWAY DIESEL FUEL" for a diesel fuel containing more than 500 ppm sulfur.

(viii) Ethanol flex fuel with an ethanol concentration of not less than 51% and not more than 83% by volume must be labeled "ETHANOL FLEX FUEL, MINIMUM 51% ETHANOL".

1 (ix) Ethanol flex fuel with an ethanol concentration of 50% by
2 volume or less must be labeled "EXX FLEX FUEL, MINIMUM YY %
3 ETHANOL" where XX is the ethanol concentration in volume percent
4 and YY is XX minus 5. The actual ethanol concentration of the fuel
5 must be XX volume percent plus or minus 5 volume percent.

6 (x) For any ethanol flex fuel, a label must be posted that
7 states "FOR USE IN FLEXIBLE FUEL VEHICLES (FFV) ONLY". This
8 information must be clearly and conspicuously posted on the upper
9 50% of the dispenser front panel in a type at least 12.7
10 millimeters in height by 1.5 millimeters in stroke width. A label
11 must be posted that states, "CHECK OWNER'S MANUAL", and must not be
12 less than 6 millimeters in height by 0.8 millimeters in stroke
13 width. The type must use block style letters and the color must be
14 in definite contrast to the background color to which it is
15 applied.

16 (c) The statement: "CONSUMER COMPLAINT TOLL-FREE HOT LINE:
17 CALL 1-800-MDA-FUEL".

18 (4) All of the following apply to notices described in this
19 section:

20 (a) The notices must be located on every side of the dispenser
21 that has a price computation or quantity display panel and must be
22 placed not less than 34 inches and not more than 78 inches above
23 the driveway elevation.

24 (b) If more than 1 grade of motor fuel is offered from a
25 single dispenser, 1 notice on every side of the dispenser that has
26 a price computation or quantity display panel containing the
27 information required in subsections (1)(a) and (d) and (3)(a) and
28 (c) is acceptable. If 1 notice is used for the information required
29 in subsections (1)(a) and (d) and (3)(a) and (c), the information

1 required in subsections (1)(b) and (c) and (3)(b) must be
2 separately posted for each motor fuel or gasoline grade offered
3 from the dispenser and must be located immediately adjacent to
4 either the associated brand name, the associated pump nozzle, or
5 the unit price for that motor fuel in a manner that clearly
6 connects the required notice with the associated brand name,
7 nozzle, or unit price.

8 (c) The notice must be conspicuous and legible to a customer
9 when viewed from the driver's position of a motor vehicle
10 positioned in front of the dispenser.

11 (5) A notice must be posted on each dispenser that dispenses
12 motor fuel designed for unique equipment or services as provided in
13 subsection (12). The notice must state the common or customary name
14 of the motor fuel and include the statement "THIS MOTOR FUEL IS NOT
15 FOR GENERAL AUTOMOTIVE SERVICE; FOR USE IN _____", the blank
16 to be filled in with a description of the unique equipment,
17 vehicles, or services with which the motor fuel is compatible. The
18 notice must be located on the dispenser as prescribed by subsection
19 (4).

20 (6) Helvetica medium typeface must be used for all letters and
21 numerals specified by this section. The letters for the statement
22 required in subsections (1)(a) and (3)(a) and the statement "CALL
23 1-800-MDA-FUEL" required in subsections (1)(d) and (3)(c) must be
24 not less than 24-point type size. The letters for the words
25 "CONSUMER COMPLAINT TOLL-FREE HOT LINE" required in subsections
26 (1)(d) and (3)(c) must be not less than 10-point type size. All
27 other letters and numerals required to appear in the notices
28 required by this section must be printed in not less than 48-point
29 type size. Only upper case letters or title case letters of

1 identical color must be used for statements and notices except that
2 variations in color are allowed if the variation conforms with 16
3 CFR part 306 and 40 CFR part 1090.

4 (7) The retailer shall be provided, at the time of delivery of
5 a motor fuel, on an invoice, bill of lading, shipping paper, or
6 other documentation, a declaration of the motor fuel being
7 delivered. If the motor fuel is a gasoline, the AKI of the product
8 being delivered must also be declared. The percent of biodiesel or
9 bio-based diesel must also be declared if present. Any
10 documentation evidencing a delivery of a motor fuel must meet all
11 of the requirements of section 5.

12 (8) Fill boxes and fill covers for motor fuel storage tanks at
13 retail must be clearly identified as to the content by at least 1
14 of the following:

15 (a) Attaching a tag with the motor fuel name to the fill pipe
16 adapter.

17 (b) Screwing a tag with the motor fuel name onto the fill box
18 rim.

19 (c) Fitting a plastic or fiberglass insert with the motor fuel
20 name inside the rim of the fill box.

21 (d) Color coding by painting the cover of the fill box and the
22 surrounding rim or pavement. When utilizing this system, the
23 gasoline storage tank containing the highest octane product must be
24 coded red, the gasoline storage tank with the lowest octane must be
25 coded white, and gasoline with an octane between the highest and
26 lowest must be coded blue. A chart or code designating the color
27 designations for other motor fuel storage tanks and vapor-recovery
28 connections and manholes must be posted on the premises in clear
29 view and accessible to a delivery tank driver and made available to

1 the department on request.

2 (9) Storage tanks located at a distribution terminal must be
3 clearly identified as to the content by either of the following:

4 (a) Attaching a label to the tank that states the commodity
5 being stored.

6 (b) Attaching a color or symbol to the tank that designates
7 the commodity being stored. When utilizing a color or symbol
8 system, a chart or code designating the color or symbol
9 designations must be posted on the premises and made available to
10 the department on request.

11 (10) A motor fuel delivery vessel must use for each loading
12 and unloading of motor fuel a system of identification that clearly
13 identifies the motor fuel contained within each compartment by at
14 least 1 of the following:

15 (a) A marking system of tags or placards attached to each
16 compartment or the valves used for each compartment.

17 (b) A chart or diagram that positively identifies each
18 compartment and its contents.

19 (11) 16 CFR part 306 and 40 CFR part 1090 are adopted by
20 reference.

21 (12) Specific use variations or exemptions may be made for
22 motor fuel designed for unique equipment or services if it can be
23 demonstrated to the department that the distribution and sale of
24 that motor fuel will be restricted to that unique equipment or
25 service.

26 Sec. 5. (1) Except as provided by federal law or regulation,
27 in the manufacture of gasoline, diesel fuel, or hydrogen fuel at
28 any refinery in this state, a refiner shall not manufacture
29 gasoline, diesel fuel, or hydrogen fuel at a refinery in this state

1 unless the gasoline, diesel fuel, or hydrogen fuel meets the
2 requirements in sections 3 and 10d. Except as provided by federal
3 law or regulation, a blender shall not blend gasoline unless the
4 finished blend meets the requirements in sections 3 and 10d.

5 (2) Except as provided by federal law or regulation, a
6 distributor shall not sell or transfer to any distributor, retail
7 dealer, or bulk purchaser-end user any gasoline, diesel fuel,
8 biodiesel, biodiesel blend, or hydrogen fuel unless that gasoline,
9 diesel fuel, biodiesel, biodiesel blend, or hydrogen fuel meets the
10 requirements in sections 3 and 10d and is suitable for its intended
11 purpose.

12 (3) A carrier or an employee or agent of a carrier, whether
13 operating under contract or tariff, shall not cause gasoline,
14 diesel fuel, biodiesel, biodiesel blend, or hydrogen fuel tendered
15 to the carrier for shipment or transfer to another carrier,
16 distributor, or retail dealer to fail to comply, at the time of
17 delivery, with the requirements in sections 3 and 10d.

18 (4) A person shall not knowingly sell, dispense, or offer for
19 sale gasoline, diesel fuel, biodiesel, biodiesel blend, or hydrogen
20 fuel unless that gasoline, diesel fuel, biodiesel, biodiesel blend,
21 or hydrogen fuel meets the requirements in sections 3 and 10d.

22 (5) A refiner or distributor shall not transfer, sell,
23 dispense, or offer gasoline, diesel fuel, biodiesel, biodiesel
24 blend, or hydrogen fuel for sale in this state to a distributor
25 unless the refiner or distributor indicates on each bill, invoice,
26 or other instrument evidencing a delivery of gasoline, diesel fuel,
27 biodiesel, biodiesel blend, or hydrogen fuel the name of the
28 wholesale distributor who received delivery of the gasoline, diesel
29 fuel, biodiesel, biodiesel blend, or hydrogen fuel.

1 (6) A distributor or refiner shall not transfer, sell,
2 dispense, or offer gasoline, diesel fuel, biodiesel, biodiesel
3 blend, **ethanol flex fuel, compressed natural gas**, or hydrogen fuel
4 for sale in this state to a retail dealer unless the retail dealer
5 has a valid retail ~~gasoline~~**motor fuel** outlet license pursuant to
6 this act.

7 (7) A bill, invoice, or other instrument evidencing a delivery
8 of gasoline, diesel fuel, biodiesel, biodiesel blend, or hydrogen
9 fuel issued by a refiner or distributor for deliveries of gasoline,
10 diesel fuel, biodiesel, biodiesel blend, or hydrogen fuel to
11 purchasers who are not required to hold a license issued pursuant
12 to the motor fuel tax act, 2000 PA 403, MCL 207.1001 to 207.1170,
13 or this act shall clearly indicate the name and address and other
14 information necessary to identify the purchaser of the gasoline,
15 diesel fuel, biodiesel, biodiesel blend, or hydrogen fuel.

16 (8) A bill, invoice, or other instrument evidencing a delivery
17 of gasoline required by subsection (5) ~~, (6), or~~ (7) shall include
18 a guarantee that the gasoline delivered meets the requirements in
19 sections 3 and 10d and shall indicate the concentration range of
20 alcohol in the gasoline, except for alcohols or ethers that have a
21 molecular weight greater than ethanol and are not mixed with
22 methanol or ethanol, or both, and shall indicate the possible
23 presence, without regard to concentration range, of any alcohols or
24 ethers that have a molecular weight greater than ethanol and are
25 not mixed with methanol or ethanol, or both.

26 (9) A refiner, distributor, bulk purchaser-end user, or retail
27 dealer shall not transfer, sell, dispense, or offer gasoline,
28 diesel fuel, biodiesel, or biodiesel blend for sale unless that
29 gasoline, diesel fuel, biodiesel, or biodiesel blend is visibly

1 free of undissolved water, sediments, and other suspended matter
2 and ~~the gasoline~~ is clear and bright at an ambient temperature or
3 70 degrees Fahrenheit, whichever is greater.

4 (10) A person who violates this section or rules promulgated
5 under this section is liable for a civil fine not to exceed
6 \$10,000.00 for each day of the continuance of the violation. A
7 civil fine ordered pursuant to this section shall be submitted to
8 the state treasurer for deposit in the gasoline inspection and
9 testing fund created by section 8.

10 Sec. 6. (1) Before a distributor or retail dealer engages in
11 transferring, selling, dispensing, or offering for sale gasoline,
12 diesel fuel, biodiesel, biodiesel blend, **ethanol flex fuel,**
13 **compressed natural gas,** or hydrogen fuel in this state, the
14 distributor or retail dealer shall obtain a license from the
15 department for each retail outlet operated by that person. In
16 administering the licensing under this section, the department may
17 attempt to coordinate the licensing with the licensing applicable
18 to gasoline administered by the department of treasury pursuant to
19 the motor fuel tax act, 2000 PA 403, MCL 207.1001 to 207.1170, and
20 the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78. **This**
21 **subsection does not apply to a retail outlet engaged in the**
22 **marketing of gasoline for use only in an aircraft.**

23 (2) A license expires annually on November 30 unless renewed
24 before December 1 of each year or unless suspended, denied, or
25 revoked by the department. **The following late fees are assessed to**
26 **a license renewed after December 1:**

27 (a) **From December 1 through December 10, \$100.00.**

28 (b) **From December 11 through December 20, \$250.00.**

29 (c) **After December 20, \$500.00.**

1 (3) A license shall not be issued or renewed until any
2 administrative fines imposed under section 10a, **late fees imposed**
3 **under subsection (2), and any fees imposed under section 10a of the**
4 **weights and measures act, 1964 PA 283, MCL 290.610a,** have been
5 paid. A hearing is not required before the refusal to issue or
6 renew a license under this subsection.

7 (4) An application for a license shall be made to the
8 department upon a form furnished by the department. The completed
9 form shall contain the information requested by the department.

10 **Both of the following apply to an application for a license:**

11 (a) A completed original application must be filed with the
12 department by a distributor or retail dealer for each retail outlet
13 operated by that person not less than 30 days before the date on
14 which the applicant engages in retail sales. If sufficient time is
15 not available to apply 30 days prior to engaging in retail sales
16 and the applicant is a new owner of a retail outlet, the department
17 shall waive the 30-day filing requirement and issue a license on
18 receipt, in person or by mail, of the completed application,
19 applicable fees, and written notice that the applicant is a new
20 owner. The application must include all of the following
21 information:

22 (i) Business name and address.

23 (ii) Mailing address if different than business address.

24 (iii) Type of legal entity that owns the distributor or retail
25 dealer, including, but not limited to, an individual, partnership,
26 association, trust, corporation, or any other legal entity or
27 combination of legal entities.

28 (iv) The name, address, telephone number, and date of birth of
29 the owner of the distributorship or retail dealership.

1 (v) All of the following information:

2 (A) For a partnership, the names, titles, addresses, and dates
3 of birth of all partners who are owners of the distributorship or
4 retail dealership.

5 (B) For a corporation in this state, the name, title, address,
6 and date of birth of the president.

7 (C) For an out-of-state corporation, the name, title, address,
8 and date of birth of the president and the name, title, and address
9 of the corporation's resident agent in this state.

10 (vi) An authorized signature, title, and date for each
11 applicant.

12 (vii) Number of grades of gasoline offered for sale at the
13 retail outlet.

14 (viii) Number of grades of gasoline containing 15% ethanol by
15 volume offered for sale at the retail outlet.

16 (ix) Number of grades of diesel fuel offered for sale at the
17 retail outlet.

18 (x) Whether E-85 or ethanol flex fuels are offered for sale at
19 the retail outlet.

20 (b) A license renewal application shall be made on or before
21 November 30 of the year the license expires. The application must
22 include all of the information required in subdivision (a) for an
23 original license application.

24 (5) The director may suspend, deny, or revoke a license issued
25 pursuant to this act for failure to comply with the requirements
26 provided for in section 3, for failure to provide notice as
27 provided in section 4, or for violating section 31 of the weights
28 and measures act, 1964 PA 283, MCL 290.631, if that violation
29 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) If a person licensed under this act is convicted of an
6 intentional violation under section 31 of the weights and measures
7 act, 1964 PA 283, MCL 290.631, any license issued pursuant to this
8 act shall be revoked for 2 years.

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

20 (8) Except as otherwise provided in subsection (3), the
21 department shall issue an initial or renewal license not later than
22 120 days after the applicant files a completed application. If the
23 application is considered incomplete by the department, the
24 department shall notify the applicant in writing or make the
25 notification electronically available within 40 days after receipt
26 of the incomplete application, describing the deficiency and
27 requesting the additional information. The 120-day period is tolled
28 upon notification by the department of a deficiency until the date
29 all of the information requested during the 40-day period is

1 received by the department. Requests for new or additional
2 information by the department that fall outside the 40-day period
3 do not toll the 120-day period. The determination of the
4 completeness of an application is not an approval of the
5 application for the license and does not confer eligibility to an
6 applicant determined otherwise ineligible for issuance of a
7 license.

8 **(9) The director shall submit a report by December 1 of each**
9 **year to the standing committees and appropriations subcommittees of**
10 **the senate and house of representatives concerned with motor fuel**
11 **quality issues. The director shall include all of the following**
12 **information in the report concerning the preceding fiscal year:**

13 **(a) The number of initial and renewal applications the**
14 **department received and completed within the 120-day time period**
15 **described in subsection (8) .**

16 **(b) The number of applications denied .**

17 **(c) The number of applications that were not granted or denied**
18 **within the 120-day period described in subsection (8) .**

19 **(10) ~~(9)~~—**Before a blender engages in the transferring,
20 selling, dispensing, or offering for sale of blended gasoline in
21 this state, the blender shall register the finished product with
22 the department and provide to the department test results as the
23 department considers necessary. If the product does not comply with
24 the requirements of section 3, the blender shall provide the
25 department with a written list of the business names and addresses
26 to whom the blended product is sold.

27 **(11) ~~(10)~~—**As used in this section, "completed application"
28 means an application complete on its face and submitted with any
29 other information, records, approval, security, or similar item

1 required by law or rule from a local unit of government, a federal
2 agency, or a private entity but not from another department or
3 agency of this state.

4 Sec. 7. (1) The director shall establish a gasoline, diesel
5 fuel, biodiesel, and biodiesel blend inspection, investigation, and
6 testing program. The purpose of the inspection, investigation, and
7 testing program is to determine whether gasoline, diesel fuel,
8 biodiesel, and biodiesel blend transferred, sold, dispensed, or
9 offered for sale in this state meet the requirements provided in
10 this act, to sample, to investigate allegations of fraud, to
11 inspect and investigate violations of the weights and measures act,
12 1964 PA 283, MCL 290.601 to ~~290.634~~, **290.635**, and whether notice
13 required by section 4 is provided. The program shall provide for a
14 regular system of monitoring gasoline, diesel fuel, biodiesel, and
15 biodiesel blend sold or offered for sale in this state. The
16 department shall implement the inspection, investigation, and
17 testing program as provided in subsection ~~(8)~~. **(9)**. The expenses of
18 operating the program shall be paid from money in the gasoline
19 inspection and testing fund created in section 8.

20 (2) As part of the inspection and testing program the director
21 shall maintain a 24-hour toll free consumer hot line to receive
22 consumer complaints regarding vapor-recovery systems and the purity
23 and quality of gasoline sold or offered for sale in this state.

24 (3) If the director has reason to believe a violation of
25 section 5 or rules promulgated under section 5 has occurred, the
26 director may require a refiner, distributor, storage facility,
27 blender, bulk purchaser-end user, or retail dealer to provide to
28 the department the original documents pertaining to the receipt,
29 transfer, delivery, storage, or sale of gasoline, diesel fuel,

1 biodiesel, biodiesel blend, or hydrogen fuel and to allow the
2 original documents to remain in the possession of the department.
3 If original documents remain in the possession of the department
4 and the documents are necessary for conducting business, the
5 department shall provide copies of the documents to the refiner,
6 distributor, blender, bulk purchaser-end user, or retail dealer
7 upon request. A refiner, distributor, bulk purchaser-end user,
8 blender, or retail dealer shall preserve information regarding the
9 receipt, transfer, delivery, storage, or sale of gasoline,
10 including loading tickets, bills of lading, drop tickets, meter
11 tickets, invoices, sales reports, and billings, for 3 years. A
12 retail outlet shall retain on its premises the original drop
13 tickets, bills of lading, and invoices for 1 month before transfer
14 to another location.

15 (4) The director, upon presentation of appropriate
16 credentials, may do all of the following:

17 (a) Enter upon or through any retail outlet, bulk purchaser-
18 end user facility, dispensing facility, or the premises or property
19 of any refiner or distributor.

20 (b) Make inspections, take samples, and conduct tests during
21 any hours the business is operating.

22 (c) Examine records during normal business hours to determine
23 compliance with this act.

24 (5) In addition to the powers provided in this act, the
25 director has all the powers to enforce this act that the director
26 has under the weights and measures act, 1964 PA 283, MCL 290.601 to
27 ~~290.634.290.635.~~

28 (6) The director may transmit any information obtained
29 pursuant to the inspection and testing program to any other agency

1 of this state if the information will assist the other agency to
2 carry out any of the agency's regulatory functions or
3 responsibilities related to the transfer, sale, dispensing, or
4 offering of gasoline for sale in this state.

5 (7) All of the following apply to an investigation under this
6 section:

7 (a) The identity of an individual submitting information
8 regarding an alleged violation or threatened violation of this act
9 by a retailer is confidential and is not subject to the disclosure
10 requirements of the freedom of information act, 1976 PA 442, MCL
11 15.231 to 15.246, except that the identity of the individual may be
12 disclosed if the disclosure is made under any of the following
13 circumstances:

14 (i) With the written consent of the individual.

15 (ii) Pursuant to a court proceeding.

16 (iii) To the director or an agent or employee of the department.

17 (iv) To an agent or employee of a state or the federal
18 government authorized by law to see the identity of the individual.

19 (b) Information furnished under this section that is
20 considered confidential information shall not be disclosed by an
21 employee of the department in a manner that divulges the business
22 operations of a licensee required by this section to make a report.
23 Business information furnished under this subsection or collected
24 pursuant to section 9g is confidential business information and is
25 not subject to the freedom of information act, 1976 PA 442, MCL
26 15.231 to 15.246.

27 (c) The director may take photographs of an area or copy
28 records as part of an evaluation or inspection. If a retailer
29 identifies by written document or mark that a certain area or

1 record contains visible trade secrets, the director shall identify
2 any photographs of that area or copies of that record as being
3 confidential and shall diligently protect the confidentiality.

4 (8) ~~(7)~~—The director may promulgate rules for the purpose of
5 implementing and enforcing this act.

6 (9) ~~(8)~~—The department shall implement the inspection and
7 testing program provided in subsection (1) as follows:

8 (a) Inspection and testing for standards regarding lead,
9 alcohol, free water, and sediments within 90 days after the
10 effective date of this act.

11 (b) Inspection and testing for any other standards by March
12 29, 1987.

13 Sec. 7a. (1) Gasoline testing procedure for vapor pressure
14 must comply with 40 CFR 80.46(c).

15 (2) Gasoline testing procedure for ethanol must comply with 40
16 CFR 80.46(g) (1) or (2).

17 Sec. 7b. (1) This act does not apply to any of the following:

18 (a) Dispensing facilities at a vehicle manufacturer's proving
19 grounds or other testing facilities, or at the facilities of a
20 manufacturer's agent, that are used exclusively for the testing of
21 vehicles, components, or materials.

22 (b) Vehicle manufacturer's assembly facilities or the fueling
23 of production line vehicles before sale for in-plant relocation or
24 distribution.

25 (c) Reformulated gasoline.

26 (2) Gasoline that exceeds the vapor pressure limits does not
27 violate this act if the gasoline is separately stored, sealed,
28 clearly labeled, and not used until it is in compliance with this
29 act. The label shall state that the gasoline is prohibited by the

1 laws of the state of Michigan from being sold, dispensed, supplied,
 2 offered for sale, offered for supply, transported, or exchanged in
 3 trade in Michigan until compliance is achieved under this act.

4 Sec. 10a. (1) A person who individually, or by the action of
 5 ~~his or her~~ **that person's** agent or employee, or as the agent or
 6 employee of another violates this act or a rule promulgated under
 7 this act is subject to an administrative fine. Upon the request of
 8 a person ~~to~~ **upon** whom an administrative fine is ~~issued,~~ **imposed**,
 9 the director shall conduct a hearing conducted pursuant to the
 10 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
 11 24.328. A fine authorized by this section shall be as follows:

12 (a) For a first violation, not less than \$100.00 or more than
 13 \$500.00, plus actual costs of the investigation and double the
 14 amount of any economic benefit associated with the violation.

15 (b) For a second violation within 5 years after the first
 16 violation, not less than \$500.00 or more than \$1,000.00, plus
 17 actual costs of the investigation and double the amount of any
 18 economic benefit associated with the violation.

19 (c) For a third violation within 5 years after the date of the
 20 first violation, not less than \$1,000.00 or more than \$2,000.00,
 21 plus actual costs of the investigation and double the amount of any
 22 economic benefit associated with the violation.

23 **(d) A fine shall be doubled for motor fuels that contain**
 24 **water, sediment, or gasoline that is below the minimum AKI rating**
 25 **for that grade of gasoline under section 3(3).**

26 (2) A decision of the director under this section is subject
 27 to judicial review as provided by law.

28 (3) The director shall advise the attorney general of the
 29 failure of any person to pay an administrative fine imposed under

1 this section. The attorney general shall bring an action in court
2 of competent jurisdiction to recover the fine.

3 (4) Any administrative fine, costs, and the recovery of any
4 economic benefit associated with a violation collected under this
5 section shall be paid to the state treasury and deposited into the
6 gasoline inspection and testing fund.

7 Sec. 10d. Beginning June 1 through September 15 of 2007 and
8 for that period of time each subsequent year, the vapor pressure
9 standard shall be 7.0 psi for dispensing facilities in Wayne,
10 Oakland, Macomb, Washtenaw, Livingston, Monroe, St. Clair, and
11 Lenawee ~~counties.~~ **Counties.** The director retains the authority to
12 implement the vapor pressure 7.0 psi requirement or 7.8 psi
13 requirement in areas where it is determined necessary to attain or
14 maintain national ambient air quality standards. If an area of the
15 state that is required to use a low vapor pressure fuel of 7.8 psi
16 or 7.0 psi has been redesignated by the ~~United States environmental~~
17 ~~protection agency.~~ **E.P.A.** as in attainment of national ambient air
18 quality standards, and the Michigan department of ~~environmental~~
19 ~~quality.~~ **environment, Great Lakes, and energy** has demonstrated that
20 maintenance of the national ambient air quality standards can be
21 achieved without the use of low vapor pressure fuel, the director
22 may, with the approval of the ~~United States environmental~~
23 ~~protection agency,~~ **E.P.A.**, terminate the low vapor pressure fuel
24 requirement for that area. **The maximum vapor pressure must not**
25 **exceed the limits in section 10d by more than 1.0 psi for blends**
26 **containing 9% to 15% ethanol by volume from June 1 through**
27 **September 15.**

28 Enacting section 1. Section 5a of the motor fuels quality act,
29 1984 PA 44, MCL 290.645a, is repealed.