

Act No. 337  
Public Acts of 1990  
Approved by the Governor  
December 20, 1990  
Filed with the Secretary of State  
December 21, 1990

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1990**

Introduced by Rep. Jacobetti

# **ENROLLED HOUSE BILL No. 5805**

AN ACT to amend section 5d of Act No. 207 of the Public Acts of 1941; entitled as amended "An act to provide for the prevention of fires and the protection of persons and property from exposure to the dangers of fire or explosion; to authorize the investigation of fires and the discovery of crime or other offenses in relation thereto; to require the razing, repair, or alteration of buildings, and the clearing and improvement of premises which constitute a fire hazard or a menace to the peace, security, or safety of persons or property; to control the construction, use, and occupancy of those buildings and premises for fire safety purposes; to provide for the certification of fire inspectors and the delegation of certain powers to those certified fire inspectors; to provide for the regulation of the storage and transportation of hazardous material; to provide for the issuance of certificates; to prohibit the use of certain fire extinguishers and fire extinguishing agents; to provide immunity from liability for certain persons; to provide for the administration of this act and prescribe procedure for the enforcement of its provisions; to fix penalties for violation of this act; to provide for the promulgation of rules; to provide for the assessment of fees; and to repeal certain acts and parts of acts," as amended by Act No. 70 of the Public Acts of 1987, being section 29.5d of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 5d of Act No. 207 of the Public Acts of 1941, as amended by Act No. 70 of the Public Acts of 1987, being section 29.5d of the Michigan Compiled Laws, is amended to read as follows:

Sec. 5d. (1) The certificate specified in section 5b shall be issued by the state fire marshal after the initial inspection of a vehicle or the examination following the revocation of the certificate for a vehicle. The certificate shall be issued after the state fire marshal determines that the vehicle is in satisfactory compliance with this act. The certificates specified in section 5c shall be issued every 3 years by the state fire marshal after the state fire marshal determines by an inspection that the firm location is in satisfactory compliance with this act. The board may authorize a firm specified in section 5c to conduct inspections required in this section after application to the state fire marshal and payment of an annual fee of \$1,000.00. Upon annual determination by the state fire marshal that the firm is in satisfactory compliance with this act, the state fire marshal may recommend to the board that the authorization be given. This authorization may be revoked by the board for cause. Firms authorized to conduct inspections required in this section shall be exempt from the fees provided in subsections (2), and (3). The state fire marshal may review procedures utilized by the firm to assure compliance with the act.

(2) Each firm required to be certified under section 5c shall submit an installation application to the state fire marshal according to rules promulgated under this act. Each firm shall pay a fee of \$203.00 per tank. This fee shall be submitted with the installation application to the state fire marshal. The state fire marshal shall not approve an installation application unless this fee has been paid, as required in this subsection. Payment of this fee shall waive the first annual storage tank fee required in this subsection. Except as provided in subsection (3), the owner of a firm specified in section 5c or the owner of a vehicle described in section 5b shall pay an annual fee of \$35.00 for each vehicle, and \$15.00 for each tank located at each storage or filling location specified in section 5c. Fees required by this subsection shall be paid before the issuance of a certificate when the vehicle specified in section 5b is used at any time during the state fiscal year for the transportation of hazardous material, or when storage tanks operated by firms described in section 5c are used and until such tanks are closed or removed, and notification of the closure or removal is received by the state fire marshal. Storage tanks that receive crude petroleum directly from a wellhead are exempt from fees under this section.

(3) Notwithstanding subsection (2), the annual fee is \$95.00 for each vehicle described in section 5b, and the annual fee is \$61.50 for each tank located at each storage or filling location specified in section 5c. Crude petroleum collection tanks that receive crude petroleum directly from a wellhead are exempt from fees specified in subsection (2) and this subsection.

(4) Beginning October 1, 1990, a local unit of government shall not enact or enforce a provision of an ordinance that requires a permit, license, approval, inspection, or the payment of a fee or tax for the installation, use, closure, or removal of an aboveground storage tank system.

(5) The fees specified in subsections (2) and (3), shall be collected and deposited as follows:

(a) Storage tank installation application fees and annual storage tank fees shall be deposited into the hazardous materials storage tank regulatory enforcement fund created in subsection (6).

(b) Annual and semiannual vehicle fees shall be deposited into the hazardous materials transportation regulatory enforcement fund created in subsection (6).

(6) The hazardous materials storage tank regulatory enforcement fund, and the hazardous materials transportation regulatory enforcement fund are created in the state treasury. Each fund may receive money as provided in this act and as otherwise provided by law. The state treasurer shall direct the investment of each fund. Interest and earnings of each fund shall be credited to that fund. Money in each fund at the close of the fiscal year shall remain in that fund and shall not revert to the general fund. Money in each fund shall be used only by the department to enforce this act and the rules promulgated under this act pertaining to the delivery, dispensing, transportation, or storage of hazardous materials. If at the close of any fiscal year the amount of money in either fund exceeds \$1,000,000.00, the department shall not collect a fee for the following year for that fund from existing storage tank systems or existing vehicles. After the fee has been suspended under this subsection, it shall only be reinstated if at the close of any succeeding fiscal year, the amount of money in the fund is less than \$250,000.00. The department of treasury shall, before November 1 of each year, notify the department of the balance in the fund at the close of the preceding fiscal year.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.