

HOUSE BILL No. 4501

March 15, 2005, Introduced by Reps. Amos, Nitz, David Law, Pastor, Garfield, Hummel, Booher, Brandenburg, Emmons, Mortimer, Drolet, Gosselin, Leland, Kathleen Law, Plakas and Polidori and referred to the Committee on Agriculture.

A bill to amend 1984 PA 44, entitled
"Motor fuels quality act,"
by amending sections 4, 10a, and 10b (MCL 290.644, 290.650a, and 290.650b), section 4 as amended by 2003 PA 116 and sections 10a and 10b as amended by 2002 PA 13.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) A retail dealer shall not transfer, sell,
2 dispense, or offer gasoline for sale in this state unless the pump
3 dispensing the gasoline is posted with a notice, as provided in
4 subsection (2), that indicates the grade of gasoline and the
5 additives in the gasoline that are dispensed from the pump. If the
6 gasoline contains at least 1% alcohol by volume, the notice shall
7 state: "Contains (indicate the type of alcohol such as methanol,
8 and if methanol the label shall state "alcohol: methanol",
9 followed, in the same size type, by the concentration to the

1 nearest whole percent)". If the gasoline contains alcohols or
2 ethers that have a molecular weight greater than ethanol and are
3 not mixed with methanol, those alcohols or ethers are not subject
4 to the notice requirement of this section. Gasoline that contains
5 10% or less ethanol is not subject to the notice requirement of
6 this section.

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

15 (3) The director shall include the design for the uniform
16 notice required by this section in a rule promulgated under the
17 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
18 24.328.

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

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

27 Sec. 10a. (1) A person who individually, or by the action of

1 his or her agent or employee, or as the agent or employee of
2 another violates this act or a rule promulgated under this act is
3 subject to an administrative fine. Upon the request of a person to
4 whom an administrative fine is issued, the director shall conduct a
5 hearing ~~conducted~~ pursuant to the administrative procedures act
6 of 1969, 1969 PA 306, MCL 24.201 to 24.328. A fine authorized by
7 this section shall be as follows:

8 (a) For a first violation, not less than \$100.00 or more than
9 \$500.00, plus actual costs of the investigation and double the
10 amount of any economic benefit associated with the violation.

11 (b) For a second violation within 5 years after the first
12 violation, not less than ~~\$500.00~~ **\$1,000.00** or more than
13 ~~\$1,000.00~~ **\$2,000.00**, plus actual costs of the investigation and
14 double the amount of any economic benefit associated with the
15 violation.

16 (c) For a third violation within 5 years after the date of the
17 first violation, not less than ~~\$1,000.00~~ **\$2,000.00** or more than
18 ~~\$2,000.00~~ **\$4,000.00**, plus actual costs of the investigation and
19 double the amount of any economic benefit associated with the
20 violation.

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

23 (3) The director shall advise the attorney general of the
24 failure of any person to pay an administrative fine imposed under
25 this section. The attorney general shall bring an action in court
26 of competent jurisdiction to recover the fine.

27 (4) Any administrative fine, costs, and the recovery of any

1 economic benefit associated with a violation collected under this
2 section shall be paid to the state treasury and deposited into the
3 gasoline inspection and testing fund.

4 Sec. 10b. (1) A person who individually, or by the action of
5 his or her agent or employee, or as the agent or employee of
6 another, performs any of the following is guilty of a misdemeanor
7 punishable by imprisonment for not more than 90 days, or a fine of
8 not less than \$1,000.00 or more than \$2,000.00, or both:

9 (a) Renders less effective or inoperable any part of a stage I
10 or stage II vapor-recovery system.

11 (b) Makes a false statement, representation, or certification
12 on an application, report, plan, label, or other document that is
13 required to be maintained under this act or rules promulgated under
14 this act.

15 (c) Fails to disclose to the department any knowledge or
16 information relating to or observation of any modification of a
17 stage I or stage II vapor-recovery system which makes the system
18 less effective or inoperable, or falsification of records required
19 to be maintained under this act or rules promulgated under this
20 act.

21 (d) Removes a tag, seal, or mark placed on a dispensing device
22 by the director.

23 (e) Violates this act or a rule promulgated under this act for
24 which a specific penalty is not prescribed.

25 (2) A person who individually, or by the action of his or her
26 agent or employee, or as the agent or employee of another, performs
27 any of the following acts is guilty of a misdemeanor punishable by

1 imprisonment for not more than 90 days, or a fine of not less than
2 ~~\$2,000.00~~ **\$5,000.00** or more than ~~\$10,000.00~~ **\$15,000.00**, or both:

3 (a) Violates a prohibited act listed in this section within 24
4 months after another violation of this section that results in a
5 conviction.

6 (b) Impersonates in any way the director or any department
7 inspector.

8 (3) A person who individually, or by the action of his or her
9 agent or employee, or as the agent or employee of another, performs
10 any of the following acts is guilty of a felony punishable by
11 imprisonment for not more than 2 years, or a fine of not less than
12 \$10,000.00 or more than \$15,000.00, or both:

13 (a) Intentionally commits a prohibited act under this section.

14 (b) Violates a prohibited act listed in this section within 24
15 months after 2 previous violations of this section that result in
16 convictions.

17 (4) If a violation of this section results in a conviction,
18 the court shall assess against the defendant the costs of the
19 department's investigation, and these costs shall be paid to the
20 state treasury and deposited in the gasoline inspection and testing
21 fund to be used for the enforcement of this act.