

HOUSE BILL No. 4111

January 22, 2009, Introduced by Rep. LeBlanc and referred to the Committee on Commerce.

A bill to amend 1984 PA 274, entitled
"Michigan antitrust reform act,"
by amending the title and section 2 (MCL 445.772), the title as
amended by 1987 PA 243.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to prohibit contracts, combinations, and conspiracies
3 in restraint of trade or commerce; to allow certain agreements not
4 to compete; to prohibit monopolies and attempts to monopolize trade
5 or commerce; **TO REQUIRE CERTAIN MOTOR FUEL TERMINAL OPERATORS AND**
6 **WHOLESALERS TO MAKE GASOLINE WITHOUT ETHANOL AVAILABLE TO**
7 **WATERCRAFT FUEL DEALERS;** to prescribe powers and duties of certain
8 state officers and agencies; to provide remedies, fines, and
9 penalties for violations of this act; to bar certain causes of

1 action; and to repeal ~~certain~~ acts and parts of acts.

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

5 (2) IF A WHOLESALER OR TERMINAL OPERATOR SELLS GASOHOL TO
6 RETAIL FUEL DEALERS FOR USE IN WATERCRAFT, FROM APRIL 1 TO OCTOBER
7 31 OF EACH YEAR THAT WHOLESALER OR TERMINAL OPERATOR MUST ALSO HAVE
8 GASOLINE THAT DOES NOT CONTAIN FUEL GRADE ETHANOL AVAILABLE FOR
9 SALE TO ANY RETAIL FUEL DEALER THAT SELLS AT LEAST 25% OF ITS MOTOR
10 FUEL FOR USE IN WATERCRAFT. THE WHOLESALER OR TERMINAL OPERATOR
11 SHALL DETERMINE THE OCTANE RATING OF THE GASOLINE THAT DOES NOT
12 CONTAIN FUEL GRADE ETHANOL IT MAKES AVAILABLE FOR SALE UNDER THIS
13 SUBSECTION.

14 (3) AS USED IN THIS SECTION:

15 (A) "FUEL GRADE ETHANOL" MEANS THAT TERM AS DEFINED IN SECTION
16 3 OF THE MOTOR FUEL TAX ACT, 2000 PA 403, MCL 207.1003.

17 (B) "GASOHOL" MEANS THAT TERM AS DEFINED IN SECTION 3 OF THE
18 MOTOR FUEL TAX ACT, 2000 PA 403, MCL 207.1003.

19 (C) "GASOLINE" MEANS THAT TERM AS DEFINED IN SECTION 78101 OF
20 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
21 451, MCL 324.78101.

22 (D) "RETAIL FUEL DEALER" MEANS THAT TERM AS DEFINED IN SECTION
23 78101 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
24 1994 PA 451, MCL 324.78101.

25 (E) "TERMINAL OPERATOR" MEANS THAT TERM AS DEFINED IN SECTION
26 6 OF THE MOTOR FUEL TAX ACT, 2000 PA 403, MCL 207.1006.

27 (F) "WATERCRAFT" MEANS THAT TERM AS DEFINED IN SECTION 78101

1 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
2 451, MCL 324.78101.

3 (G) "WHOLESALE" MEANS THAT TERM AS DEFINED IN SECTION 6 OF
4 THE MOTOR FUEL TAX ACT, 2000 PA 403, MCL 207.1006.