

HOUSE BILL No. 5562

October 29, 2009, Introduced by Rep. Young and referred to the Committee on Transportation.

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

6 Sec. 6. (1) Before a distributor or retail dealer engages in
7 transferring, selling, dispensing, or offering for sale gasoline,
8 diesel fuel, biodiesel, biodiesel blend, or hydrogen fuel in this

1 state, the distributor or retail dealer shall obtain a license from
2 the department for each retail outlet operated by that person. In
3 administering the licensing under this section, the department may
4 attempt to coordinate the licensing with the licensing applicable
5 to gasoline administered by the department of treasury pursuant to
6 the motor fuel tax act, 2000 PA 403, MCL 207.1001 to 207.1170, and
7 the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78.

8 (2) A license expires annually on November 30 unless renewed
9 before December 1 of each year or unless suspended, denied, or
10 revoked by the department. **BEGINNING THE LICENSE CYCLE BEGINNING AT**
11 **LEAST 12 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
12 **ADDED SECTION 4B AND AS PART OF THE INITIAL APPLICATION OR RENEWAL**
13 **APPLICATION FOR A RETAIL OUTLET, AN APPLICANT SHALL DEMONSTRATE IN**
14 **A MANNER ACCEPTABLE TO THE DEPARTMENT THAT HE OR SHE HAS AVAILABLE**
15 **AT LEAST 1 FULL-SERVICE GASOLINE PUMP AS DESCRIBED IN SECTION 4B.**

16 (3) The fee for a license is ~~\$15.00 for each year or portion~~
17 ~~of a year through July 31, 2002, \$50.00 for each year or portion of~~
18 ~~a year through July 31, 2003, \$75.00 for each year or portion of a~~
19 ~~year through July 31, 2004, and \$100.00 beginning August 1, 2004~~
20 and each year or portion of a year thereafter. A license shall not
21 be issued or renewed until the fee and any administrative fines
22 issued under section 10a have been paid. A hearing is not required
23 before the refusal to issue or renew a license under this
24 subsection. Fees collected shall be deposited in the gasoline
25 inspection and testing fund.

26 (4) An application for a license shall be ~~made~~ **SUBMITTED** to
27 the department upon a form furnished by the department. The

1 completed form shall contain the information requested by the
2 department and shall be accompanied by the fee specified in
3 subsection (3).

4 (5) The director may suspend, deny, or revoke a license issued
5 pursuant to this act for failure to comply with the requirements
6 provided for in section 3, for failure to provide notice as
7 provided in section 4, for violating section 31 of the weights and
8 measures act of 1964, 1964 PA 283, MCL 290.631, if that violation
9 occurs at any of the licensee's retail outlets and involves the
10 transferring, selling, dispensing, or the offering for sale of
11 gasoline in this state, or for otherwise failing to comply with
12 this act or a rule promulgated under this act or an order issued
13 under this act.

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

15 (6) ~~(7)~~ If a person licensed under this act is convicted of a
16 willful violation under section 31 of the weights and measures act
17 of 1964, 1964 PA 283, MCL 290.631, any license issued pursuant to
18 this act shall be revoked for 2 years.

19 (7) ~~(8)~~ A suspension, revocation, or denial of a license of a
20 person who is an individual shall result in the suspension,
21 revocation, or denial of any other license held or applied for by
22 that individual under this act. The license of a corporation,
23 partnership, or other association shall be suspended when a license
24 or license application of a partner, trustee, director, or officer,
25 member, or a person exercising control of the corporation,
26 partnership, or other association is suspended, revoked, or denied.
27 The suspension shall remain in force until the director determines

1 that the disability created by the suspension, revocation, or
2 denial has been removed.

3 (8) ~~(9)~~—Except as otherwise provided in subsection (3),
4 ~~beginning on July 23, 2004,~~ the department shall issue an initial
5 or renewal license not later than 120 days after the applicant
6 files a completed application. If the application is considered
7 incomplete by the department, the department shall notify the
8 applicant in writing or make notification electronically available
9 within 40 days after receipt of the incomplete application,
10 describing the deficiency and requesting the additional
11 information. The 120-day period is tolled upon notification by the
12 department of a deficiency until the date all of the information
13 requested during the 40-day period is received by the department.
14 Requests for new or additional information by the department that
15 fall outside the 40-day period do not toll the 120-day period. The
16 determination of the completeness of an application does not
17 operate as an approval of the application for the license and does
18 not confer eligibility of an applicant determined otherwise
19 ineligible for issuance of a license.

20 (9) ~~(10)~~—If the department does not issue or deny a license
21 within 120 days after the receipt of a completed application, the
22 department shall return the license fee and shall reduce the
23 license fee for the applicant's next renewal application, if any,
24 by 15%. The failure to issue a license within the time required
25 under this subsection does not allow the department to otherwise
26 delay the processing of the application, and that application, upon
27 completion, shall be placed in sequence with other completed

1 applications received at that same time. The department shall not
2 discriminate against an applicant in the processing of an
3 application based on the fact that the application fee was refunded
4 or discounted under this subsection.

5 (10) ~~(11)~~—Beginning October 1, 2005, the director of the
6 department shall submit a report by December 1 of each year to the
7 standing committees and appropriations subcommittees of the senate
8 and house of representatives concerned with motor fuel quality
9 issues. The director shall include all of the following information
10 in the report concerning the preceding fiscal year:

11 (a) The number of initial and renewal applications the
12 department received and completed within the 120-day time period
13 described in subsection ~~(9)~~—(8).

14 (b) The number of applications denied.

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

18 (11) ~~(12)~~—Before a blender engages in the transferring,
19 selling, dispensing, or offering for sale blended gasoline in this
20 state, the blender shall register the finished product with the
21 department and provide to the department test results as the
22 department considers necessary. If the product does not comply with
23 the requirements of section 3, the blender shall provide the
24 department with a written list of the business names and addresses
25 to whom the blended product is sold.

26 (12) ~~(13)~~—As used in this section, "completed application"
27 means an application complete on its face and submitted with any

1 applicable licensing fees as well as any other information,
2 records, approval, security, or similar item required by law or
3 rule from a local unit of government, a federal agency, or a
4 private entity but not from another department or agency of the
5 state of Michigan.