

SENATE BILL No. 1052

September 7, 2016, Introduced by Senator GREEN and referred to the Committee on Agriculture.

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.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) Before a distributor or retail dealer engages in
2 transferring, selling, dispensing, or offering for sale gasoline,
3 diesel fuel, biodiesel, biodiesel blend, or hydrogen fuel in this
4 state, the distributor or retail dealer shall obtain a license from
5 the department for each retail outlet operated by that person. In
6 administering the licensing under this section, the department may
7 attempt to coordinate the licensing with the licensing applicable
8 to gasoline administered by the department of treasury pursuant to
9 the motor fuel tax act, 2000 PA 403, MCL 207.1001 to 207.1170, and
10 the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78.

11 (2) A license expires annually on November 30 unless renewed

1 before December 1 of each year or unless suspended, denied, or
2 revoked by the department.

3 ~~(3) The fee for a license is \$15.00 for each year or portion~~
4 ~~of a year through July 31, 2002, \$50.00 for each year or portion of~~
5 ~~a year through July 31, 2003, \$75.00 for each year or portion of a~~
6 ~~year through July 31, 2004, and \$100.00 beginning August 1, 2004~~
7 ~~and each year or portion of a year thereafter. A license shall not~~
8 ~~be issued or renewed until the fee and any administrative fines~~
9 ~~issued under section 10a have been paid. A hearing is not required~~
10 ~~before the refusal to issue or renew a license under this~~
11 ~~subsection. Fees collected shall be deposited in the gasoline~~
12 ~~inspection and testing fund.~~

13 (4) An application for a license shall be made to the
14 department upon a form furnished by the department. The completed
15 form shall contain the information requested by the department. ~~and~~
16 ~~shall be accompanied by the fee specified in subsection (3).~~

17 (5) The director may suspend, deny, or revoke a license issued
18 pursuant to this act for failure to comply with the requirements
19 provided for in section 3, for failure to provide notice as
20 provided in section 4, **OR** for violating section 31 of the weights
21 and measures act of 1964, 1964 PA 283, MCL 290.631, if that
22 violation occurs at any of the licensee's retail outlets and
23 involves the transferring, selling, dispensing, or the offering for
24 sale of gasoline in this state, or for otherwise failing to comply
25 with this act or a rule promulgated under this act or an order
26 issued under this act.

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

1 (6) ~~(7)~~—If a person licensed under this act is convicted of a
2 ~~willful~~**AN INTENTIONAL** violation under section 31 of the weights
3 and measures act of 1964, 1964 PA 283, MCL 290.631, any license
4 issued pursuant to this act shall be revoked for 2 years.

5 (7) ~~(8)~~—A suspension, revocation, or denial of a license of a
6 person who is an individual shall result in the suspension,
7 revocation, or denial of any other license held or applied for by
8 that individual under this act. The license of a corporation,
9 partnership, or other association shall be suspended when a license
10 or license application of a partner, trustee, director, or officer,
11 member, or a person exercising control of the corporation,
12 partnership, or other association is suspended, revoked, or denied.
13 The suspension shall remain in force until the director determines
14 that the disability created by the suspension, revocation, or
15 denial has been removed.

16 (8) ~~(9)~~—Except as otherwise provided in subsection (3),
17 ~~beginning on July 23, 2004,~~ the department shall issue an initial
18 or renewal license not later than 120 days after the applicant
19 files a completed application. If the application is considered
20 incomplete by the department, the department shall notify the
21 applicant in writing or make **THE** notification electronically
22 available within 40 days after receipt of the incomplete
23 application, describing the deficiency and requesting the
24 additional information. The 120-day period is tolled upon
25 notification by the department of a deficiency until the date all
26 of the information requested during the 40-day period is received
27 by the department. Requests for new or additional information by

1 the department that fall outside the 40-day period do not toll the
2 120-day period. The determination of the completeness of an
3 application does not operate as an approval of the application for
4 the license and does not confer eligibility of an applicant
5 determined otherwise ineligible for issuance of a license.

6 ~~—— (10) If the department does not issue or deny a license within~~
7 ~~120 days after the receipt of a completed application, the~~
8 ~~department shall return the license fee and shall reduce the~~
9 ~~license fee for the applicant's next renewal application, if any,~~
10 ~~by 15%. The failure to issue a license within the time required~~
11 ~~under this subsection does not allow the department to otherwise~~
12 ~~delay the processing of the application, and that application, upon~~
13 ~~completion, shall be placed in sequence with other completed~~
14 ~~applications received at that same time. The department shall not~~
15 ~~discriminate against an applicant in the processing of an~~
16 ~~application based on the fact that the application fee was refunded~~
17 ~~or discounted under this subsection.~~

18 (9) ~~(11)~~ Beginning October 1, 2005, the **THE** director of the
19 department shall submit a report by December 1 of each year to the
20 standing committees and appropriations subcommittees of the senate
21 and house of representatives concerned with motor fuel quality
22 issues. The director shall include all of the following information
23 in the report concerning the preceding fiscal year:

24 (a) The number of initial and renewal applications the
25 department received and completed within the 120-day time period
26 described in subsection ~~(9)~~. **(8)**.

27 (b) The number of applications denied.

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

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

(12) ~~(13)~~ As used in this section, "completed application" means an application complete on its face and submitted with any ~~applicable licensing fees as well as any other information,~~ records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of ~~the~~ **THIS** state. ~~of Michigan.~~

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 98th Legislature are enacted into law:

(a) Senate Bill No. 506.

(b) Senate Bill No. ____ or House Bill No. ____ (request no. 04825'15 *).

(c) Senate Bill No. ____ or House Bill No. ____ (request no. 04827'15 *).