

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. LaFave, Berman, Frederick, Wozniak, Wakeman, Maddock, Howell, Meerman, Bellino, Paquette, Lower, Hoitenga, Steven Johnson, Miller, Eisen, Rendon, Reilly, Webber, Allor, Crawford, Calley, Slagh, Brann, Cambensy, Sheldon and Neeley

ENROLLED HOUSE BILL No. 4792

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 21106 (MCL 324.21106).

The People of the State of Michigan enact:

Sec. 21106. (1) Subject to subsection (2), the department of licensing and regulatory affairs shall promulgate rules relating to underground storage tank systems that are at least as stringent as the rules promulgated by the United States Environmental Protection Agency under subtitle I of title II of Public Law 89-272, 42 USC 6991 to 6991m. These rules shall include a requirement that the owner or operator of an underground storage tank system provide financial responsibility in the event of a release from the underground storage tank system.

(2) An owner or operator may operate an unattended self-service motor fuel dispensing facility if all of the following requirements are met:

(a) The owner or operator notifies the local fire department at least 30 days before commencing operations or, if a local fire department does not exist, employs a third-party monitoring service.

(b) The department of licensing and regulatory affairs approves the facility, as provided in subsection (3). The department of licensing and regulatory affairs shall inspect and approve or disapprove the facility within 60 days after the owner or operator requests approval.

(3) The department of licensing and regulatory affairs shall approve the facility under subsection (2)(b) if all of the following requirements are met:

(a) Fuel dispenser operating instructions are conspicuously posted in the dispensing area. The instructions shall include the location of emergency controls and a requirement that the user remain outside of the user's vehicle and keep the fuel nozzle in view during dispensing.

(b) For each group of fuel dispensers on an island, at least 1 emergency shut-off that meets all of the following requirements is provided:

(i) Is not less than 20 feet and not more than 100 feet from each fuel dispenser it controls.

(ii) Is clearly identified and readily accessible.

(iii) Can be reset only manually.

(c) An approved fire extinguisher for flammable liquids of 4-B:C rating or higher is located not more than 100 feet from each fuel dispenser and storage tank fill opening, is clearly identified or visible, and is readily accessible.

(d) A telephone or other approved means to notify the fire department or, if a local fire department does not exist, the third-party monitoring service employed by the owner or operator is clearly identified and readily accessible.

(e) Warning signs as required by the department of licensing and regulatory affairs are posted in the dispensing area.

(f) In addition to the warning signs required under subdivision (e), an approved emergency procedures sign is posted in a conspicuous location. The sign shall be of dimensions required by the department of licensing and regulatory affairs and read as follows:

IN CASE OF FIRE, SPILL, OR RELEASE

1. USE EMERGENCY PUMP SHUTOFF

2. REPORT THE ACCIDENT!

FIRE DEPARTMENT TELEPHONE NO. _____.

FACILITY ADDRESS _____.

If a local fire department does not exist, the sign shall refer to the telephone number as an "EMERGENCY TELEPHONE NO." and provide the telephone number of the third-party monitoring service.

(g) The area around the emergency shut-offs under subdivision (b) and the dispensing area is well lit.

(h) Activity at the dispensing area is recorded by surveillance camera.

(i) Fuel purchases are not payable by coin or currency.

(j) The fuel dispensers do not allow more than \$125.00 of fuel to be pumped per transaction and require manual action to resume delivery for the next transaction.

(4) As a condition of approval under subsection (2)(b), the owner or operator shall visit the site each day and regularly inspect and maintain the equipment.

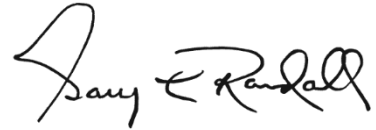
(5) The department of licensing and regulatory affairs shall not require an unattended self-service motor fuel dispensing facility operating under subsections (2) to (4) to limit public access to or dispensing from fuel dispensers by utilizing locked dispensers, security fencing, or other means, except for means that require payment to be made when fuel is dispensed.

(6) Subsections (2) to (5) do not apply to an unattended self-service motor fuel dispensing facility that meets both of the following requirements:

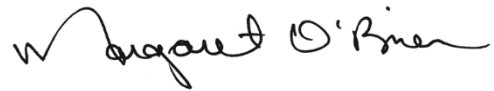
(a) The dispensing facility is operated as a membership-based fuel co-op or dispenses fuel from an above ground storage tank system.

(b) The dispensing facility meets applicable standards under sections 5c, 5d, 5j, and 5l to 5o of the fire prevention code, 1941 PA 207, MCL 29.5c, 29.5d, 29.5j, and 29.5l to 29.5o, and rules promulgated to implement those sections or a variation to those standards made under section 3c(6) of the fire prevention code, 1941 PA 207, MCL 29.3c.

(7) This section does not preempt local ordinances that prohibit unattended self-service motor fuel dispensing facilities authorized under subsections (2) to (5) or that are as restrictive or more restrictive than subsections (2) to (5). A local unit of government that wants to prohibit the operation of 1 or more unattended self-service motor fuel dispensing facilities authorized under subsections (2) to (5) must adopt a local ordinance that prohibits the operation of any unattended self-service motor fuel dispensing facility, that is not membership-based fuel co-op, within the local unit of government's jurisdiction.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor