

HOUSE BILL No. 5755

February 23, 2006, Introduced by Reps. Stahl, Nitz, LaJoy, Marleau, Schuitmaker, Jones, Caswell, Mayes, Nofs, Proos, Vander Veen, Byrum, Kathleen Law, Anderson, Wojno, Sheltroun, Gonzales, Ball, Spade, Polidori, Hune, Taub, Green, Bennett, Bieda, Gleason, Sak, Sheen, Van Regenmorter, David Law, Miller, Kooiman, Hildenbrand, Williams, Brown, Adamini, McConico, Hunter, Hood, Gillard, Murphy, Virgil Smith, Cushingberry, Byrnes, Accavitti, Farrah, Alma Smith, Tobocman, Hummel, Waters, Zelenko, Kolb, Condino, Espinoza, Whitmer, Moore, Walker, Moolenaar, Hansen, Pearce, Emmons, Stakoe, Amos, Palsrok, Booher, Pastor, Gaffney, Meyer, Elsenheimer, Garfield, Brandenburg, Newell, Mortimer, Farhat and Wenke and referred to the Committee on Agriculture.

A bill to amend 1984 PA 44, entitled
 "Motor fuels quality act,"
 by amending sections 2, 3, 4a, 5, 6, and 7 (MCL 290.642, 290.643, 290.644a, 290.645, 290.646, and 290.647), sections 2 and 7 as amended by 1993 PA 236, sections 3 and 5 as amended by 2002 PA 13, section 4a as amended by 2002 PA 425, and section 6 as amended by 2004 PA 278.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Additive" means any substance in gasoline other than
 3 gasoline but does not include approved blending components, other
 4 than lead, sodium, and phosphate components, introduced at
 5 refineries or terminals as octane or product quality enhancers in

1 quantities of less than 1% of volume.

2 (b) "American society for testing and materials" means an
3 international nonprofit scientific and educational society devoted
4 to the promotion of knowledge of the materials of engineering and
5 the standardization of specification and methods of testing.

6 (c) "Antiknock index" or "AKI" means an index number arrived
7 at by adding the motor octane number and the research octane
8 number, then dividing by 2.

9 (D) "BIODIESEL" MEANS A FUEL COMPOSED OF MONO-ALKYL ESTERS OF
10 LONG CHAIN FATTY ACIDS DERIVED FROM VEGETABLE OILS OR ANIMAL FATS,
11 AND, IN ACCORDANCE WITH STANDARDS SPECIFIED BY THE AMERICAN SOCIETY
12 FOR TESTING AND MATERIALS, DESIGNATED B100, AND MEETING THE
13 REQUIREMENTS OF D-6751, AS APPROVED BY THE DEPARTMENT.

14 (E) "BIODIESEL BLEND" MEANS A FUEL COMPRISED OF A BLEND OF
15 BIODIESEL FUEL WITH PETROLEUM-BASED DIESEL FUEL, SUITABLE FOR USE
16 AS A FUEL IN A COMPRESSION-IGNITION INTERNAL COMBUSTION DIESEL
17 ENGINE.

18 (F) ~~(d)~~ "Blender" means a person who as an individual or
19 through his or her agent adds an oxygenate to a gasoline.

20 (G) ~~(e)~~ "Bulk purchaser-end user" means a person who is an
21 ultimate consumer of gasoline and receives delivery of gasoline
22 into a storage tank of at least 550-gallon capacity substantially
23 under his or her control.

24 (H) ~~(f)~~ "CARB" means the California air resources board.

25 (I) ~~(g)~~ "Delivery vessel" means a tank truck, tank equipped
26 trailer, or a similar vessel used for the delivery of gasoline to a
27 dispensing facility.

1 (J) ~~(h)~~ "Department" means the department of agriculture.

2 (K) **"DIESEL FUEL" MEANS ANY LIQUID OTHER THAN GASOLINE THAT IS**
3 **SUITABLE FOR USE AS A FUEL OR A COMPONENT OF A FUEL IN A**
4 **COMPRESSION-IGNITION INTERNAL COMBUSTION DIESEL ENGINE.**

5 (l) ~~(i)~~ "Director" means the director of the department of
6 agriculture or his or her authorized representative.

7 (M) ~~(j)~~ "Dispensing facility" means a site used for vehicle
8 gasoline refueling that is located in an area of this state that
9 has been designated as ozone nonattainment and classified as
10 moderate, serious, severe, or extreme by the E.P.A. pursuant to 40
11 ~~C.F.R.~~ **CFR** section 81.323, November 6, 1991. Dispensing facility
12 does not include a facility used exclusively for the refueling of
13 aircraft, watercraft, or vehicles that are designed for
14 agricultural purposes and used exclusively in agricultural
15 operations.

16 (N) ~~(k)~~ "Dispensing unit" means a device designed for the
17 delivery of gasoline in which 1 nozzle equates to 1 dispensing
18 unit.

19 (O) ~~(l)~~ "Distributor" means a person who purchases,
20 transports, or stores or causes the transportation or storage of
21 gasoline at any point between a gasoline refinery and a retail
22 outlet or bulk purchaser-end user facility.

23 (P) ~~(m)~~ "E.P.A." means the United States environmental
24 protection agency.

25 (Q) ~~(n)~~ "Gasoline" means ~~any fuel sold in this state that~~
26 ~~is~~ **A VOLATILE MIXTURE OF LIQUID HYDROCARBONS GENERALLY CONTAINING**
27 **SMALL AMOUNT OF ADDITIVES** suitable for use in spark-ignition

1 internal combustion engines, and commonly or commercially known or
2 sold as gasoline.

3 (R) "HYDROGEN FUEL" MEANS A SUBSTANCE CONTAINING THE CHEMICAL
4 FORMULA H_2 THAT EXISTS AS A COLORLESS, ODORLESS, AND HIGHLY
5 FLAMMABLE GAS EXCEPT AT LOW CRYOGENIC TEMPERATURES OR WHEN HIGHLY
6 COMPRESSED THAT IS GASEOUS OR LIQUEFIED AND SUITABLE FOR USE IN A
7 FUEL CELL OR HYDROGEN FUEL VEHICLE.

8 (S) ~~(e)~~ "Leak" means liquid or vapor loss from the gasoline
9 dispensing system or stage I or stage II vapor-recovery system as
10 determined by visual inspection or functional testing.

11 (T) ~~(p)~~ "Modification" means any change, removal, or
12 addition, other than an identical replacement, of any component
13 contained within a stage I or stage II vapor-recovery system. The
14 resultant modification must constitute an approved vapor-recovery
15 system.

16 (U) ~~(q)~~ "Motor octane number" or "MON" means a knock
17 characteristic of gasoline determined by use of standard procedures
18 on a motor engine.

19 (V) ~~(r)~~ "Operator" means a person who owns, leases,
20 operates, manages, supervises, or controls, directly or indirectly,
21 a gasoline-dispensing facility.

22 (W) ~~(s)~~ "Oxygenate" means an oxygen-containing, ashless,
23 organic compound, such as alcohol or ether, that may be used as
24 fuel or fuel supplement.

25 (X) ~~(t)~~ "Person" means an individual, sole proprietorship,
26 partnership, corporation, association, or other legal entity.

27 (Y) ~~(u)~~ "Refiner" means a person who owns, leases, operates,

1 controls, or supervises a refinery.

2 (Z) ~~(v)~~ "Refinery" means a plant at which gasoline **OR DIESEL**
3 **FUEL** is produced.

4 (AA) ~~(w)~~ "Research octane number" or "RON" means a knock
5 characteristic of gasoline determined by use of standard procedures
6 on a research engine.

7 (BB) ~~(x)~~ "Retail dealer" means a person who owns, leases,
8 operates, controls, or supervises a retail outlet.

9 (CC) ~~(y)~~ "Retail outlet" means an establishment at which
10 gasoline is sold or offered for sale to the public.

11 (DD) ~~(z)~~ "Rule" means a rule promulgated pursuant to the
12 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
13 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
14 ~~Compiled Laws~~ **1969 PA 306, MCL 24.201 TO 24.328.**

15 (EE) ~~(aa)~~ "Stage I vapor-recovery system" means a vapor
16 tight collection system that is approved by the department and is
17 designed to capture the gasoline vapors displaced during delivery
18 into a stationary storage tank and to return not less than 90% of
19 the displaced vapors to the delivery vessel.

20 (FF) ~~(bb)~~ "Stage II vapor-recovery system" means a gasoline-
21 dispensing system approved by the department that prevents 95% or
22 more of the volatile organic compounds from being emitted during
23 gasoline refueling.

24 Sec. 3. (1) The director shall establish standards pursuant to
25 this act to ensure the purity and quality of gasoline **AND DIESEL**
26 **FUEL** sold or offered for sale in this state.

27 (2) The director shall establish standards for the amount and

1 type of additives allowed to be included in gasoline **AND DIESEL**
2 **FUEL.**

3 (3) The director shall establish standards for the grading of
4 gasoline, including, but not limited to, subregular with a minimum
5 85 AKI, regular with a minimum 87 AKI and a minimum 82 MON,
6 midgrade 88 with a minimum 88 AKI and a minimum 82 MON, midgrade 89
7 with a minimum 89 AKI and a minimum 83 MON, premium with a minimum
8 90 AKI, premium 91 with a minimum 91 AKI, premium 92 with a minimum
9 92 AKI, premium 93 with a minimum 93 AKI, and premium 94 with a
10 minimum 94 AKI.

11 (4) The director shall establish standards for Reid vapor
12 pressure as specified by the American society for testing and
13 materials, except as otherwise required to conform to federal or
14 state law. The director shall establish the Reid vapor pressure as
15 9.0 pounds per square inch (psi) for retail outlets during the
16 period beginning June 1 through September 15 of each year, except
17 for dispensing facilities where the director shall establish the
18 Reid vapor pressure as 7.8 psi in the year 1996 and thereafter. As
19 used in this subsection and section 10d, "Reid vapor pressure"
20 means the vapor pressure of gasoline or gasoline oxygenate blend as
21 determined by ASTM test method D323, standard test method for vapor
22 pressure of petroleum products (Reid method) or test method D4953,
23 standard test method for vapor pressure of gasoline and gasoline
24 oxygenate blends (dry method).

25 (5) In establishing additive and grading standards the
26 director shall adopt the latest standards for gasoline established
27 by the American society for testing and materials and shall adopt

1 the latest standards for gasoline established by federal law or
2 regulation. The standards established by the director shall not
3 prohibit a gasoline blend that is permitted by a valid waiver
4 granted by the United States environmental protection agency
5 pursuant to the fuel or fuel additive waiver in section 211(f)(4)
6 of part A of title II of the clean air act, ~~chapter 360, 81 Stat.~~
7 ~~502, 42 U.S.C. USC 7545~~, and the ethanol waiver of 1.0 psi in
8 section 211(h)(4) of part A of title II of the clean air act,
9 ~~chapter 360, 81 Stat. 502, 42 U.S.C. USC 7545~~, if the gasoline
10 blend meets all of the conditions set forth in the waiver.

11 Beginning June 1, 2003, the director shall not permit the use of
12 the additive methyl tertiary butyl ether (MTBE) in this state. ~~The~~
13 ~~director, in consultation with the department of environmental~~
14 ~~quality, shall determine if the additive is likely to cause harmful~~
15 ~~effects on the environment or public health within the state. By~~
16 ~~June 1, 2002, the director, in consultation with the director of~~
17 ~~the department of environmental quality, shall review the status of~~
18 ~~the use of MTBE in this state. The review shall include the~~
19 ~~following:~~

20 ~~—— (a) The amount of the additive methyl tertiary butyl ether~~
21 ~~(MTBE) currently in use in gasoline in this state.~~

22 ~~—— (b) An estimate of the amount of MTBE that is imported in~~
23 ~~gasoline transported into this state from other states or~~
24 ~~countries.~~

25 ~~—— (c) Recommendations as to whether the June 1, 2003 prohibition~~
26 ~~can be achieved and, if not, determine a more feasible date.~~

27 ~~—— (d) Any other information considered appropriate.~~

1 (6) THE DIRECTOR SHALL ESTABLISH STANDARDS PURSUANT TO THIS
2 ACT TO ENSURE THE PURITY AND QUALITY OF DIESEL FUEL SOLD OR OFFERED
3 FOR SALE IN THIS STATE.

4 (7) ANY FIRM OFFERING HYDROGEN FUEL FOR SALE IN THIS STATE
5 SHALL FIRST REGISTER WITH AND OBTAIN APPROVAL FROM THE DEPARTMENT.
6 REGISTRATION SHALL INCLUDE A COMPLETE LIST OF THE FUEL
7 SPECIFICATIONS THE PRODUCT IS TO MEET AND THE SITES WHERE THE
8 PRODUCT IS OFFERED FOR SALE TO THE GENERAL PUBLIC.

9 (8) ~~(6)~~ Standards established pursuant to this section shall
10 be by rules promulgated pursuant to the administrative procedures
11 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

12 Sec. 4a. (1) A storage tank at a retail outlet shall be
13 periodically tested by the retail dealer to insure that the tank
14 does not have water or water-alcohol at the bottom of that tank in
15 an amount greater than 2 inches. If there is more than 2 inches of
16 water or water-alcohol at the bottom of the storage tank, gasoline,
17 **DIESEL FUEL, BIODIESEL, OR BIODIESEL BLEND** shall not be sold to a
18 consumer from that tank until the water or water-alcohol level is
19 reduced to a level of less than 2 inches.

20 (2) Adequate testing supplies, as determined by the
21 department, shall be maintained at the retail outlet and shall also
22 be made available to the department to determine the water or
23 water-alcohol level in the storage tank.

24 Sec. 5. (1) Except as provided by federal law or regulation,
25 in the manufacture of gasoline, **DIESEL FUEL, OR HYDROGEN FUEL** at
26 any refinery in this state, a refiner shall not manufacture
27 gasoline, **DIESEL FUEL, OR HYDROGEN FUEL** at a refinery in this state

1 unless the gasoline, **DIESEL FUEL, OR HYDROGEN FUEL** meets the
2 requirements in section 3. Except as provided by federal law or
3 regulation, a blender shall not blend gasoline unless the finished
4 blend meets the requirements in section 3.

5 (2) Except as provided by federal law or regulation, a
6 distributor shall not sell or transfer to any distributor, retail
7 dealer, or bulk purchaser-end user any gasoline, **DIESEL FUEL,**
8 **BIODIESEL, BIODIESEL BLEND, OR HYDROGEN FUEL** unless that gasoline,
9 **DIESEL FUEL, BIODIESEL, BIODIESEL BLEND, OR HYDROGEN FUEL** meets the
10 requirements in section 3 **AND IS SUITABLE FOR ITS INTENDED PURPOSE.**

11 (3) A carrier or an employee or agent of a carrier, whether
12 operating under contract or tariff, shall not cause gasoline,
13 **DIESEL FUEL, BIODIESEL, BIODIESEL BLEND, OR HYDROGEN FUEL** tendered
14 to the carrier for shipment or transfer to another carrier,
15 distributor, or retail dealer to fail to comply, at the time of
16 delivery, with the requirements in section 3.

17 (4) A person shall not knowingly sell, dispense, or offer for
18 sale gasoline, **DIESEL FUEL, BIODIESEL, BIODIESEL BLEND, OR HYDROGEN**
19 **FUEL** unless that gasoline, **DIESEL FUEL, BIODIESEL, BIODIESEL BLEND,**
20 **OR HYDROGEN FUEL** meets the requirements in section 3.

21 (5) A refiner or distributor shall not transfer, sell,
22 dispense, or offer gasoline, **DIESEL FUEL, BIODIESEL, BIODIESEL**
23 **BLEND, OR HYDROGEN FUEL** for sale in this state to a distributor
24 unless the refiner or distributor indicates on each bill, invoice,
25 or other instrument evidencing a delivery of gasoline, the name of
26 the wholesale distributor who received delivery of the gasoline,
27 **DIESEL FUEL, BIODIESEL, BIODIESEL BLEND, OR HYDROGEN FUEL.**

1 (6) A distributor or refiner shall not transfer, sell,
2 dispense, or offer gasoline, **DIESEL FUEL, BIODIESEL, BIODIESEL**
3 **BLEND, OR HYDROGEN FUEL** for sale in this state to a retail dealer
4 unless the ~~distributor indicates on each bill, invoice, or other~~
5 ~~instrument evidencing a delivery of gasoline, the name and license~~
6 ~~number issued~~ **RETAIL DEALER HAS A VALID RETAIL GASOLINE OUTLET**
7 **LICENSE** pursuant to this act. ~~, of the retail dealer who received~~
8 ~~delivery of the gasoline.~~

9 (7) A bill, invoice, or other instrument evidencing a delivery
10 of gasoline **DIESEL FUEL, BIODIESEL, BIODIESEL BLEND, OR HYDROGEN**
11 **FUEL** issued by a refiner or distributor for deliveries of gasoline
12 to purchasers who are not required to hold a license issued
13 pursuant to the motor fuel tax act, 2000 PA 403, MCL 207.1001 to
14 207.1170, or this act shall clearly indicate the name and address
15 and other information necessary to identify the purchaser of the
16 gasoline, **DIESEL FUEL, BIODIESEL, BIODIESEL BLEND, OR HYDROGEN**
17 **FUEL**.

18 (8) A bill, invoice, or other instrument evidencing a delivery
19 of gasoline required by subsection (5), (6), or (7) shall include a
20 guarantee that the gasoline delivered meets the requirements in
21 section 3 and shall indicate the concentration range of alcohol in
22 the gasoline, except for alcohols or ethers that have a molecular
23 weight greater than ethanol and are not mixed with methanol or
24 ethanol, or both, and shall indicate the possible presence, without
25 regard to concentration range, of any alcohols or ethers that have
26 a molecular weight greater than ethanol and are not mixed with
27 methanol or ethanol, or both.

1 (9) A refiner, distributor, bulk purchaser-end user, or retail
2 dealer shall not transfer, sell, dispense, or offer gasoline,
3 **DIESEL FUEL, BIODIESEL, OR BIODIESEL BLEND** for sale unless that
4 gasoline, **DIESEL FUEL, BIODIESEL, OR BIODIESEL BLEND** is visibly
5 free of undissolved water, sediments, and other suspended matter
6 and **THE GASOLINE** is clear and bright at an ambient temperature or
7 70 degrees Fahrenheit, whichever is greater.

8 (10) A person who violates this section or rules promulgated
9 under this section is liable for a civil fine not to exceed
10 \$10,000.00 for each day of the continuance of the violation. A
11 civil fine ordered pursuant to this section shall be submitted to
12 the state treasurer for deposit in the gasoline inspection and
13 testing fund created by section 8.

14 Sec. 6. (1) Before a distributor or retail dealer engages in
15 transferring, selling, dispensing, or offering for sale gasoline,
16 **DIESEL FUEL, BIODIESEL, BIODIESEL BLEND, OR HYDROGEN FUEL** in this
17 state, the distributor or retail dealer shall obtain a license from
18 the department for each retail outlet operated by that person. In
19 administering the licensing under this section, the department may
20 attempt to coordinate the licensing with the licensing applicable
21 to gasoline administered by the department of treasury pursuant to
22 the motor fuel tax act, 2000 PA 403, MCL 207.1001 to 207.1170, and
23 the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78.

24 (2) A license expires annually on November 30 unless renewed
25 before December 1 of each year or unless suspended, denied, or
26 revoked by the department.

27 (3) The fee for a license is \$15.00 for each year or portion

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

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

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

24 (6) This section does not apply until June 29, 1985.

25 (7) If a person licensed under this act is convicted of a
26 willful violation under section 31 of the weights and measures act
27 of 1964, 1964 PA 283, MCL 290.631, any license issued pursuant to

1 this act shall be revoked for 2 years.

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

13 (9) Except as otherwise provided in subsection (3), beginning
14 on ~~the effective date of the amendatory act that added this~~
15 ~~subsection~~ **JULY 23, 2004**, the department shall issue an initial or
16 renewal license not later than 120 days after the applicant files a
17 completed application. If the application is considered incomplete
18 by the department, the department shall notify the applicant in
19 writing or make notification electronically available within 40
20 days after receipt of the incomplete application, describing the
21 deficiency and requesting the additional information. The 120-day
22 period is tolled upon notification by the department of a
23 deficiency until the date all of the information requested during
24 the 40-day period is received by the department. Requests for new
25 or additional information by the department that fall outside the
26 40-day period do not toll the 120-day period. The determination of
27 the completeness of an application does not operate as an approval

1 of the application for the license and does not confer eligibility
2 of an applicant determined otherwise ineligible for issuance of a
3 license.

4 (10) If the department does not issue or deny a license within
5 120 days after the receipt of a completed application, the
6 department shall return the license fee and shall reduce the
7 license fee for the applicant's next renewal application, if any,
8 by 15%. The failure to issue a license within the time required
9 under this subsection does not allow the department to otherwise
10 delay the processing of the application, and that application, upon
11 completion, shall be placed in sequence with other completed
12 applications received at that same time. The department shall not
13 discriminate against an applicant in the processing of an
14 application based on the fact that the application fee was refunded
15 or discounted under this subsection.

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

22 (a) The number of initial and renewal applications the
23 department received and completed within the 120-day time period
24 described in subsection (9).

25 (b) The number of applications denied.

26 (c) The number of applications not issued within the 120-day
27 period and the amount of money returned to licensees and

1 registrants under subsection (10).

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

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

16 Sec. 7. (1) The director shall establish a gasoline
17 inspection, investigation, and testing program. The purpose of the
18 inspection, investigation, and testing program is to determine
19 whether gasoline transferred, sold, dispensed, or offered for sale
20 in this state meets the requirements provided in this act, to
21 sample, to investigate allegations of fraud, to inspect and
22 investigate violations of the weights and measures act, ~~of 1964,~~
23 ~~Act No. 283 of the Public Acts of 1964, being sections 290.601 to~~
24 ~~290.634 of the Michigan Compiled Laws~~ **1964 PA 283, MCL 290.601 TO**
25 **290.634**, and whether notice required by section 4 is provided. The
26 program shall provide for a regular system of monitoring gasoline
27 sold or offered for sale in this state. The department shall

1 implement the inspection, investigation, and testing program as
2 provided in subsection (8). The expenses of operating the program
3 shall be paid from money in the gasoline inspection and testing
4 fund created in section 8.

5 (2) As part of the inspection and testing program the director
6 shall maintain a 24-hour toll free consumer hot line to receive
7 consumer complaints regarding vapor-recovery systems and the purity
8 and quality of gasoline sold or offered for sale in this state.

9 (3) If the director has reason to believe a violation of
10 section 5 or rules promulgated under section 5 has occurred, the
11 director may require a refiner, distributor, storage facility,
12 blender, bulk purchaser-end user, or retail dealer to provide to
13 the department the original documents pertaining to the receipt,
14 transfer, delivery, storage, or sale of gasoline, **DIESEL FUEL,**
15 **BIODIESEL, BIODIESEL BLEND, OR HYDROGEN FUEL** and to allow the
16 original documents to remain in the possession of the department.
17 If original documents remain in the possession of the department
18 and the documents are necessary for conducting business, the
19 department shall provide copies of the documents to the refiner,
20 distributor, blender, bulk purchaser-end user, or retail dealer
21 upon request. A refiner, distributor, bulk purchaser-end user,
22 blender, or retail dealer shall preserve information regarding the
23 receipt, transfer, delivery, **STORAGE,** or sale of gasoline,
24 including loading tickets, bills of lading, drop tickets, meter
25 tickets, invoices, **SALES REPORTS,** and billings, for 3 years. A
26 retail outlet shall retain on its premises the original drop
27 tickets, **BILLS OF LADING,** and invoices for 1 month before transfer

1 to another location. ~~unless the storage location is easily~~
2 ~~accessible from the retail outlet and the original records are~~
3 ~~delivered to the retail outlet for receipt by the department within~~
4 ~~24 hours after a written request for the records has been given to~~
5 ~~the retail outlet.~~

6 (4) The director, upon presentation of appropriate
7 credentials, may do all of the following:

8 (a) Enter upon or through any retail outlet, bulk purchaser-
9 end user facility, dispensing facility, or the premises or property
10 of any refiner or distributor.

11 (b) Make inspections, take samples, and conduct tests during
12 any hours the business is operating.

13 (c) Examine records during normal business hours to determine
14 compliance with this act.

15 (5) In addition to the powers provided in this act, the
16 director has all the powers to enforce this act that the director
17 has under the weights and measures act, ~~of 1964, Act No. 283 of~~
18 ~~the Public Acts of 1964, being sections 290.601 to 290.634 of the~~
19 ~~Michigan Compiled Laws~~ **1964 PA 283, MCL 290.601 TO 290.634.**

20 (6) The director may transmit any information obtained
21 pursuant to the inspection and testing program to any other agency
22 of this state if the information will assist the other agency to
23 carry out any of the agency's regulatory functions or
24 responsibilities related to the transfer, sale, dispensing, or
25 offering of gasoline for sale in this state.

26 (7) The director may promulgate rules for the purpose of
27 implementing and enforcing this act.

1 (8) The department shall implement the inspection and testing
2 program provided in subsection (1) as follows:

3 (a) Inspection and testing for standards regarding lead,
4 alcohol, free water, and sediments within 90 days after the
5 effective date of this act.

6 (b) Inspection and testing for any other standards by March
7 29, 1987.