

Legislative Analysis



QUALIFIED FUEL DISPENSERS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4678 as introduced
Sponsor: Rep. Joseph A. Aragona

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4679 as introduced
Sponsor: Rep. Tullio Liberati, Jr.

Committee: Regulatory Reform
Revised 11-12-25

SUMMARY:

House Bill 4678 would amend the Weights and Measures Act to provide that a *qualified equipment renter* that sells motor fuel to fill or refill a fuel storage tank that is part of *qualified rental equipment* being rented¹ by a person at a *qualified equipment rental location* may do so using either of the following methods if stated clearly in a rental contract:

- A flat rate or surcharge amount.
- A per-gallon fee amount, with the amount of motor fuel sold measured by a *qualified dispenser* used in compliance with any applicable regulations of the U.S. Department of Labor and its Occupational Safety and Health Administration (OSHA).

Qualified equipment renter would mean a person that meets both of the following:

- The person is engaged in Michigan in a line of business described in code 532310² or 532412³ of the North American Industry Classification System (NAICS) published by the U.S. Census Bureau, 2022 edition.
- The person receives more than 25% of its annual gross receipts from the rental of qualified [rental] equipment to the public.

Qualified rental equipment would mean equipment that is powered by motor fuel, is mobile,⁴ and is rented to customers by a qualified [equipment] renter, including any of the following:

- A self-propelled vehicle not designed to be driven on the highway.
- Equipment or vehicles not subject to titling under the Michigan Vehicle Code.
- Lifting equipment.
- Material handling equipment.
- Equipment used in shoring, shielding, and ground trenching.
- Industrial compressors, generators, or pumps.
- Portable heating, ventilation, and air conditioning equipment.
- Electrical generation equipment.

¹ *Rent* or *rental* would mean entering into an agreement for the use of property in exchange for consideration for a term of less than 365 consecutive days or under an open-ended contract.

² <https://www.census.gov/naics/?input=532310&year=2022&details=532310>

³ <https://www.census.gov/naics/?input=532412&year=2022&details=532412>

⁴ Equipment would be considered mobile if it is not intended to be permanently affixed to real property for its intended use and can be moved to different locations.

Qualified equipment rental location would mean the physical location of a qualified equipment renter in Michigan that has a tax parcel identification number under the General Property Tax Act and at which less than 3,000 gallons of motor fuel are sold in a calendar year to persons renting qualified rental equipment.

Qualified dispenser would mean a container for the storage and transfer of up to 110 gallons of motor fuel that complies with U.S. Department of Transportation standards, is made of materials compatible with the motor fuel type, and includes the following components:

- A dispensing hose and nozzle.
- A venting system.
- A gauge for measuring the fuel in the container to 1/8 of an inch.
- A volumetric flow meter that meets the following:
 - It is installed in compliance with the requirements of its manufacturer.
 - It is capable of displaying the amount of motor fuel dispensed to the nearest 0.1 gallon.
 - It is certified by the manufacturer of the volumetric flow meter to have an accuracy within plus or minus 1.0%.

Proposed MCL 290.628g

House Bill 4679 would amend the Weights and Measures Act to provide that the Department of Agriculture and Rural Development (MDARD) does not have to inspect and test each individual device that is a qualified dispenser as defined above, and that the act's inspecting and testing requirements for devices that measure commodities sold are satisfied if the dispenser complies with the requirements of House Bill 4678 and applicable U.S. Department of Transportation regulations.

Under the bill, the following provisions of the act would be subject to those of House Bill 4678:

- A requirement that the specifications, tolerances, and regulations for commercial weights and measures must comply with the 2023 edition of "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices" Handbook 44 of the National Institute of Standards and Technology (NIST) in the U.S. Department of Commerce.
- Requirements that a certificate of conformance for a type, and the determination for a uniform basis conformance for a type, must comply with the 2023 edition of NIST Handbook 44 and with "National Type Evaluation Program Technical Policy, Checklists and Test Procedures," Publication 14 of the National Conference on Weights and Measures, Inc. (NCWM). (A *type* is defined as a model or models of a particular device measurement system, instrument, element, or a field standard that positively identifies the design and may vary in its measurement ranges, size, performance, and operating characteristics as specified in the certificate of conformance issued by the NCWM based on testing by a participating laboratory.)

Finally, the act now requires MDARD to inspect and test the accuracy of all weights and measures that are commercially used to do either of the following:

- Determine the weight, measurement, or count of goods that are sold or offered for sale on the basis of their weight, measure, or count.

- Calculate the basic charge or payment for services rendered on the basis of their weight, measure, or count.

The bill would amend the above requirement to instead require MDARD to determine one or both of the following in order to inspect and test the accuracy of all weights and measures that are commercially used:

- The weight, measurement, or count of goods things sold or offered for sale on the basis of weight, measure, or count.
- The basic charge or payment for services rendered on the basis of weight, measure, or count.

MCL 290.610 and 290.628c

Neither bill can take effect unless both bills are enacted.

FISCAL IMPACT:

The fiscal impacts of House Bills 4678 and 4679 have not been determined at this time.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.