

MOTOR FUEL DISTRIBUTION ACT (EXCERPT)
Act 134 of 1990

445.1802 Definitions.

Sec. 2.

As used in this act:

- (a) "Contract" means any oral or written agreement.
- (b) "Franchise" means a contract between a refiner and a retailer or between a distributor and a retailer, under which a refiner or distributor authorizes or permits a retailer to use, in connection with the sale, consignment, or distribution of gasoline, diesel, gasohol, or aviation fuel, a trademark that is owned or controlled by a refiner, or by a refiner that supplies fuel to the distributor that authorizes or permits such use. Franchise includes, but is not limited to, both of the following:
 - (i) A contract under which a retailer is authorized or permitted to occupy leased marketing premises, which premises are to be employed in connection with the sale, consignment, or distribution of fuel under a trademark that is owned or controlled by a refiner.
 - (ii) A contract pertaining to the supply of fuel that is to be sold, consigned, or distributed by a retailer under a trademark owned or controlled by a refiner.
- (c) "Distributor" means a person, including any affiliate of the person, who meets either of the following requirements:
 - (i) Purchases motor fuel for sale, consignment, or distribution to another.
 - (ii) Receives motor fuel on consignment for consignment or distribution to his or her own motor fuel accounts or to accounts of his or her supplier, but does not include a person who is an employee of, or merely serves as a common carrier providing transportation service for the supplier.
- (d) "Franchisee" means a retailer who is authorized or permitted, under a franchise, to use a trademark in connection with the sale, consignment, or distribution of fuel. Franchisee does not include a distributor which resells motor fuel to retailers, to the general public, or to both retailers and the general public.
- (e) "Franchisor" means a refiner or distributor who authorizes or permits, under a franchise, a retailer to use a trademark in connection with the sale, consignment, or distribution of fuel.
- (f) "Marketing premises" means, in the case of any franchise, premises that, under the franchise, are to be employed by the franchisee in connection with the sale, consignment, or distribution of motor fuel.
- (g) "Motor fuel" means gasoline and diesel fuel of a type distributed for use as a fuel in self-propelled vehicles designed primarily for use on public streets, roads, and highways.
- (h) "Refiner" means a person engaged in the refining of crude oil to produce motor fuel, and includes any affiliate of the person.
- (i) "Retailer" means any person who purchases motor fuel for sale to the general public for ultimate consumption.

History: 1990, Act 134, Eff. Oct. 1, 1990