

# SENATE BILL No. 485

April 29, 2009, Introduced by Senator SWITALSKI and referred to the Committee on Transportation.

A bill to amend 1984 PA 44, entitled  
"Motor fuels quality act,"  
by amending section 3 (MCL 290.643), as amended by 2008 PA 313.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 3. (1) The director shall establish standards pursuant to  
2 this act to ensure the purity and quality of gasoline and diesel  
3 fuel sold or offered for sale in this state.

4           (2) The director shall establish standards for the amount and  
5 type of additives allowed to be included in gasoline and diesel  
6 fuel.

7           (3) The director shall establish standards for the grading of  
8 gasoline, including, but not limited to, subregular with a minimum  
9 85 AKI, regular with a minimum 87 AKI and a minimum 82 MON,

1 midgrade 88 with a minimum 88 AKI and a minimum 82 MON, midgrade 89  
2 with a minimum 89 AKI and a minimum 83 MON, premium with a minimum  
3 90 AKI, premium 91 with a minimum 91 AKI, premium 92 with a minimum  
4 92 AKI, premium 93 with a minimum 93 AKI, and premium 94 with a  
5 minimum 94 AKI.

6 (4) The director shall establish standards for vapor pressure  
7 as specified by the American society for testing and materials,  
8 except as otherwise required to conform to federal or state law.  
9 Notwithstanding anything to the contrary in section 10d, the  
10 director shall establish the vapor pressure as 9.0 pounds per  
11 square inch (psi) for retail outlets during the period beginning  
12 June 1 through September 15 of each year, except for dispensing  
13 facilities in counties where the director establishes the vapor  
14 pressure as 7.0 psi or 7.8 psi in the year 2007 and thereafter. As  
15 used in this act, "vapor pressure" means the vapor pressure of  
16 gasoline or gasoline oxygenate blend as determined by ASTM test  
17 method D6378 or D5191 or an ASTM method approved by the department.

18 (5) In establishing additive and grading standards the  
19 director shall adopt the latest standards for gasoline established  
20 by the American society for testing and materials and shall adopt  
21 the latest standards for gasoline established by federal law or  
22 regulation. The standards established by the director shall not  
23 prohibit a gasoline blend that is permitted by a valid waiver  
24 granted by the United States environmental protection agency  
25 pursuant to the fuel or fuel additive waiver in section 211(f)(4)  
26 of part A of title II of the clean air act, 42 USC 7545, and the  
27 ethanol waiver of 1.0 psi in section 211(h)(4) of part A of title

1 II of the clean air act, 42 USC 7545, if the gasoline blend meets  
2 all of the conditions set forth in the waiver. Beginning June 1,  
3 2003, the director shall not permit the use of the additive methyl  
4 tertiary butyl ether (MTBE) in this state.

5 (6) The director shall establish standards pursuant to this  
6 act to ensure the purity and quality of diesel fuel sold or offered  
7 for sale in this state. No later than June 1, 2009, the director  
8 shall make available for public comment proposed standards to  
9 ensure the purity and quality of diesel fuel that is biodiesel or a  
10 biodiesel blend, including, but not limited to, a biodiesel blend  
11 designated as B20.

12 (7) Any firm offering hydrogen fuel for sale in this state  
13 shall first register with and obtain approval from the department.  
14 Registration shall include a complete list of the fuel  
15 specifications the product is to meet and the sites where the  
16 product is offered for sale to the general public.

17 **(8) BEGINNING DECEMBER 31, 2009, STANDARDS FOR GASOLINE SOLD**  
18 **IN THIS STATE SHALL INCLUDE A REQUIREMENT THAT GASOLINE SOLD IN**  
19 **THIS STATE INCLUDE AT LEAST 2% ETHANOL. THIS SUBSECTION DOES NOT**  
20 **APPLY TO GASOLINE SOLD IN THIS STATE FOR USE IN 2-CYCLE ENGINES,**  
21 **SMALL AIRCRAFT, BOATS, AND HISTORIC VEHICLES AS DEFINED IN SECTION**  
22 **20A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.20A.**

23 (9) ~~(8)~~ Standards established pursuant to this section shall  
24 be by rules promulgated pursuant to the administrative procedures  
25 act of 1969, 1969 PA 306, MCL 24.201 to 24.328.