

# SENATE BILL No. 29

January 16, 2013, Introduced by Senators BIEDA, KOWALL, HILDENBRAND, EMMONS, ROCCA, JONES, ANDERSON, SMITH, JANSEN, WHITMER, GREGORY, YOUNG, HOOD, JOHNSON and HOPGOOD and referred to the Committee on Economic Development.

A bill to prohibit the sale of certain engine coolant in this state that does not contain denatonium benzoate as a bittering agent; to require certain record keeping; and to provide for penalties.

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

1           Sec. 1. (1) This act shall be known and may be cited as the  
2 "engine coolant bittering agent act".

3           (2) As used in this act, "engine coolant" means a substance  
4 that is used in the cooling system of an internal combustion engine  
5 to provide protection against freezing, overheating, or corrosion  
6 of the cooling system, or is labeled or sold with the implication  
7 that it may be used for that purpose.

1           Sec. 3. On or after January 1, 2015, a person shall not sell  
2 in this state engine coolant that is manufactured on or after  
3 January 1, 2015 and contains more than 10% ethylene glycol unless  
4 the engine coolant contains denatonium benzoate in a concentration  
5 of 30 to 50 parts per million.

6           Sec. 5. A manufacturer or packager shall not sell engine  
7 coolant in this state unless the manufacturer or packager retains  
8 for a minimum of 3 years, and makes available to the public on  
9 request, a record of all of the following concerning the engine  
10 coolant:

- 11           (a) The trade name.
- 12           (b) The scientific name.
- 13           (c) The concentration of ethylene glycol.
- 14           (d) The concentration of denatonium benzoate.

15           Sec. 7. (1) Subject to subsection (2), a manufacturer,  
16 processor, distributor, recycler, or seller of an engine coolant  
17 that complies with the requirements of this act is not liable to  
18 any person for any of the following that result from inclusion of  
19 denatonium benzoate in an engine coolant, if it is present in the  
20 concentrations described in section 3:

- 21           (a) Personal injury.
- 22           (b) Death.
- 23           (c) Property damage.
- 24           (d) Damage to the environment, including natural resources.
- 25           (e) Economic loss.

26           (2) Subsection (1) does not relieve a person from liability in  
27 any of the following circumstances:

1 (a) The injury is not primarily caused by the inclusion of  
2 denatonium benzoate in the engine coolant.

3 (b) The injury is the result of the manufacturer's,  
4 processor's, distributor's, recycler's, or seller's willful or  
5 wanton misconduct or gross negligence.

6 (c) The injury is related to the manufacture or distribution  
7 of denatonium benzoate.

8 Sec. 9. This act does not apply to either of the following:

9 (a) The sale of a motor vehicle that contains engine coolant.

10 (b) Wholesale containers of engine coolant containing 55  
11 gallons or more of engine coolant.

12 Sec. 11. The attorney general or any other person may bring a  
13 civil action for, and a court may order, 1 or more of the  
14 following:

15 (a) An injunction to enforce this act.

16 (b) If the action is brought by the attorney general, a civil  
17 fine of not more than \$500.00 for each day of sale in violation of  
18 this act, which shall be submitted to the state treasurer for  
19 deposit into the general fund.

20 (c) Attorney fees and costs, if the plaintiff prevails.