

# SENATE BILL NO. 870

April 24, 2020, Introduced by Senator SCHMIDT and referred to the Committee on Government Operations.

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 3 and 9k (MCL 290.643 and 290.649k), section 3 as amended by 2008 PA 313 and section 9k as added by 2006 PA 104.

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

- 1           Sec. 3. (1) The director shall establish standards ~~pursuant to~~  
2 **under** this act to ensure the purity and quality of gasoline and  
3 diesel fuel sold or offered for sale in this state.  
4           (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 vapor pressure  
12 as specified by the American ~~society~~**Society** for ~~testing~~**Testing**  
13 and ~~materials~~**Materials International**, except as otherwise  
14 required to conform to federal or state law. Notwithstanding  
15 anything to the contrary in section 10d, the director shall  
16 establish the vapor pressure as 9.0 pounds per square inch (psi)  
17 for retail outlets during the period beginning June 1 through  
18 September 15 of each year, except for dispensing facilities in  
19 counties where the director establishes the vapor pressure as 7.0  
20 psi or 7.8 psi in the year 2007 and thereafter. As used in this  
21 act, "vapor pressure" means the vapor pressure of gasoline or  
22 gasoline oxygenate blend as determined by ASTM test method D6378 or  
23 D5191 or an ASTM method approved by the department.

24 (5) In establishing additive and grading standards, the  
25 director shall adopt the latest standards for gasoline established  
26 by the American ~~society~~**Society** for ~~testing~~**Testing** and ~~materials~~  
27 **Materials International** and shall adopt the latest standards for  
28 gasoline established by federal law or regulation. The standards  
29 established by the director ~~shall~~**must** not prohibit a gasoline

1 blend that is permitted by a valid waiver granted by the United  
2 States ~~environmental protection agency pursuant to~~ **Environmental**  
3 **Protection Agency under** the fuel or fuel additive waiver in section  
4 211(f) (4) of part A of title II of the clean air act, 42 USC 7545,  
5 and the ethanol waiver of 1.0 psi in section 211(h) (4) of part A of  
6 title II of the clean air act, 42 USC 7545, if the gasoline blend  
7 meets all of the conditions set forth in the waiver. Beginning June  
8 1, 2003, the director shall not permit the use of the additive  
9 methyl tertiary butyl ether (MTBE) in this state.

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

17 (7) Any firm offering hydrogen fuel for sale in this state  
18 shall first register with and obtain approval from the department.  
19 Registration ~~shall~~ **must** include a complete list of the fuel  
20 specifications the product is to meet and the sites where the  
21 product is offered for sale to the general public.

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

25 Sec. 9k. **(1)** If the governor declares an emergency under the  
26 emergency management act, 1976 PA 390, MCL 30.401 to 30.421, or  
27 1982 PA 191, MCL 10.81 to 10.89, the governor may exercise his or  
28 her discretion to grant a temporary variance suspending the low  
29 vapor pressure fuel provisions of this act or rules promulgated

1 under this act if the governor concludes it is necessary to avoid  
2 disruptions in fuel supply. Fuel manufactured, sold, distributed,  
3 offered for sale or distribution, dispensed, offered for supply,  
4 stored, or transported under the variance ~~shall~~**must** be deemed  
5 compliant with the low vapor pressure fuel requirements of this  
6 act. The fine described in section 9/ does not apply to a variance  
7 described in this section. The variance ~~shall~~**must** be granted only  
8 for the minimum period necessary. The allowable vapor pressure  
9 under the variance ~~shall~~**must** be the minimum the governor considers  
10 necessary and in no event ~~shall~~**must** the variance allow the  
11 refiner, distributor, or terminal to operate with a vapor pressure  
12 of greater than 9.0 psi.

13 **(2) Subdivision (g) of R 285.564.4 of the Michigan**  
14 **Administrative Code does not apply from March 30, 2020 to June 1,**  
15 **2020.**