

MOTOR FUELS QUALITY ACT (EXCERPT)
Act 44 of 1984

290.646 License required; coordination of licensing; expiration and renewal of license; application for license; grounds for suspending, denying, or revoking license; conviction under weights and measures act; effect of suspension, revocation, or denial of license or other licenses; registering blended products; "completed application" defined.

Sec. 6.

(1) Before a distributor or retail dealer engages in transferring, selling, dispensing, or offering for sale gasoline, diesel fuel, biodiesel, biodiesel blend, or hydrogen fuel in this state, the distributor or retail dealer shall obtain a license from the department for each retail outlet operated by that person. In administering the licensing under this section, the department may attempt to coordinate the licensing with the licensing applicable to gasoline administered by the department of treasury pursuant to the motor fuel tax act, 2000 PA 403, MCL 207.1001 to 207.1170, and the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78.

(2) A license expires annually on November 30 unless renewed before December 1 of each year or unless suspended, denied, or revoked by the department.

(3) A license shall not be issued or renewed until any administrative fines imposed under section 10a have been paid. A hearing is not required before the refusal to issue or renew a license under this subsection.

(4) An application for a license shall be made to the department upon a form furnished by the department. The completed form shall contain the information requested by the department.

(5) The director may suspend, deny, or revoke a license issued pursuant to this act for failure to comply with the requirements provided for in section 3, for failure to provide notice as provided in section 4, or for violating section 31 of the weights and measures act, 1964 PA 283, MCL 290.631, if that violation occurs at any of the licensee's retail outlets and involves the transferring, selling, dispensing, or the offering for sale of gasoline in this state, or for otherwise failing to comply with this act or a rule promulgated under this act or an order issued under this act.

(6) If a person licensed under this act is convicted of an intentional violation under section 31 of the weights and measures act, 1964 PA 283, MCL 290.631, any license issued pursuant to this act shall be revoked for 2 years.

(7) A suspension, revocation, or denial of a license of a person who is an individual results in the suspension, revocation, or denial of any other license held or applied for by that individual under this act. The license of a corporation, partnership, or other association shall be suspended when a license or license application of a partner, trustee, director, or officer, member, or a person exercising control of the corporation, partnership, or other association is suspended, revoked, or denied. The suspension shall remain in force until the director determines that the disability created by the suspension, revocation, or denial has been removed.

(8) Except as otherwise provided in subsection (3), the department shall issue an initial or renewal license not later than 120 days after the applicant files a completed application. If the application is considered incomplete by the department, the department shall notify the applicant in writing or make the notification electronically available within 40 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 120-day period is tolled upon notification by the department of a deficiency until the date all of the information requested during the 40-day period is received by the department. Requests for new or additional information by the department that fall outside the 40-day period do not toll the 120-day period. The determination of the completeness of an application is not an approval of the application for the license and does not confer eligibility to an applicant determined otherwise ineligible for issuance of a license.

(9) Before a blender engages in the transferring, selling, dispensing, or offering for sale of blended gasoline in this state, the blender shall register the finished product with the department and provide to the department test results as the department considers necessary. If the product does not comply with the requirements of section 3, the blender shall provide the department with a written list of the business names and addresses to whom the blended product is sold.

(10) As used in this section, "completed application" means an application complete on its face and submitted with any other information, records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of this state.

History: 1984, Act 44, Eff. Mar. 29, 1985 ;-- Am. 1986, Act 127, Eff. Aug. 1, 1986 ;-- Am. 1993, Act 236, Imd. Eff. Nov. 13, 1993 ;-- Am. 2002, Act 13, Imd. Eff. Feb. 19, 2002 ;-- Am. 2004, Act 278, Imd. Eff. July 23, 2004 ;-- Am. 2006, Act 271, Imd. Eff. July 7, 2006 ;-- Am. 2016, Act 466, Eff. Mar. 29, 2017 ;-- Am. 2018, Act 308, Eff. Sept. 27, 2018

Compiler's Notes: For transfer of powers and duties relating to purity and quality standards for biofuels from department of energy, labor, and economic growth to department of agriculture, see E.R.O. No. 2009-4, compiled at MCL 445.2026.

