

SENATE BILL No. 1272

May 27, 2004, Introduced by Senators VAN WOERKOM, GOSCHKA, BIRKHOLZ and GARCIA and referred to the Committee on Agriculture, Forestry and Tourism.

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending section 10a (MCL 290.650a), as amended by 2002 PA 13.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10a. (1) A person who individually, or by the action
2 of his or her agent or employee, or as the agent or employee of
3 another violates this act or a rule promulgated under this act is
4 subject to an administrative fine. Upon the request of a person
5 to whom an administrative fine is issued, the director shall
6 conduct a hearing conducted pursuant to the administrative
7 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. A
8 fine authorized by this section shall be as follows:

9 (a) For a first violation, not less than \$100.00 or more than
10 \$500.00, plus actual costs of the investigation and double the

1 amount of any economic benefit associated with the violation.

2 (b) For a second violation within 5 years after the first
3 violation, not less than \$500.00 or more than \$1,000.00, plus
4 actual costs of the investigation and double the amount of any
5 economic benefit associated with the violation.

6 (c) For a third violation within 5 years after the date of
7 the first violation, not less than \$1,000.00 or more than
8 \$2,000.00, plus actual costs of the investigation and double the
9 amount of any economic benefit associated with the violation.

10 (2) A decision of the director under this section is subject
11 to judicial review as provided by law.

12 (3) The director shall advise the attorney general of the
13 failure of any person to pay an administrative fine imposed under
14 this section. The attorney general shall bring an action in
15 court of competent jurisdiction to recover the fine.

16 (4) Any administrative fine, costs, and the recovery of any
17 economic benefit associated with a violation collected under this
18 section shall be paid to the state treasury and deposited into
19 the gasoline inspection and testing fund.

20 (5) **Beginning October 1, 2004, the department shall maintain**
21 **a list on its website indicating the name of the person, the name**
22 **of the business the person operates, and the business address of**
23 **all persons fined under subsection (1) (b) for violations of**
24 **section 5.**