

HOUSE BILL No. 5365

October 25, 2005, Introduced by Reps. Casperson, Nofs, Stakoe, Emmons, Booher, Meyer, Sheen, Proos, Kooiman, Jones, Brown, Adamini and Kahn and referred to the Committee on Transportation.

A bill to prevent certain pricing practices in the distribution of motor fuel; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "petroleum marketing stabilization act".

3 Sec. 2. As used in this act:

4 (a) "Motor fuel" means that term as defined in section 4 of
5 the motor fuel tax act, 2000 PA 403, MCL 207.1004.

6 (b) "Person" means an individual, partnership, corporation,
7 association, limited liability company, governmental entity, or
8 other legal entity.

9 (c) "Retail location" means a location where a retailer sells
10 motor fuel.

11 (d) "Retailer" means a person that meets all of the following:

1 (i) Maintains a storage facility for motor fuel.

2 (ii) Sells motor fuel at a retail location.

3 (iii) Sells motor fuel to the end user of the motor fuel.

4 (e) "Retailer cost" means the sum of the following:

5 (i) The invoice cost of the motor fuel to the retailer, less
6 customary discounts for cash.

7 (ii) Any excise, sales, or use taxes imposed on the motor fuel
8 or on its sale.

9 (iii) Any cost incurred for transportation and any other fees or
10 charges not otherwise included in the invoice cost.

11 (iv) Any other costs of doing business, determined in
12 accordance with generally accepted accounting principles.

13 Sec. 3. (1) Except as provided in subsection (2), a retailer
14 shall not sell or offer to sell motor fuel below retailer cost at a
15 retail location in this state.

16 (2) It is not a violation of subsection (1) to establish a
17 sale price for motor fuel in good faith to meet an equally low
18 lawful price of a competitor that is subject to this act, located
19 in the same market area, and selling the same or a similar product
20 of like grade and quality.

21 Sec. 4. A person threatened with injury or injured directly or
22 indirectly in his or her business or property by a violation of
23 this act may bring an action for appropriate injunctive or other
24 equitable relief, 3 times the amount of actual damages sustained by
25 reason of a violation of this act, interest on the damages from the
26 date of the complaint, taxable costs, and actual attorney fees.