

ENGINE COOLANT BITTERING AGENT ACT

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Senate Bill 29

Sponsor: Sen. Steven Bieda

House Committee: Regulatory Reform

Senate Committee: Economic Development

Complete to 1-27-14

A SUMMARY OF SENATE BILL 29 AS PASSED BY THE SENATE 5-1-13

The bill would create a new act, known as the Engine Coolant Bittering Agent Act, to require the following concerning the sale of engine coolants:

- Beginning January 1, 2015, require engine coolants containing more than 10% ethylene glycol to be mixed with denatonium benzoate.
- Require manufacturers and packagers to maintain certain records for three years in order to sell engine coolant.
- Provide manufacturers and sellers, among others, protection from liability from certain actions as a result of using denatonium benzoate.

Section 3 – Inclusion of denatonium benzoate

Beginning on January 1, 2015, individuals would be prohibited from selling engine coolant that is manufactured on or after that date and contains more than ten-percent ethylene glycol unless the coolant contains denatonium benzoate in a concentration of thirty to fifty parts per million.

Section 5 – Maintenance of records

Manufacturers and packagers would be prohibited from selling engine coolant in the state unless they retain a record of all of the following for at least three years and make the record available to the public:

- Trade name.
- Scientific name.
- Concentration of ethylene glycol.
- Concentration of denatonium benzoate.

Section 7 – Liability

Manufacturers, processors, distributors, recyclers, or sellers of engine coolant that comply with this new act would not be liable to any person for any of the following resulting from inclusion of denatonium benzoate in an engine coolant:

- Personal injury.
- Death.
- Property damage.

- Damage to the environment, including natural resources.
- Economic loss.

This protection would not protect individuals from liability in any of the following cases:

- The injury is not primarily caused by the inclusion of denatonium benzoate in the coolant.
- The injury is the result of the manufacturer's processor's, distributor's, recycler's, or seller's willful or wanton misconduct or gross negligence.
- The injury is related to the manufacture or distribution of denatonium benzoate.

Section 9 – Applicability

The act would not apply to the sale of a motor vehicle containing engine coolant and wholesale containers of engine coolant containing 55 gallons or more of engine coolant.

Section 10 – Civil action

The Attorney General or any person could bring a civil action for, and a court may order, one or more of the following:

- An injunction to enforce the act.
- If the action is brought by the Attorney General, a civil fine of up to \$500 for each day of sale in violation of the act. Fines would be deposited into the General Fund.
- Attorney fees and costs, if the plaintiff prevails.

FISCAL IMPACT:

The bill would have no fiscal impact on local units of government, and would not likely have a significant fiscal impact on the state. The Attorney General could incur costs of action to enforce the bill, while the state's General Fund would receive revenue from any fines levied under the bill.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.