

SUBSTITUTE FOR
HOUSE BILL NO. 4895

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending section 541 (MCL 436.1541), as amended by 2008 PA 489.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 541. (1) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTIONS (2) TO**
2 **(6), THE** commission shall not ~~prohibit~~ **ALLOW** an applicant for or
3 the holder of a specially designated distributor license or
4 specially designated merchant license from owning or operating
5 motor vehicle fuel pumps on or adjacent to the licensed premises,
6 ~~if~~ **UNLESS** both of the following conditions are met:

7 (a) One or both of the following conditions exist:

8 (i) The applicant or licensee is located in a neighborhood
9 shopping center. ~~composed of 1 or more commercial establishments~~
10 ~~organized or operated as a unit which is related in location, size,~~
11 ~~and type of shop to the trade area that the unit serves, which~~

1 ~~provides not less than 50,000 square feet of gross leasable retail~~
2 ~~space, and which provides 5 private off street parking spaces for~~
3 ~~each 1,000 square feet of gross leasable retail space.~~

4 (ii) ~~The~~ **SUBJECT TO SUBSECTION (9), THE** applicant or licensee
5 maintains a minimum inventory on the premises, excluding alcoholic
6 liquor and motor vehicle fuel, of not less than \$250,000.00, at
7 cost, of those goods and services customarily marketed by approved
8 types of businesses.

9 (b) The site of payment and selection of alcoholic liquor is
10 not less than ~~50~~ 5 feet from that point where motor vehicle fuel is
11 dispensed.

12 (2) The commission shall not prohibit an applicant for or the
13 holder of a specially designated distributor license or specially
14 designated merchant license from owning or operating motor vehicle
15 fuel pumps on or adjacent to the licensed premises, if all of the
16 following conditions are met:

17 (a) The applicant is located in a township with a population
18 of 7,000 or less, ~~which township~~ **THAT** is not contiguous with any
19 other township. For purposes of this subdivision, a township is not
20 considered contiguous by water.

21 (b) The applicant or licensee maintains a minimum inventory on
22 the premises, excluding alcoholic liquor and motor vehicle fuel, of
23 not less than \$12,500.00 at cost, of those goods and services
24 customarily marketed by approved types of businesses.

25 (c) The applicant has the approval of the township, as
26 evidenced by a resolution duly adopted by the township and
27 submitted with the application to the commission.

1 (3) The commission shall not prohibit an applicant for or the
2 holder of a specially designated merchant license from owning or
3 operating motor vehicle fuel pumps on or adjacent to the licensed
4 premises if both of the following conditions are met:

5 (a) The applicant or licensee is located in ~~either~~**ANY** of the
6 following:

7 (i) A city, incorporated village, or township with a
8 population of 3,500 or less and a county with a population of
9 31,000 or more.

10 (ii) A city, incorporated village, or township with a
11 population of 4,000 or less and a county with a population of less
12 than 31,000.

13 **(iii) A TOWNSHIP IN WHICH THE APPLICANT OR LICENSEE IS THE**
14 **ONLY PERSON THAT OWNS OR OPERATES MOTOR FUEL PUMPS WITHIN THE**
15 **TOWNSHIP ON THE DATE OF APPLICATION. THE COMMISSION SHALL NOT**
16 **REVOKE A LICENSE THAT WAS GRANTED UNDER THIS SUBPARAGRAPH IF A**
17 **SECOND PERSON THAT OWNS OR OPERATES MOTOR FUEL PUMPS OPENS WITHIN**
18 **THE TOWNSHIP AFTER THE ORIGINAL APPLICATION WAS FILED.**

19 (b) The applicant or licensee maintains a minimum inventory on
20 the premises, excluding alcoholic liquor and motor vehicle fuel, of
21 not less than \$10,000.00, at cost, of those goods and services
22 customarily marketed by approved types of businesses.

23 (4) The commission shall not prohibit an applicant for or the
24 holder of a specially designated distributor license from owning or
25 operating motor vehicle fuel pumps on or adjacent to the licensed
26 premises if both of the following conditions are met:

27 (a) The applicant or licensee is located in either of the

1 following:

2 (i) A city, incorporated village, or township with a
3 population of 3,500 or less and a county with a population of
4 31,000 or more.

5 (ii) A city, incorporated village, or township with a
6 population of 4,000 or less and a county with a population of less
7 than 31,000.

8 (b) The applicant or licensee maintains a minimum inventory on
9 the premises, excluding alcoholic liquor and motor vehicle fuel, of
10 not less than \$12,500.00, at cost, of those goods and services
11 customarily marketed by approved types of businesses.

12 (5) A person ~~who~~**THAT** was issued a specially designated
13 merchant license or specially designated distributor license at a
14 location at which another person owned, operated or maintained
15 motor vehicle fuel pumps at the same location may have or acquire
16 an interest in the ownership, operation or maintenance of those
17 motor vehicle fuel pumps.

18 (6) The commission may transfer ownership of a specially
19 designated merchant license or specially designated distributor
20 license to a person ~~who~~**THAT** owns or is acquiring an interest in
21 motor vehicle fuel pumps already in operation at the same location
22 at which the license is issued.

23 **(7) IF A SPECIALLY DESIGNATED MERCHANT'S LICENSED PREMISES ARE**
24 **A PRIMARY LOCATION, THE COMMISSION MAY ISSUE A SECONDARY LOCATION**
25 **PERMIT TO THE SPECIALLY DESIGNATED MERCHANT, AS AN EXTENSION OF THE**
26 **SPECIALLY DESIGNATED MERCHANT'S LICENSE, FOR THE SALE OF BEER,**
27 **WINE, OR BOTH, AT THE SECONDARY LOCATION. THE COMMISSION SHALL**

1 ISSUE A SECONDARY LOCATION PERMIT ONLY TO A SPECIALLY DESIGNATED
2 MERCHANT TO WHICH BOTH OF THE FOLLOWING APPLY:

3 (A) THE HOLDER OF THE SPECIALLY DESIGNATED MERCHANT LICENSE
4 FOR THE PRIMARY LOCATION PREMISES OR A SUBSIDIARY OR AFFILIATE OF
5 THE LICENSE HOLDER OWNS OR LEASES THE SECONDARY LOCATION.

6 (B) THE HOLDER OF THE SPECIALLY DESIGNATED MERCHANT LICENSE
7 FOR THE PRIMARY LOCATION OR A SUBSIDIARY OR AFFILIATE OF THE
8 LICENSE HOLDER OWNS OR OPERATES MOTOR VEHICLE FUEL PUMPS AT THE
9 SECONDARY LOCATION UNDER SUBSECTION (1).

10 (8) AN APPLICANT FOR A SECONDARY LOCATION PERMIT SHALL SUBMIT
11 AN APPLICATION TO THE COMMISSION IN A FORMAT PROVIDED BY THE
12 COMMISSION AND ACCOMPANIED BY AN APPLICATION AND INITIAL PERMIT FEE
13 OF \$100.00. THE APPLICATION MUST INCLUDE A DIAGRAM OF THE SECONDARY
14 LOCATION WITH BUILDING DIMENSIONS AND A DEPICTION OF THE DISTANCE
15 MEASUREMENT DESCRIBED IN SUBSECTION (1) (B). THE SECONDARY LOCATION
16 PERMIT EXPIRES ON THE SAME DATE AS THE SPECIALLY DESIGNATED
17 MERCHANT LICENSE AND MAY BE RENEWED IN CONJUNCTION WITH THE
18 SPECIALLY DESIGNATED MERCHANT LICENSE. THE SECONDARY LOCATION
19 PERMIT HOLDER MAY RENEW THE SECONDARY LOCATION PERMIT BY SUBMITTING
20 A PERMIT RENEWAL FEE OF \$100.00 AND A COMPLETED RENEWAL
21 APPLICATION.

22 (9) AFTER A SPECIALLY DESIGNATED MERCHANT IS ISSUED A
23 SECONDARY LOCATION PERMIT UNDER SUBSECTION (7) AND IF THE SPECIALLY
24 DESIGNATED MERCHANT'S LICENSED PREMISES ARE A PRIMARY LOCATION THAT
25 IS NOT A NEIGHBORHOOD SHOPPING CENTER, FOR PURPOSES OF DETERMINING
26 THE MINIMUM INVENTORY CONDITION DESCRIBED IN SUBSECTION (1) (A) (ii),
27 THE PRIMARY LOCATION AND THE SECONDARY LOCATION ARE CONSIDERED 1

1 PREMISES.

2 (10) AFTER A SPECIALLY DESIGNATED MERCHANT IS ISSUED A
3 SECONDARY LOCATION PERMIT UNDER SUBSECTION (7), IF A SUBSIDIARY OR
4 AFFILIATE OF THE SPECIALLY DESIGNATED MERCHANT OWNS OR OPERATES THE
5 SECONDARY LOCATION AND THE SUBSIDIARY OR AFFILIATE SHARES THE SAME
6 ULTIMATE CONTROLLING PARTY OF THE SPECIALLY DESIGNATED MERCHANT,
7 THE SECONDARY LOCATION MAY RECEIVE AND SELL BEER, WINE, OR BOTH
8 UNDER THE SPECIALLY DESIGNATED MERCHANT'S LICENSE.

9 (11) THE HOLDER OF A SECONDARY LOCATION PERMIT SHALL
10 PROMINENTLY DISPLAY THE SECONDARY LOCATION PERMIT AT THE SECONDARY
11 LOCATION IN THE POINT-OF-SALE AREA.

12 (12) AS USED IN THIS SECTION:

13 (A) "NEIGHBORHOOD SHOPPING CENTER" MEANS 1 COMMERCIAL
14 ESTABLISHMENT, OR A GROUP OF COMMERCIAL ESTABLISHMENTS ORGANIZED OR
15 OPERATED AS A UNIT, THAT IS RELATED IN LOCATION, SIZE, AND TYPE OF
16 SHOP TO THE TRADE AREA THAT THE UNIT SERVES, AND CONSISTS OF NOT
17 LESS THAN 50,000 SQUARE FEET OF LEASABLE RETAIL SPACE, AND HAS
18 ACCESS TO OFF-STREET PARKING SPACES.

19 (B) "PRIMARY LOCATION" MEANS LICENSED PREMISES THAT MEET THE
20 CONDITIONS UNDER SUBSECTION (1).

21 (C) "SECONDARY LOCATION" MEANS A BUSINESS OPERATION OF THE
22 HOLDER OF A SPECIALLY DESIGNATED MERCHANT LICENSE FOR A PRIMARY
23 LOCATION, OR A SUBSIDIARY OR AFFILIATE OF THAT LICENSE HOLDER, THAT
24 TAKES PLACE ON REAL PROPERTY, THAT INCLUDES AT LEAST 1 BUILDING AND
25 1 OR MORE MOTOR VEHICLE FUEL PUMPS, AND THAT IS LOCATED ON OR
26 ADJACENT TO THE PRIMARY LOCATION. UPON COMMISSION APPROVAL OF THE
27 SECONDARY LOCATION PERMIT, THE SECONDARY LOCATION IS CONSIDERED

1 LICENSED PREMISES AND AN EXTENSION OF THE LICENSED PRIMARY
2 LOCATION.

3 Enacting section 1. This amendatory act takes effect 90 days
4 after the date it is enacted into law.