

# HOUSE BILL No. 4355

February 21, 1991, Introduced by Rep. Hickner and referred to the Committee on Liquor Control

A bill to amend section 28c of Act No. 8 of the Public Acts of the Extra Session of 1933, entitled as amended "The Michigan liquor control act," as added by Act No. 132 of the Public Acts of 1988, being section 436.28c of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 28c of Act No. 8 of the Public Acts of  
2 the Extra Session of 1933, as added by Act No. 132 of the Public  
3 Acts of 1988, being section 436.28c of the Michigan Compiled  
4 Laws, is amended to read as follows:

5       Sec. 28c. (1) The commission shall not prohibit an appli-  
6 cant for or the holder of a specially designated distributor  
7 license or specially designated merchant license from owning or  
8 operating motor vehicle fuel pumps on or adjacent to the licensed  
9 premises, if both of the following conditions are met:

1 (a) One or ~~more~~ BOTH of the following conditions ~~exists~~  
2 EXIST:

3 (i) The applicant or licensee is located in a neighborhood  
4 shopping center composed of 1 or more commercial establishments  
5 organized or operated as a unit which is related in location,  
6 size, and type of shop to the trade area that the unit serves,  
7 which provides not less than 50,000 square feet of gross leasable  
8 retail space, and which provides 5 private off-street parking  
9 spaces for each 1,000 square feet of gross leasable retail  
10 space.

11 (ii) The applicant or licensee maintains a minimum inventory  
12 on the premises, excluding alcoholic liquor and motor vehicle  
13 fuel, of not less than \$250,000.00, at cost, of those goods and  
14 services customarily marketed by approved types of businesses.

15 (b) The site of payment and selection of alcoholic liquor is  
16 not less than 50 feet from that point where motor vehicle fuel is  
17 dispensed.

18 (2) The commission shall not prohibit ~~the application~~ AN  
19 APPLICANT for or the holder of a specially designated merchant  
20 license from owning or operating motor vehicle fuel pumps on or  
21 adjacent to the licensed premises if ~~all~~ BOTH of the following  
22 conditions are met:

23 (a) The applicant or licensee is located in ~~a~~ EITHER OF  
24 THE FOLLOWING:

25 (i) A city, incorporated village, or township WITH A  
26 POPULATION of 3,000 ~~population~~ or less ~~—~~ AND A COUNTY WITH A  
27 POPULATION OF MORE THAN 50,000.

1       (ii) A CITY, INCORPORATED VILLAGE, OR TOWNSHIP WITH A  
2 POPULATION OF 3,600 OR LESS AND A COUNTY WITH A POPULATION OF  
3 LESS THAN 50,000.

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

8       (3) The commission shall not prohibit ~~the application~~ AN  
9 APPLICANT for or the holder of a specially designated distributor  
10 license from owning or operating motor vehicle fuel pumps on or  
11 adjacent to the licensed premises if ~~all~~ BOTH of the following  
12 conditions are met:

13       (a) The applicant or licensee is located in a city, incorpo-  
14 rated village, or township of ~~3,000~~ 3,500 population or less.

15 ~~→~~

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

20       (4) ~~(4)(a)~~ A person who was issued a specially designated  
21 merchant license or specially designated distributor license at a  
22 location at which another person owned, operated or maintained  
23 motor vehicle fuel pumps at the same location may have or acquire  
24 an interest in the ownership, operation or maintenance of those  
25 motor vehicle fuel pumps.

26       (5) ~~(b)~~ The commission may transfer ownership of a  
27 specially designated merchant license or specially designated

1 distributor license to a person who owns or is acquiring an  
2 interest in motor vehicle fuel pumps already in operation at the  
3 same location at which the license is issued.

4 ~~(5) The commission and the department of commerce shall~~  
5 ~~conduct a study to obtain information and examine the feasibility~~  
6 ~~of issuing specially designated distributor licenses and spe-~~  
7 ~~cially designated merchant licenses to types of businesses other~~  
8 ~~than those described in subsection (1) that sell motor vehicle~~  
9 ~~fuel. A report of the results of the study shall be provided to~~  
10 ~~the legislature not later than December 31, 1988.~~