

# HOUSE BILL No. 4396

February 27, 1997, Introduced by Reps. Mathieu, Griffin, McManus, Prusi, Anthony, Harder, Brackenridge, Kaza, Walberg, Wetters and Baade and referred to the Committee on Commerce.

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending section 28c (MCL 436.28c), as amended by 1992 PA 133.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

6       (a) ~~One~~ EITHER or both of the following: ~~conditions~~  
7 ~~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,

1 size, and type of shop to the trade area that the unit serves,  
2 which provides not less than 50,000 square feet of gross leasable  
3 retail space, and which provides 5 private off-street parking  
4 spaces for each 1,000 square feet of gross leasable retail  
5 space.

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

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

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

18 (a) The applicant or licensee ~~is located in either of the~~  
19 ~~following:~~ MAINTAINS ON THE PREMISES A RETAIL BUILDING OF NOT  
20 LESS THAN 900 SQUARE FEET OF GROSS LEASABLE RETAIL SPACE.

21 ~~(i) A city, incorporated village, or township with a popu-~~  
22 ~~lation of 3,000 or less and a county with a population of 31,000~~  
23 ~~or more.~~

24 ~~(ii) A city, incorporated village, or township with a popu-~~  
25 ~~lation of 3,500 or less and a county with a population of less~~  
26 ~~than 31,000.~~

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

5 (3) The commission shall not prohibit an applicant for or  
6 the holder of a specially designated distributor license from  
7 owning or operating motor vehicle fuel pumps on or adjacent to  
8 the licensed premises if both of the following conditions are  
9 met:

10 (a) The applicant or licensee is located in either of the  
11 following:

12 (i) A city, incorporated village, or township with a popula-  
13 tion of 3,000 or less and a county with a population of 31,000 or  
14 more.

15 (ii) A city, incorporated village, or township with a popu-  
16 lation of 3,500 or less and a county with a population of less  
17 than 31,000.

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

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

1           (5) The commission may transfer ownership of a specially  
2 designated merchant license or specially designated distributor  
3 license to a person who owns or is acquiring an interest in motor  
4 vehicle fuel pumps already in operation at the same location at  
5 which the license is issued.