

**SUBSTITUTE FOR
HOUSE BILL NO. 5128**

A bill to amend 1980 PA 299, entitled
"Occupational code,"
(MCL 339.101 to 339.2721) by adding article 17A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

ARTICLE 17A

2

SEC. 1760. (1) THE DEPARTMENT SHALL NOT ISSUE A LICENSE

3

UNLESS THE APPLICANT APPEARS PERSONALLY BEFORE THE DIRECTOR. THE

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APPLICANT SHALL AFFIX THE APPLICANT'S ORIGINAL SIGNATURE AND

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SOCIAL SECURITY NUMBER TO THE APPLICATION IN THE PRESENCE OF THE

6

DIRECTOR AND SHALL CERTIFY OR ACKNOWLEDGE UNDER OATH THAT THE

7

APPLICATION IS THE APPLICANT'S ACT AND DEED AND THAT THE FACTS

8

STATED IN THE APPLICATION ARE TRUE.

9

(2) IF THE APPLICANT IS A CORPORATION, SUBSECTION (1) IS

10

SATISFIED BY THE APPEARANCE, ORIGINAL SIGNATURE, SOCIAL SECURITY

11

NUMBER, AND CERTIFICATION OR ACKNOWLEDGMENT UNDER OATH OF A

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Sub. H.B. 5128 (H-3) as amended March 21, 2000

2

1 DIRECTOR ON BEHALF OF THE CORPORATION IN THE MANNER DESCRIBED IN
2 SUBSECTION (1). IF THE APPLICANT IS A LIMITED LIABILITY COMPANY,
3 SUBSECTION (1) IS SATISFIED BY THE APPEARANCE, ORIGINAL SIGNA-
4 TURE, SOCIAL SECURITY NUMBER, AND CERTIFICATION OR ACKNOWLEDGMENT
5 UNDER OATH OF A MANAGER OR MEMBER ON BEHALF OF THE LIMITED
6 LIABILITY COMPANY IN THE MANNER DESCRIBED IN SUBSECTION (1). IF
7 THE APPLICANT IS A PARTNERSHIP OR OTHER UNINCORPORATED ASSOCIA-
8 TION, SUBSECTION (1) IS SATISFIED BY THE APPEARANCE, ORIGINAL
9 SIGNATURE, SOCIAL SECURITY NUMBER, AND CERTIFICATION OR ACKNOWL-
10 EDGMENT UNDER OATH OF A GENERAL PARTNER OR MEMBER ON BEHALF OF
11 THE APPLICANT IN THE MANNER DESCRIBED IN SUBSECTION (1).

12 SEC. 1760A. THE DEPARTMENT SHALL APPROVE OR DENY THE ISSU-
13 ANCE OF A LICENSE TO AN ADULT ENTERTAINMENT ESTABLISHMENT UNDER
14 THIS ARTICLE WITHIN [120] DAYS AFTER RECEIPT OF A COMPLETED APPLICA-
15 TION FOR LICENSE. AN APPLICANT THAT HOLDS A VALID ADULT ENTER-
16 TAINMENT ESTABLISHMENT LICENSE AT THE TIME THE DEPARTMENT
17 RECEIVES A COMPLETED APPLICATION FOR LICENSE MAY CONTINUE TO
18 OPERATE THE LICENSED BUSINESS WHILE THE DEPARTMENT IS CONSIDERING
19 WHETHER TO APPROVE OR DENY THE APPLICATION.

20 SEC. 1761. THE DEPARTMENT SHALL NOT ISSUE A LICENSE FOR THE
21 OPERATION OF AN ADULT ENTERTAINMENT ESTABLISHMENT TO ANY OF THE
22 FOLLOWING:

23 (A) A PERSON WHO, IN THIS STATE OR ANY OTHER STATE OR JURIS-
24 DICTION WITHIN THE 3 YEARS PRIOR TO THE DATE OF THE APPLICATION,
25 WAS CONVICTED OF, OR WAS IN JAIL OR PRISON FOR A CONVICTION FOR,
26 A MISDEMEANOR INVOLVING LEWDNESS, PROSTITUTION, PANDERING OR
27 PROMOTING PROSTITUTION, SEXUAL ASSAULT OR ASSAULT WITH INTENT TO

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1 COMMIT CRIMINAL SEXUAL CONDUCT, SEXUAL MISCONDUCT, INDECENT
2 EXPOSURE, INCEST, RAPE OR CRIMINAL SEXUAL CONDUCT, OR SODOMY, OR
3 HAS BEEN REGISTERED AS A SEX OFFENDER.

4 (B) A PERSON WHO, IN THIS STATE OR ANY OTHER STATE OR JURIS-
5 DICTION WITHIN THE 7 YEARS PRIOR TO THE DATE OF THE APPLICATION,
6 WAS CONVICTED OF, OR WAS IN JAIL OR PRISON FOR A CONVICTION FOR,
7 A FELONY INVOLVING LEWDNESS, PROSTITUTION, PANDERING OR PROMOTING
8 PROSTITUTION, SEXUAL ASSAULT OR ASSAULT WITH INTENT TO COMMIT
9 CRIMINAL SEXUAL CONDUCT, SEXUAL MISCONDUCT, INDECENT EXPOSURE,
10 INCEST, RAPE OR CRIMINAL SEXUAL CONDUCT, OR SODOMY.

11 (C) A PERSON WHO HELD A LICENSE FOR THE OPERATION OF AN
12 ADULT ENTERTAINMENT ESTABLISHMENT UNDER THIS ARTICLE THAT WAS
13 REVOKED PURSUANT TO SECTION 1762 WITHIN THE 2-YEAR PERIOD PRIOR
14 TO THE DATE OF APPLICATION.

15 (D) A PERSON WHO WAS AN OFFICER, DIRECTOR, OR PRINCIPAL
16 OWNER OF A CORPORATION, A MANAGER OR PRINCIPAL OWNER OF A LIMITED
17 LIABILITY COMPANY, OR A PARTNER OR MEMBER OF A PARTNERSHIP OR
18 OTHER UNINCORPORATED ASSOCIATION, THAT HELD A LICENSE FOR THE
19 OPERATION OF AN ADULT ENTERTAINMENT ESTABLISHMENT THAT WAS
20 REVOKED WITHIN THE 2-YEAR PERIOD PRIOR TO THE DATE OF APPLICATION
21 PURSUANT TO SECTION 1762 FOR AN OFFENSE OR VIOLATION COMMITTED BY
22 ANYONE WHILE THE PERSON SERVED IN THAT CAPACITY FOR THE CORPORA-
23 TION, LIMITED LIABILITY COMPANY, PARTNERSHIP, OR UNINCORPORATED
24 ASSOCIATION.

25 (E) A PERSON WHOSE APPLICATION BEARS THE SIGNATURE OF A
26 PERSON DESCRIBED IN SUBDIVISION (A), (B), (C), OR (D).

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1 Enacting section 1. This amendatory act does not take
2 effect unless all of the following bills of the 90th Legislature
3 are enacted into law:

4 (a) House Bill No. 5124.

5 (b) House Bill No. 5125.

6 (c) House Bill No. 5126.

7 (d) House Bill No. 5127.

8 (e) House Bill No. 5129.

9 (f) House Bill No. 5130.

10 (g) House Bill No. 5131.

11 (h) House Bill No. 5132.