

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5562

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 541. (1) The commission shall not prohibit an applicant
2 for or the holder of a specially designated distributor license or
3 specially designated merchant license from owning or operating
4 motor vehicle fuel pumps on or adjacent to the licensed premises,
5 if both of the following conditions are met:
6 (a) One or both of the following conditions exist:
7 (i) The applicant or licensee is located in a neighborhood
8 shopping center composed of 1 or more commercial establishments
9 organized or operated as a unit which is related in location, size,
10 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 applicant or licensee maintains a minimum inventory on
5 the premises, excluding alcoholic liquor and motor vehicle fuel, of
6 not less than \$250,000.00, at cost, of those goods and services
7 customarily marketed by approved types of businesses.

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

11 (2) THE COMMISSION SHALL NOT PROHIBIT AN APPLICANT FOR OR THE
12 HOLDER OF A SPECIALLY DESIGNATED DISTRIBUTOR LICENSE OR SPECIALLY
13 DESIGNATED MERCHANT LICENSE FROM OWNING OR OPERATING MOTOR VEHICLE
14 FUEL PUMPS ON OR ADJACENT TO THE LICENSED PREMISES, IF ALL OF THE
15 FOLLOWING CONDITIONS ARE MET:

16 (A) THE APPLICANT IS LOCATED IN A TOWNSHIP WITH A POPULATION
17 OF 7,000 OR LESS, WHICH TOWNSHIP IS NOT CONTIGUOUS WITH ANY OTHER
18 TOWNSHIP. FOR PURPOSES OF THIS SUBDIVISION, A TOWNSHIP IS NOT
19 CONSIDERED CONTIGUOUS BY WATER.

20 (B) THE APPLICANT OR LICENSEE MAINTAINS A MINIMUM INVENTORY ON
21 THE PREMISES, EXCLUDING ALCOHOLIC LIQUOR AND MOTOR VEHICLE FUEL, OF
22 NOT LESS THAN \$12,500 AT COST, OF THOSE GOODS AND SERVICES
23 CUSTOMARILY MARKETING BY APPROVED TYPES OF BUSINESSES.

24 (C) THE APPLICANT HAS THE APPROVAL OF THE TOWNSHIP, AS
25 EVIDENCED BY A RESOLUTION DULY ADOPTED BY THE TOWNSHIP AND
26 SUBMITTED WITH THE APPLICATION TO THE COMMISSION.

27 (3) ~~—(2)—~~ The commission shall not prohibit an applicant for

1 or the holder of a specially designated merchant license from
2 owning or operating motor vehicle fuel pumps on or adjacent to the
3 licensed premises if both of the following conditions are met:

4 (a) The applicant or licensee is located in either of the
5 following:

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

9 (ii) A city, incorporated village, or township with a
10 population of ~~3,500~~ 4,000 or less and a county with a population
11 of less than 31,000.

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

16 (4) ~~-(3)-~~ The commission shall not prohibit an applicant for
17 or the holder of a specially designated distributor license from
18 owning or operating motor vehicle fuel pumps on or adjacent to the
19 licensed premises if both of the following conditions are met:

20 (a) The applicant or licensee is located in either of the
21 following:

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

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

27 (b) The applicant or licensee maintains a minimum inventory on

1 the premises, excluding alcoholic liquor and motor vehicle fuel, of
2 not less than \$12,500.00, at cost, of those goods and services
3 customarily marketed by approved types of businesses.

4 (5) ~~—(4)—~~ A person who was issued a specially designated
5 merchant license or specially designated distributor license at a
6 location at which another person owned, operated or maintained
7 motor vehicle fuel pumps at the same location may have or acquire
8 an interest in the ownership, operation or maintenance of those
9 motor vehicle fuel pumps.

10 (6) ~~—(5)—~~ The commission may transfer ownership of a specially
11 designated merchant license or specially designated distributor
12 license to a person who owns or is acquiring an interest in motor
13 vehicle fuel pumps already in operation at the same location at
14 which the license is issued.