

HOUSE BILL No. 4990

June 22, 2005, Introduced by Reps. Kolb, Elsenheimer, Pastor, Palmer, Vander Veen, Nitz, Proos, Drolet, Huizenga and Palsrok and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending section 107 (MCL 436.1107), as amended by 2001 PA 223.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 107. (1) "Cash" means money in hand, bank notes, demand
2 deposits at a bank, or legal tender, which a creditor must accept
3 according to law. Cash does not include call loans, postdated
4 checks, or promissory notes.

5 (2) "Class C license" means a place licensed to sell at retail
6 beer, wine, mixed spirit drink, and spirits for consumption on the
7 premises.

8 (3) "Class G-1 license" means a place licensed to sell at
9 retail beer, wine, mixed spirit drink, and spirits for consumption
10 on the premises at a golf course having at least 18 holes that

1 measure at least 5,000 yards and which license is issued only to a
2 facility which permits member access by means of payments that
3 include annual paid membership fees.

4 (4) "Class G-2 license" means a place licensed to sell at
5 retail beer and wine for consumption on the premises at a golf
6 course having at least 18 holes that measure at least 5,000 yards
7 and which license is issued only to a facility which permits member
8 access by means of payments that include annual paid membership
9 fees.

10 (5) "Club" means a nonprofit association, whether incorporated
11 or unincorporated, organized for the promotion of some common
12 purpose, the object of which is owning, hiring, or leasing a
13 building, or space in a building, of an extent and character as in
14 the judgment of the commission may be suitable and adequate for the
15 reasonable and comfortable use and accommodation of its members and
16 their guests, but does not include an association organized for a
17 commercial or business purpose.

18 (6) "Commission" means the liquor control commission provided
19 for and created in section 209.

20 (7) "COMPUTER" MEANS ANY CONNECTED, DIRECTLY INTEROPERABLE OR
21 INTERACTIVE DEVICE, EQUIPMENT, OR FACILITY THAT USES A COMPUTER
22 PROGRAM OR OTHER INSTRUCTIONS TO PERFORM SPECIFIC OPERATIONS
23 INCLUDING LOGICAL, ARITHMETIC, OR MEMORY FUNCTIONS WITH OR ON
24 COMPUTER DATA OR A COMPUTER PROGRAM AND THAT CAN STORE, RETRIEVE,
25 ALTER, OR COMMUNICATE THE RESULTS OF THE OPERATIONS TO A PERSON,
26 COMPUTER PROGRAM, COMPUTER, COMPUTER SYSTEM, OR COMPUTER NETWORK.

27 (8) "COMPUTER NETWORK" MEANS THE INTERCONNECTION OF HARDWARE

1 OR WIRELESS COMMUNICATION LINES WITH A COMPUTER THROUGH REMOTE
2 TERMINALS, OR A COMPLEX CONSISTING OF 2 OR MORE INTERCONNECTED
3 COMPUTERS.

4 (9) "COMPUTER PROGRAM" MEANS A SERIES OF INTERNAL OR EXTERNAL
5 INSTRUCTIONS COMMUNICATED IN A FORM ACCEPTABLE TO A COMPUTER THAT
6 DIRECTS THE FUNCTIONING OF A COMPUTER, COMPUTER SYSTEM, OR COMPUTER
7 NETWORK IN A MANNER DESIGNED TO PROVIDE OR PRODUCE PRODUCTS OR
8 RESULTS FROM THE COMPUTER, COMPUTER SYSTEM, OR COMPUTER NETWORK.

9 (10) "COMPUTER SYSTEM" MEANS A SET OF RELATED, CONNECTED OR
10 UNCONNECTED, COMPUTER EQUIPMENT, DEVICES, SOFTWARE, OR HARDWARE.

11 (11) ~~—(7)—~~ "Church" means an entire house or structure set
12 apart primarily for use for purposes of public worship, and which
13 is tax exempt under the laws of this state, and in which religious
14 services are held and with which a clergyman is associated, and the
15 entire structure of which is kept for that use and not put to any
16 other use inconsistent with that use.

17 (12) "DEVICE" INCLUDES, BUT IS NOT LIMITED TO, AN ELECTRONIC,
18 MAGNETIC, ELECTROCHEMICAL, BIOCHEMICAL, HYDRAULIC, OPTICAL, OR
19 ORGANIC OBJECT THAT PERFORMS INPUT, OUTPUT, OR STORAGE FUNCTIONS BY
20 THE MANIPULATION OF ELECTRONIC, MAGNETIC, OR OTHER IMPULSES.

21 (13) "DILIGENT INQUIRY" MEANS A DILIGENT GOOD FAITH EFFORT TO
22 DETERMINE THE AGE OF A PERSON, WHICH INCLUDES AT LEAST AN
23 EXAMINATION OF AN OFFICIAL MICHIGAN OPERATOR'S OR CHAUFFEUR'S
24 LICENSE, AN OFFICIAL MICHIGAN PERSONAL IDENTIFICATION CARD, OR ANY
25 OTHER BONA FIDE PICTURE IDENTIFICATION THAT ESTABLISHES THE
26 IDENTITY AND AGE OF THE PERSON.

27 (14) "DIRECT SHIPPER" MEANS A PERSON WHO ENGAGES IN THE SALE,

1 DELIVERY, OR IMPORTATION OF WINE TO A RETAIL CUSTOMER THROUGH THE
2 USE OF ANY MAIL ORDER, INTERNET, TELEPHONE, COMPUTER, DEVICE, OR
3 OTHER ELECTRONIC MEANS.

4 (15) ~~-(8)-~~ "Distiller" means any person licensed to
5 manufacture and sell spirits or alcohol, or both, of any kind.

6 (16) ~~-(9)-~~ "Hotel" means a building or group of buildings
7 located on the same or adjoining pieces of real property, which
8 provide lodging to travelers and temporary residents and which may
9 also provide food service and other goods and services to
10 registered guests and to the public.

11 (17) ~~-(10)-~~ "Class A hotel" means a hotel licensed by the
12 commission to sell beer and wine for consumption on the premises
13 only, which provides for the rental of, and maintains the
14 availability for rental of, not less than 25 bedrooms if located in
15 a local governmental unit with a population of less than 175,000 or
16 not less than 50 bedrooms if located in a local governmental unit
17 with a population of 175,000 or more.

18 (18) ~~-(11)-~~ "Class B hotel" means a hotel licensed by the
19 commission to sell beer, wine, mixed spirit drink, and spirits for
20 consumption on the premises only, which provides for the rental of,
21 and maintains the availability for rental of, not less than 25
22 bedrooms if located in a local governmental unit with a population
23 of less than 175,000 or not less than 50 bedrooms if located in a
24 local governmental unit with a population of 175,000 or more.

25 (19) ~~-(12)-~~ "License" means a contract between the commission
26 and the licensee granting authority to that licensee to manufacture
27 and sell, or sell, or warehouse alcoholic liquor in the manner

1 provided by this act.

2 Enacting section 1. This amendatory act does not take effect
3 unless all of the following bills of the 93rd Legislature are
4 enacted into law:

5 (a) Senate Bill No.____ or House Bill No. 4987(request no.
6 01498'05 **).

7 (b) Senate Bill No.____ or House Bill No. 4989(request no.
8 03815'05).

9 (c) Senate Bill No.____ or House Bill No. 4988(request no.
10 03816'05).