

# HOUSE BILL No. 5488

March 15, 2012, Introduced by Reps. Franz, Bumstead, Nesbitt, Rendon, Opsommer, Yonker, Shirkey, Pettalia, Jacobsen, Kowall and Wayne Schmidt 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 525 (MCL 436.1525), as amended by 2010 PA 279.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 525. (1) Except as otherwise provided ~~for~~ in this  
2       section, the following license fees shall be paid at the time of  
3       filing applications or as otherwise provided in this act and are  
4       subject to allocation under section 543:

5       (a) Manufacturers of spirits, ~~but~~ not including makers,  
6       blenders, and rectifiers of wines containing 21% or less alcohol by  
7       volume, \$1,000.00.

8       (b) Manufacturers of beer, \$50.00 per 1,000 barrels, or  
9       fraction of a barrel, production annually with a maximum fee of  
10      \$1,000.00, and in addition \$50.00 for each motor vehicle used in

1 delivery to retail licensees. A fee increase does not apply to a  
2 manufacturer of less than 15,000 barrels production per year.

3 (c) Outstate seller of beer, delivering or selling beer in  
4 this state, \$1,000.00.

5 (d) Wine makers, blenders, and rectifiers of wine, including  
6 makers, blenders, and rectifiers of wines containing 21% or less  
7 alcohol by volume, \$100.00. The small wine maker license fee is  
8 \$25.00.

9 (e) Outstate seller of wine, delivering or selling wine in  
10 this state, \$300.00.

11 (f) Outstate seller of mixed spirit drink, delivering or  
12 selling mixed spirit drink in this state, \$300.00.

13 (g) Dining cars or other railroad or Pullman cars selling  
14 alcoholic liquor, \$100.00 per train.

15 (h) Wholesale vendors other than manufacturers of beer,  
16 \$300.00 for the first motor vehicle used in delivery to retail  
17 licensees and \$50.00 for each additional motor vehicle used in  
18 delivery to retail licensees.

19 (i) Watercraft, licensed to carry passengers, selling  
20 alcoholic liquor, a minimum fee of \$100.00 and a maximum fee of  
21 \$500.00 per year computed on the basis of \$1.00 per person per  
22 passenger capacity.

23 (j) Specially designated merchants, for selling beer or wine  
24 for consumption off the premises only but not at wholesale, \$100.00  
25 for each location regardless of ~~the fact that~~ **WHETHER** the location  
26 ~~may be a~~ **IS** part of a system or chain of merchandising.

27 (k) Specially designated distributors licensed by the

1 commission to distribute spirits and mixed spirit drink in the  
2 original package for the commission for consumption off the  
3 premises, \$150.00 per year, and an additional fee of \$3.00 for each  
4 \$1,000.00 or major fraction of that amount in excess of \$25,000.00  
5 of the total retail value of merchandise purchased under each  
6 license from the commission during the previous calendar year.

7 (l) Hotels of class A selling beer and wine, a minimum fee of  
8 \$250.00 and ~~, for all bedrooms in excess of 20,~~ \$1.00 for each  
9 ~~additional bedroom~~ **IN EXCESS OF 20**, but not more than \$500.00

10 **TOTAL.**

11 (m) Hotels of class B selling beer, wine, mixed spirit drink,  
12 and spirits, a minimum fee of \$600.00 and ~~, for all bedrooms in~~  
13 ~~excess of 20,~~ \$3.00 for each ~~additional bedroom~~ **IN EXCESS OF 20**. If  
14 a hotel of class B sells beer, wine, mixed spirit drink, and  
15 spirits in more than 1 public bar, ~~the fee entitles the hotel to~~  
16 ~~sell in only 1 public bar, other than a bedroom, and a license~~  
17 ~~shall be secured~~ **A FEE OF \$350.00 SHALL BE PAID** for each additional  
18 public bar, other than a bedroom. ~~, the fee for which is \$350.00.~~

19 (n) Taverns, selling beer and wine, \$250.00.

20 (o) Class C license selling beer, wine, mixed spirit drink,  
21 and spirits, \$600.00. Subject to section 518(2), if a class C  
22 licensee sells beer, wine, mixed spirit drink, and spirits in more  
23 than 1 bar, a fee of \$350.00 shall be paid for each additional bar.  
24 In municipally owned or supported facilities in which nonprofit  
25 organizations operate concession stands, a fee of \$100.00 shall be  
26 paid for each additional bar.

27 (p) Clubs selling beer, wine, mixed spirit drink, and spirits,

1 \$300.00 for clubs having 150 or fewer ~~duly~~-accredited members and  
2 \$1.00 for each ~~additional~~ member **IN EXCESS OF 150**. ~~The membership~~  
3 ~~list for the purpose only of determining the license fees to be~~  
4 ~~paid under this subdivision shall be the accredited~~ **CLUBS SHALL**  
5 **SUBMIT A** list of members ~~as determined~~ by a sworn affidavit 30 days  
6 before the closing of the license year **WHICH SHALL BE USED ONLY FOR**  
7 **DETERMINING THE LICENSE FEES TO BE PAID UNDER THIS SUBDIVISION.**

8 This subdivision does not prevent the commission from checking a  
9 membership list and making its own determination from the list or  
10 otherwise. The list of members and additional members is not  
11 required of a club paying the maximum fee. The maximum fee shall  
12 not exceed \$750.00 for any 1 club.

13 (q) Warehousemen, to be fixed by the commission with a minimum  
14 fee for each warehouse of \$50.00.

15 (r) Special licenses, a fee of \$50.00 per day, except that the  
16 fee for that license or permit issued to any bona fide nonprofit  
17 association, duly organized and in continuous existence for 1 year  
18 before the filing of its application, is \$25.00. Not more than 12  
19 special licenses may be granted to any organization, including an  
20 auxiliary of the organization, in a calendar year.

21 (s) Airlines licensed to carry passengers in this state that  
22 sell, offer for sale, provide, or transport alcoholic liquor,  
23 \$600.00.

24 (t) Brandy manufacturer, \$100.00.

25 (u) Mixed spirit drink manufacturer, \$100.00.

26 (v) Brewpub, \$100.00.

27 (w) Class G-1, \$1,000.00.

1 (x) Class G-2, \$500.00.

2 (y) Motorsports event license, the amount as described and  
3 determined under section ~~518(2)~~. **518(2)**.

4 (z) Small distiller, \$100.00.

5 (aa) Wine auction license, \$50,000.00.

6 (bb) Nonpublic continuing care retirement center license,  
7 \$600.00.

8 (2) The fees provided in this act for the various types of  
9 licenses shall not be prorated for a portion of the effective  
10 period of the license. Notwithstanding subsection (1), the initial  
11 license fee for any licenses issued under section 531(3) or (4) is  
12 \$20,000.00. The renewal license fee shall be the amount described  
13 in subsection (1). However, the commission shall not impose the  
14 \$20,000.00 initial license fee for applicants whose license  
15 eligibility was already approved on July 20, 2005.

16 (3) Beginning July 23, 2004, and except in the case of any  
17 resort or resort economic development license issued under section  
18 531(2), (3), (4), or (5) or a license issued under section 521, the  
19 commission shall issue an initial or renewal license not later than  
20 90 days after the applicant files a completed application. ~~Receipt~~  
21 ~~of the~~ **THE** application is considered **TO BE RECEIVED** the date the  
22 application is received by any agency or department of ~~the state of~~  
23 ~~Michigan.~~ **THIS STATE.** If the **COMMISSION DETERMINES THAT AN**  
24 application is ~~considered incomplete, by the commission,~~ the  
25 commission shall notify the applicant in writing, or make the  
26 information electronically available, within 30 days after receipt  
27 of the incomplete application, describing the deficiency and

1 requesting the additional information. The determination of the  
2 completeness of an application ~~does not operate as~~ **IS NOT** an  
3 approval of the application for the license and does not confer  
4 eligibility upon an applicant determined otherwise ineligible for  
5 issuance of a license. The 90-day period is tolled **FOR THE**  
6 **FOLLOWING PERIODS** under any of the following circumstances:

7 (a) ~~Notice~~ **IF NOTICE IS** sent by the commission of a deficiency  
8 in the application, until the date all of the requested information  
9 is received by the commission.

10 (b) ~~The~~ **FOR THE** time period ~~during which~~ **REQUIRED TO COMPLETE**  
11 actions required by a ~~party~~ **PERSON**, other than the applicant or the  
12 commission, ~~are completed that include,~~ **INCLUDING**, but ~~are not~~  
13 limited to, completion of construction or renovation of the  
14 licensed premises; mandated inspections by the commission or by any  
15 state, local, or federal agency; approval by the legislative body  
16 of a local unit of government; criminal history or criminal record  
17 checks; financial or court record checks; or other actions mandated  
18 by this act or rule or as otherwise mandated by law or local  
19 ordinance.

20 (4) If the commission fails to issue or deny a license within  
21 the time required by this section, the commission shall return the  
22 license fee and shall reduce the license fee for the applicant's  
23 next renewal application, if any, by 15%. The failure to issue a  
24 license within the time required under this section does not allow  
25 the commission to otherwise delay the processing of the  
26 application, and that application, upon completion, shall be placed  
27 in sequence with other completed applications received at that same

1 time. The commission shall not discriminate against an applicant in  
2 the processing of the application based upon the fact that the  
3 license fee was refunded or discounted under this subsection.

4 (5) THE COMMISSION SHALL, WITHIN 14 DAYS AFTER AN APPLICANT  
5 FILES AN APPLICATION UNDER SUBSECTION (3), ISSUE A TEMPORARY  
6 LICENSE TO AN APPLICANT SEEKING AN INITIAL LICENSE FOR SELLING  
7 ALCOHOLIC LIQUOR FOR CONSUMPTION ON OR OFF THE PREMISES IF THE  
8 APPLICANT DOES ALL OF THE FOLLOWING:

9 (A) SUBMITS A COMPLETED TEMPORARY LICENSE APPLICATION TO THE  
10 COMMISSION.

11 (B) PROVIDES PROOF TO THE COMMISSION THAT THE APPLICANT IS NOT  
12 DISQUALIFIED FROM HOLDING A LICENSE UNDER THIS ACT.

13 (6) THE COMMISSION MAY, AT ANY TIME DURING THE TEMPORARY  
14 LICENSE PERIOD UNDER SUBSECTION (5), DENY AN APPLICATION FOR  
15 LICENSURE IF IT DETERMINES THE APPLICANT IS NOT QUALIFIED OR IF THE  
16 COMMISSION DENIES THE APPLICANT'S INITIAL LICENSE UNDER THIS  
17 SECTION.

18 (7) ~~(5) Beginning October 1, 2005, the~~ THE chair of the  
19 commission shall submit a report by December 1 of each year to the  
20 standing committees and appropriations subcommittees of the senate  
21 and house of representatives concerned with liquor license issues.  
22 The chair of the commission shall include all of the following  
23 information in the report concerning the preceding fiscal year:

24 (a) The number of initial and renewal applications the  
25 commission received and completed within the 90-day time period  
26 described in subsection (3).

27 (b) The number of applications denied.

1           (c) The number of applicants not issued a license within the  
2 90-day time period and the amount of money returned to licensees  
3 under subsection (4).

4           (8) ~~(6)~~—As used in this section, "completed application" means  
5 an application complete on its face and submitted with any  
6 applicable licensing fees as well as any other information,  
7 records, approval, security, or similar item required by law or  
8 rule from a local unit of government, a federal agency, or a  
9 private entity but not from another department or agency of the  
10 state of Michigan.