

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 356

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding section 502.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 502. (1) THE COMMISSION SHALL ISSUE A SALESPERSON LICENSE
2 TO AN INDIVIDUAL WHO HAS SUCCESSFULLY COMPLETED A SALESPERSON
3 ACCREDITATION PROGRAM UNDER SUBSECTION (6) AND WHO IS A DESIGNATED
4 EMPLOYEE OF ANY OF THE FOLLOWING PERSONS:
5 (A) A MANUFACTURER OF BEER.
6 (B) A MANUFACTURER OF WINE.
7 (C) AN OUTSTATE SELLER OF BEER.
8 (D) AN OUTSTATE SELLER OF WINE.

1 (E) A WHOLESALER.

2 (2) A SALESPERSON LICENSE ISSUED UNDER THIS SECTION AFTER THE
3 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION BUT
4 BEFORE APRIL 30, 2020 EXPIRES ON APRIL 30, 2020. A SALESPERSON
5 LICENSE ISSUED UNDER THIS SECTION IS RENEWABLE EVERY 3 YEARS WITH
6 THE FIRST TRIENNIAL RENEWAL CYCLE BEGINNING MAY 1, 2020. THE
7 COMMISSION MAY CHARGE A REASONABLE INITIAL LICENSE FEE AND
8 TRIENNIAL RENEWAL FEE. THE COMMISSION SHALL ESTABLISH A FEE UNDER
9 THIS SECTION BY WRITTEN ORDER. THE NONREFUNDABLE INSPECTION FEE
10 UNDER SECTION 529(4) IS NOT REQUIRED FOR AN APPLICATION FOR A NEW
11 SALESPERSON LICENSE OR TRANSFER OF A SALESPERSON LICENSE.

12 (3) THE COMMISSION SHALL NOT ISSUE A SALESPERSON LICENSE UNDER
13 THIS SECTION UNLESS THE APPLICANT SUBMITS WITH HIS OR HER
14 APPLICATION WRITTEN DOCUMENTATION THAT THE APPLICANT HAS
15 SUCCESSFULLY COMPLETED A SALESPERSON ACCREDITATION PROGRAM. THE
16 COMMISSION SHALL NOT RENEW A SALESPERSON LICENSE UNDER THIS SECTION
17 UNLESS THE LICENSEE SUBMITS WITH HIS OR HER APPLICATION PROOF
18 ACCEPTABLE TO THE COMMISSION THAT THE LICENSEE HAS SUCCESSFULLY
19 COMPLETED A SALESPERSON ACCREDITATION PROGRAM NO MORE THAN 120 DAYS
20 BEFORE THE DATE THE LICENSEE SUBMITS HIS OR HER RENEWAL
21 APPLICATION.

22 (4) EXCEPT AS PROVIDED IN THIS SUBSECTION AND SUBSECTION (5),
23 AN INDIVIDUAL SHALL NOT SELL, DELIVER, PROMOTE, OR OTHERWISE ASSIST
24 IN THE SALE OF BEER OR WINE IN ANY MANNER TO A RETAILER IN THIS
25 STATE UNLESS LICENSED UNDER THIS SECTION. AN INDIVIDUAL LICENSED AS
26 A SALESPERSON UNDER R 436.1853 OF THE MICHIGAN ADMINISTRATIVE CODE
27 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS

1 SECTION SHALL COMPLY WITH REQUIREMENTS OF THIS SECTION ON RENEWAL
2 OF HIS OR HER SALESPERSON LICENSE, APPLICATION FOR A SUBSEQUENT
3 SALESPERSON LICENSE UNDER A DIFFERENT EMPLOYER, OR A REQUEST TO
4 TRANSFER HIS OR HER SALESPERSON LICENSE TO A DIFFERENT EMPLOYER.

5 (5) THIS SECTION DOES NOT REQUIRE AN INDIVIDUAL WHO IS AT
6 LEAST 18 YEARS OF AGE AND WHO ONLY DOES ANY OF THE FOLLOWING TO BE
7 LICENSED AS A SALESPERSON:

8 (A) BUILDS A DISPLAY OF THOSE BRANDS THAT ARE REPRESENTED OR
9 SOLD BY THE INDIVIDUAL'S EMPLOYER FOR AN OFF-PREMISES RETAILER.

10 (B) MARKS THE PRICE ON THOSE BRANDS THAT ARE REPRESENTED OR
11 SOLD BY THE INDIVIDUAL'S EMPLOYER FOR AN OFF-PREMISES RETAILER.

12 (C) ROTATES BRANDS THAT ARE REPRESENTED OR SOLD BY THE
13 INDIVIDUAL'S EMPLOYER FOR AN OFF-PREMISES RETAILER.

14 (D) PLACES BRANDS THAT ARE REPRESENTED OR SOLD BY THE
15 INDIVIDUAL'S EMPLOYER ON SHELVES FOR AN OFF-PREMISES RETAILER.

16 (E) THE HOLDER OF A MICHIGAN COMMERCIAL DRIVER LICENSE OR
17 CHAUFFEUR'S LICENSE WHO TRANSPORTS, IN A VEHICLE LICENSED BY THE
18 COMMISSION UNDER SECTION 525, AND DELIVERS ALCOHOLIC LIQUOR TO A
19 RETAILER.

20 (6) THE COMMISSION SHALL APPROVE A SALESPERSON LICENSE
21 ACCREDITATION PROGRAM DESIGNED FOR SALESPERSON LICENSEES IF THE
22 COMMISSION DETERMINES THAT THE PROGRAM'S CURRICULUM INCLUDES AN
23 UNDERSTANDING OF ALL OF THE FOLLOWING:

24 (A) SECTION 609.

25 (B) SECTION 609A.

26 (C) SECTION 609B.

27 (D) THE PROVISIONS OF SECTION 1013 THAT REQUIRE THE SALE OR

1 PURCHASE OF ALCOHOLIC LIQUOR BY A LICENSEE FOR CASH ONLY.

2 (E) R 436.1315 OF THE MICHIGAN ADMINISTRATIVE CODE.

3 (F) R 436.1319 OF THE MICHIGAN ADMINISTRATIVE CODE.

4 (G) R 436.1726 OF THE MICHIGAN ADMINISTRATIVE CODE.

5 (H) THE COMMISSION'S ORDER FOR ON-PREMISES BRAND PROMOTIONS
6 ISSUED OCTOBER 27, 1999.

7 (I) PRODUCT ADJUSTMENTS AS PROVIDED FOR IN THIS ACT.

8 (7) A PERSON DESCRIBED IN SUBSECTION (1) (A) TO (E) OR A
9 QUALIFIED TRADE ASSOCIATION MAY APPLY TO THE COMMISSION FOR
10 QUALIFICATION AS AN ADMINISTRATOR FOR THE OFFERING OF A SALESPERSON
11 ACCREDITATION PROGRAM.

12 (8) ON APPROVAL OF A SALESPERSON ACCREDITATION PROGRAM UNDER
13 SUBSECTION (6), THE COMMISSION SHALL APPOINT THE PERSON OR
14 QUALIFIED TRADE ASSOCIATION SPONSORING THE SALESPERSON
15 ACCREDITATION PROGRAM AS ADMINISTRATOR OF THAT PROGRAM.

16 (9) AS USED IN THIS SECTION:

17 (A) "ADMINISTRATOR" MEANS A PERSON DESCRIBED IN SUBSECTION
18 (1) (A) TO (E) OR A QUALIFIED TRADE ASSOCIATION AUTHORIZED BY THE
19 COMMISSION TO OFFER SALESPERSON ACCREDITATION PROGRAMS.

20 (B) "DESIGNATED EMPLOYEE" MEANS AN INDIVIDUAL WHO SELLS,
21 DELIVERS, PROMOTES, OR OTHERWISE ASSISTS IN THE SALE OF BEER OR
22 WINE.

23 (C) "QUALIFIED TRADE ASSOCIATION" MEANS A TRADE ASSOCIATION
24 THAT REPRESENTS A PERSON DESCRIBED IN SUBSECTION (1) (A) TO (E) THAT
25 EMPLOYS INDIVIDUALS TO ACT AS SALESPERSONS.

26 (D) "SALESPERSON ACCREDITATION PROGRAM" MEANS A PROGRAM THAT
27 THE COMMISSION APPROVES UNDER SUBSECTION (6) AND THAT IS OFFERED BY

1 **AN ADMINISTRATOR.**

2 Enacting section 1. This amendatory act takes effect 180 days
3 after the date it is enacted into law.