

SENATE BILL No. 109

January 30, 2013, Introduced by Senator HANSEN 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 **(CC) CONDITIONAL LICENSE ISSUED UNDER SUBSECTION (5), \$300.00.**

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

17 (3) ~~Beginning July 23, 2004, and except~~ **EXCEPT** in the case of
18 any resort or resort economic development license issued under
19 section 531(2), (3), (4), or (5) or a license issued under section
20 ~~521, 521A~~, the commission shall issue an initial or renewal license
21 not later than 90 days after the applicant files a completed
22 application. ~~Receipt of the~~ **THE** application is considered **TO BE**
23 **RECEIVED** the date the application is received by any agency or
24 department of ~~the state of Michigan.~~ **THIS STATE. THE COMMISSION MAY**
25 **EXPEDITE THE PROCESSING OF AN APPLICATION BY AN APPLICANT THAT**
26 **CURRENTLY HOLDS A LICENSE ISSUED UNDER THIS ACT.** If the **COMMISSION**
27 **DETERMINES THAT AN** application is ~~considered incomplete, by the~~

1 ~~commission,~~ the commission shall notify the applicant in writing,
2 or make the information electronically available, within 30 days
3 after receipt of the incomplete application, describing the
4 deficiency and requesting the additional information. The
5 determination of the completeness of an application ~~does not~~
6 ~~operate as~~ **IS NOT** an approval of the application for the license
7 and does not confer eligibility upon an applicant determined
8 otherwise ineligible for issuance of a license. The 90-day period
9 is tolled **FOR THE FOLLOWING PERIODS** under any of the following
10 circumstances:

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

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

24 (4) If the commission fails to issue or deny a license within
25 the time required by this section, the commission shall return the
26 license fee and shall reduce the license fee for the applicant's
27 next renewal application, if any, by 15%. The failure to issue a

1 license within the time required under this section does not allow
2 the commission to otherwise delay the processing of the
3 application, and that application, upon completion, shall be placed
4 in sequence with other completed applications received at that same
5 time. The commission shall not discriminate against an applicant in
6 the processing of the application based upon the fact that the
7 license fee was refunded or discounted under this subsection.

8 (5) IF AN APPLICANT SUBMITS PROOF OF ISSUANCE OF THE
9 APPLICANT'S CURRENT, TEMPORARY, OR PERMANENT CERTIFICATE OF
10 OCCUPANCY BY A LOCAL UNIT OF GOVERNMENT, SUBMITS A COMPLETE
11 APPLICATION UNDER THIS SECTION, FILES AN ACCEPTABLE PROOF OF
12 FINANCIAL RESPONSIBILITY FORM UNDER SECTION 803, AND PAYS THE
13 APPLICABLE LICENSING FEE, THE COMMISSION SHALL, AFTER CONSIDERING
14 THE ARREST AND CONVICTION RECORDS OR PREVIOUS VIOLATION HISTORY IN
15 THE MANAGEMENT, OPERATION, OR OWNERSHIP OF A LICENSED BUSINESS,
16 APPROVE OR DENY A CONDITIONAL LICENSE TO ANY OF THE FOLLOWING:

17 (A) AN APPLICANT SEEKING TO TRANSFER OWNERSHIP OF OR INTEREST
18 IN AN EXISTING LICENSE AT THE SAME LOCATION UNDER SUBSECTION (3) TO
19 SELL ALCOHOLIC LIQUOR FOR CONSUMPTION ON OR OFF THE PREMISES.

20 (B) AN APPLICANT SEEKING AN INITIAL LICENSE UNDER SUBSECTION
21 (3) TO SELL ALCOHOLIC LIQUOR FOR CONSUMPTION ON OR OFF THE
22 PREMISES, EXCEPT FOR A SPECIALLY DESIGNATED DISTRIBUTOR LICENSE.

23 (6) THE COMMISSION SHALL ISSUE A CONDITIONAL LICENSE TO
24 APPROVED APPLICANTS UNDER SUBSECTION (5) WITHIN 20 BUSINESS DAYS OF
25 THE REQUEST FOR A CONDITIONAL LICENSE AT A SINGLE LOCATION. THE
26 COMMISSION MAY TAKE UP TO 30 BUSINESS DAYS TO ISSUE CONDITIONAL
27 LICENSES TO APPROVED APPLICANTS SEEKING CONDITIONAL LICENSES AT

1 MULTIPLE LOCATIONS.

2 (7) A CONDITIONAL LICENSE ISSUED UNDER SUBSECTION (5) EXPIRES
3 WHEN THE COMMISSION ISSUES AN ORDER OF DENIAL OF THE LICENSE
4 APPLICATION THAT SERVES AS THE BASIS FOR THE CONDITIONAL LICENSE
5 AFTER ALL ADMINISTRATIVE REMEDIES BEFORE THE COMMISSION HAVE BEEN
6 EXHAUSTED, EXPIRES 20 BUSINESS DAYS AFTER THE COMMISSION ISSUES AN
7 ORDER OF APPROVAL OF THE LICENSE APPLICATION THAT SERVES AS THE
8 BASIS FOR THE CONDITIONAL LICENSE, EXPIRES WHEN THE LICENSEE OR
9 CONDITIONAL LICENSEE NOTIFIES THE COMMISSION IN WRITING THAT THE
10 INITIAL APPLICATION SHOULD BE CANCELED, OR EXPIRES 180 DAYS AFTER
11 THE DATE THE CONDITIONAL LICENSE WAS ISSUED, WHICHEVER OCCURS
12 FIRST. IF A CONDITIONALLY APPROVED LICENSEE FAILS TO MAINTAIN
13 ACCEPTABLE PROOF OF ITS FINANCIAL RESPONSIBILITY, THE COMMISSION
14 SHALL, AFTER DUE NOTICE AND PROPER HEARING, SUSPEND THE CONDITIONAL
15 LICENSE UNTIL THE LICENSEE FILES AN ACCEPTABLE PROOF OF FINANCIAL
16 RESPONSIBILITY FORM UNDER SECTION 803. IF A CONDITIONAL LICENSE IS
17 REVOKED, THE CONDITIONAL LICENSEE SHALL NOT RECOVER FROM A UNIT OF
18 LOCAL GOVERNMENT ANY COMPENSATION FOR PROPERTY, FUTURE INCOME, OR
19 FUTURE ECONOMIC LOSS DUE TO THE REVOCATION.

20 (8) UPON ISSUING A CONDITIONAL LICENSE UNDER SUBSECTION (5),
21 THE COMMISSION SHALL, UNTIL THE CONDITIONAL LICENSE EXPIRES UNDER
22 SUBSECTION (7), PLACE AN EXISTING LICENSE UNDER SUBSECTION (3) IN
23 ESCROW IN COMPLIANCE WITH R 436.1107 OF THE MICHIGAN ADMINISTRATIVE
24 CODE. IF THE CONDITIONAL LICENSE EXPIRES BECAUSE A TRANSFER OF AN
25 EXISTING LICENSE WAS DENIED OR BECAUSE THE LICENSE WAS NOT
26 TRANSFERRED WITHIN THE 180-DAY PERIOD, AN EXISTING LICENSEE MAY DO
27 1 OF THE FOLLOWING:

1 (A) REQUEST THAT THE COMMISSION RELEASE THE LICENSE FROM
2 ESCROW.

3 (B) KEEP THE LICENSE IN ESCROW. THE ESCROW DATE FOR COMPLIANCE
4 WITH R 436.1107 OF THE MICHIGAN ADMINISTRATIVE CODE SHALL BE THE
5 DATE THE CONDITIONAL LICENSE EXPIRES.

6 (9) ~~(5) Beginning October 1, 2005, the~~ THE chair of the
7 commission shall submit a report by December 1 of each year to the
8 standing committees and appropriations subcommittees of the senate
9 and house of representatives concerned with liquor license issues.
10 The chair of the commission shall include all of the following
11 information in the report concerning the preceding fiscal year:

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

15 (b) The number of applications denied.

16 (c) The number of applicants not issued a license within the
17 90-day time period and the amount of money returned to licensees
18 under subsection (4).

19 (10) ~~(6)~~ As used in this section, "completed application"
20 means an application complete on its face and submitted with any
21 applicable licensing fees as well as any other information,
22 records, approval, security, or similar item required by law or
23 rule from a local unit of government, a federal agency, or a
24 private entity but not from another department or agency of the
25 state of Michigan.