

HOUSE BILL No. 5056

June 9, 2009, Introduced by Rep. Hammel and referred to the Committee on Appropriations.

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 525, 543, and 1114 (MCL 436.1525, 436.1543, and 436.2114), section 525 as amended by 2008 PA 218, section 543 as amended by 2005 PA 269, and section 1114 as added by 2004 PA 134, and by adding sections 1116 and 1117.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 525. (1) Except as otherwise provided for in this
2 section, the following license **AND PERMIT** fees shall be paid at the
3 time of filing applications or as otherwise provided in this act:

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

1 (b) Manufacturers of beer, \$50.00 per 1,000 barrels, or
2 fraction of a barrel, production annually with a maximum fee of
3 \$1,000.00, and in addition \$50.00 for each motor vehicle used in
4 delivery to retail licensees. A fee increase does not apply to a
5 manufacturer of less than 15,000 barrels production per year.

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

8 (d) Wine makers, blenders, and rectifiers of wine, including
9 makers, blenders, and rectifiers of wines containing 21% or less
10 alcohol by volume, \$100.00. The small wine maker license fee is
11 \$25.00.

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

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

16 (g) Dining cars or other railroad or Pullman cars selling
17 alcoholic liquor, ~~\$100.00~~ **\$200.00** per train.

18 (h) Wholesale vendors other than manufacturers of beer,
19 \$300.00 for the first motor vehicle used in delivery to retail
20 licensees and \$50.00 for each additional motor vehicle used in
21 delivery to retail licensees.

22 (i) Watercraft, licensed to carry passengers, selling
23 alcoholic liquor, a minimum fee of ~~\$100.00~~ **\$200.00** and a maximum
24 fee of ~~\$500.00~~ **\$1,000.00** per year computed on the basis of \$1.00
25 per person per passenger capacity.

26 (j) Specially designated merchants, for selling beer or wine
27 for consumption off the premises only but not at wholesale, ~~\$100.00~~

1 **\$200.00** for each location regardless of the fact that the location
2 may be a part of a system or chain of merchandising.

3 (k) Specially designated distributors licensed by the
4 commission to distribute spirits and mixed spirit drink in the
5 original package for the commission for consumption off the
6 premises, ~~\$150.00~~**\$300.00** per year, and an additional fee of ~~\$3.00~~
7 **\$6.00** for each \$1,000.00 or major fraction of that amount in excess
8 of \$25,000.00 of the total retail value of merchandise purchased
9 under each license from the commission during the previous calendar
10 year.

11 (l) Hotels of class A selling beer and wine, a minimum fee of
12 ~~\$250.00~~**\$500.00** and, for all bedrooms in excess of 20, ~~\$1.00~~**\$2.00**
13 for each additional bedroom, but not more than ~~\$500.00~~**\$1,000.00**.

14 (m) Hotels of class B selling beer, wine, mixed spirit drink,
15 and spirits, a minimum fee of ~~\$600.00~~**\$1,200.00** and, for all
16 bedrooms in excess of 20, ~~\$3.00~~**\$6.00** for each additional bedroom.
17 If a hotel of class B sells beer, wine, mixed spirit drink, and
18 spirits in more than 1 public bar, the fee entitles the hotel to
19 sell in only 1 public bar, other than a bedroom, and a license
20 shall be secured for each additional public bar, other than a
21 bedroom, the fee for which is ~~\$350.00~~**\$700.00**.

22 (n) Taverns, selling beer and wine, ~~\$250.00~~**\$500.00**.

23 (o) Class C license selling beer, wine, mixed spirit drink,
24 and spirits, ~~\$600.00~~**\$1,200.00**. If a class C licensee sells beer,
25 wine, mixed spirit drink, and spirits in more than 1 bar, a fee of
26 ~~\$350.00~~**\$700.00** shall be paid for each additional bar. In
27 municipally owned or supported facilities in which nonprofit

1 organizations operate concession stands, a fee of ~~\$100.00~~ **\$200.00**
2 shall be paid for each additional bar.

3 (p) Clubs selling beer, wine, mixed spirit drink, and spirits,
4 ~~\$300.00~~ **\$600.00** for clubs having 150 or fewer duly accredited
5 members and ~~\$1.00~~ **\$2.00** for each additional member. The membership
6 list for the purpose only of determining the license fees to be
7 paid under this subdivision shall be the accredited list of members
8 as determined by a sworn affidavit 30 days before the closing of
9 the license year. This subdivision does not prevent the commission
10 from checking a membership list and making its own determination
11 from the list or otherwise. The list of members and additional
12 members is not required of a club paying the maximum fee. The
13 maximum fee shall not exceed ~~\$750.00~~ **\$1,500.00** for any 1 club.

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

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

22 (s) Airlines licensed to carry passengers in this state that
23 sell, offer for sale, provide, or transport alcoholic liquor,
24 ~~\$600.00~~ **\$1,200.00**.

25 (t) Brandy manufacturer, \$100.00.

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

27 (v) Brewpub, \$100.00.

1 (w) Class G-1, ~~\$1,000.00~~ **\$2,000.00**.

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

3 (y) Motorsports event license, ~~\$250.00~~ **\$500.00**.

4 (z) Small distiller, \$100.00.

5 **(AA) LATE NIGHT PERMIT, \$1,500.00.**

6 **(BB) SUNDAY MORNING PERMIT, \$1,500.00.**

7 (2) The fees provided in this act for the various types of
8 licenses **AND PERMITS** shall not be prorated for a portion of the
9 effective period of the license **OR PERMIT**. Notwithstanding
10 subsection (1), the initial license fee for any licenses issued
11 under section 531(3) and (4) is \$20,000.00. The renewal license fee
12 shall be the amount described in subsection (1). However, the
13 commission shall not impose the \$20,000.00 initial license fee for
14 applicants whose license eligibility was already approved on July
15 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), and (5) and a license issued under section 521,
19 the commission shall issue an initial or renewal license **OR PERMIT**
20 not later than 90 days after the applicant files a completed
21 application. Receipt of the application is considered the date the
22 application is received by any agency or department of the state of
23 Michigan. If the application is considered incomplete by the
24 commission, the commission shall notify the applicant in writing,
25 or make the information electronically available, within 30 days
26 after receipt of the incomplete application, describing the
27 deficiency and requesting the additional information. The

1 determination of the completeness of an application does not
2 operate as an approval of the application for the license **OR PERMIT**
3 and does not confer eligibility upon an applicant determined
4 otherwise ineligible for issuance of a license **OR PERMIT**. The 90-
5 day period is tolled under any of the following circumstances:

6 (a) Notice sent by the commission of a deficiency in the
7 application until the date all of the requested information is
8 received by the commission.

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

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

1 application based upon the fact that the license **OR PERMIT** fee was
2 refunded or discounted under this subsection.

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

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

12 (b) The number of applications denied.

13 (c) The number of applicants not issued a license **OR PERMIT**
14 within the 90-day time period and the amount of money returned to
15 licensees **OR PERMITTEES** under subsection (4).

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

22 Sec. 543. (1) ~~Quarterly,~~ **EXCEPT FOR 50% OF THE REVENUE**
23 **COLLECTED PURSUANT TO SECTION 525(1)(J), (K), (L), (M), (N), (O),**
24 **(P), (W), AND (Y), AND 100% OF THE REVENUE COLLECTED PURSUANT TO**
25 **SECTION 525(1)(G), (I), (S), (AA), AND (BB), AND TRANSFER FEES**
26 **PROVIDED IN SECTION 529, QUARTERLY,** upon recommendation of the
27 commission, the state shall pay pursuant to appropriation in the

1 manner prescribed by law to the city, village, or township in which
2 a full-time police department or full-time ordinance enforcement
3 department is maintained or, if a police department or full-time
4 ordinance enforcement department is not maintained, to the county,
5 to be credited to the sheriff's department of the county in which
6 the licensed premises are located, 55% of the amount of the
7 proceeds of the retailers' license fees and license renewal fees
8 collected in that jurisdiction, for the specific purpose of
9 enforcing this act and the rules promulgated under this act. ~~Forty-~~
10 ~~one and one-half percent~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
11 **SUBSECTION, 41-1/2%** of the amount of the proceeds of retailers'
12 license and license renewal fees collected shall be deposited in a
13 special fund to be annually appropriated to the commission for
14 carrying out the licensing and enforcement provisions of this act.
15 ~~Any unencumbered or uncommitted money in the special fund shall~~
16 ~~revert to the general fund of the state 12 months after the end of~~
17 ~~each fiscal year in which the funds were collected. The~~ **EXCEPT AS**
18 **OTHERWISE PROVIDED IN THIS SUBSECTION, THE** legislature shall
19 appropriate 3-1/2% of the amount of the proceeds of retailers'
20 license and license renewal fees collected to be credited to a
21 special fund in the state treasury for the purposes of promoting
22 and sustaining programs for the prevention, rehabilitation, care,
23 and treatment of alcoholics. ~~This subsection does not apply to~~
24 ~~retail license fees collected for railroad or Pullman cars,~~
25 ~~watercraft, or aircraft, or to the transfer fees provided in~~
26 ~~section 529.~~

27 (2) **THE BALANCE OF THE PROCEEDS COLLECTED FROM RETAILERS'**

1 LICENSE, LICENSE RENEWAL, PERMIT, AND TRANSFER FEES SHALL BE
2 DEPOSITED IN A SPECIAL FUND TO BE ANNUALLY APPROPRIATED BY THE
3 LEGISLATURE TO THE COMMISSION FOR CARRYING OUT THE LICENSING AND
4 ENFORCEMENT PROVISIONS OF THIS ACT. ANY UNENCUMBERED OR UNCOMMITTED
5 MONEY IN THE SPECIAL FUND SHALL REVERT TO THE GENERAL FUND OF THE
6 STATE AT THE END OF EACH FISCAL YEAR IN WHICH THE FUNDS WERE
7 COLLECTED.

8 (3) ~~(2)~~—All license and license renewal fees, other than
9 retail license, ~~and~~ license renewal, **PERMIT, AND TRANSFER** fees,
10 shall be credited to the grape and wine industry council created in
11 section 303, to be used as provided in section 303. Money credited
12 to the grape and wine industry council shall not revert to the
13 state general fund at the close of the fiscal year, but shall
14 remain in the account to which it was credited to be used as
15 provided in section 303.

16 ~~—— (3) All retail license fees collected for railroad or Pullman~~
17 ~~cars, watercraft, or aircraft, and the transfer fees provided in~~
18 ~~section 529 shall be deposited in the special fund created in~~
19 ~~subsection (1) for carrying out the licensing and enforcement~~
20 ~~provisions of this act.~~

21 (4) The license fee enhancement imposed for licenses issued
22 under section 531(3) and (4) shall be deposited into a special fund
23 to be annually appropriated to the commission for enforcement and
24 other related projects determined appropriate by the commission.
25 The money representing that amount of the license fees for
26 identical licenses not issued under section 531(3) and (4) shall be
27 allocated and appropriated under subsection (1).

1 (5) The license fee imposed on direct shipper licenses and any
2 violation fines imposed by the commission shall be deposited into
3 the direct shipper enforcement revolving fund. The direct shipper
4 enforcement revolving fund is created within the state treasury.
5 The state treasurer shall direct the investment of the fund. The
6 state treasurer shall credit to the fund interest and earnings from
7 fund investments. Money in the fund at the close of the fiscal year
8 shall remain in the fund and shall not lapse to the general fund.

9 **THE DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH IS CONSIDERED**
10 **THE ADMINISTRATOR OF THE FUND FOR AUDIT PURPOSES.** The commission
11 shall expend money from the fund, upon appropriation, only for
12 enforcement of the provisions of section 203 and related projects.

13 (6) As used in this section, "license fee enhancement" means
14 the money representing the difference between the license fee
15 imposed for a license under section 525(1) and the additional
16 amount imposed for resort and resort economic development licenses
17 under section 525(2).

18 Sec. 1114. (1) Notwithstanding R 436.1403 and R 436.1503 of
19 the Michigan administrative code and except as otherwise provided
20 under this act or rule of the commission, an on-premises and an
21 off-premises licensee shall not sell, give away, or furnish
22 alcoholic liquor between the hours of 2 a.m. and 7 a.m. on any day
23 and shall not sell, give away, or furnish alcoholic liquor between
24 the hours of 2 a.m. and 12 noon, EST, on Sunday. ~~And~~

25 **(2) NOTWITHSTANDING R 436.1403 AND R 436.1503 OF THE MICHIGAN**
26 **ADMINISTRATIVE CODE AND EXCEPT AS OTHERWISE PROVIDED UNDER THIS**
27 **ACT, AN** on-premises and an off-premises licensee shall not sell,

1 give away, or furnish spirits between the hours of 2 a.m. and 12
2 midnight on Sunday, unless issued a Sunday sales permit by the
3 commission that allows the licensee to sell spirits on Sunday
4 between the hours of 12 noon, EST, and 12 midnight.

5 (3) ~~(2)~~—For purposes of R 436.1403 and R 436.1503 of the
6 Michigan administrative code, 12 noon on Sunday is considered 12
7 noon on Sunday, EST, for any licensee located in the central time
8 zone.

9 (4) ~~(3)~~—A reference to the time of day under this act or a
10 rule of the commission includes daylight savings time, when
11 observed.

12 (5) AS APPLICABLE, THIS SECTION IS SUBJECT TO ANY LATE NIGHT
13 AND SUNDAY MORNING PERMITS ISSUED UNDER SECTIONS 1116 AND 1117.

14 SEC. 1116. (1) NOTWITHSTANDING R 436.1403 AND R 436.1503 OF
15 THE MICHIGAN ADMINISTRATIVE CODE AND EXCEPT AS OTHERWISE PROVIDED
16 IN SUBSECTIONS (3) AND (4) AND THIS CHAPTER, AN ON-PREMISES OR OFF-
17 PREMISES LICENSEE, OR BOTH, MAY SELL OR FURNISH ALCOHOLIC LIQUOR
18 FROM 2 A.M. UNTIL 4 A.M., EST, IF THAT LICENSEE HOLDS A LATE NIGHT
19 PERMIT ISSUED UNDER THIS SECTION BY THE COMMISSION. A COUNTY, CITY,
20 VILLAGE, OR TOWNSHIP MAY PROHIBIT THE ISSUANCE OF A LATE NIGHT
21 PERMIT TO ONLY ON-PREMISES OR ONLY OFF-PREMISES LICENSEES OR MAY
22 COMPLETELY PROHIBIT THE ISSUANCE OF A LATE NIGHT PERMIT TO ANY
23 LICENSEES.

24 (2) AN ON-PREMISES OR OFF-PREMISES LICENSEE, OR BOTH, DESIRING
25 TO SELL OR FURNISH ALCOHOLIC LIQUOR FROM 2 A.M. UNTIL 4 A.M., EST,
26 SHALL APPLY TO THE COMMISSION FOR A LATE NIGHT PERMIT AND PAY THE
27 ADDITIONAL FEE DESCRIBED IN SECTION 525 FOR EACH APPLICATION. SUCH

1 A PERMIT IS AN ADDENDUM TO EACH SPECIFIC ON-PREMISES OR OFF-
2 PREMISES LICENSE. SUBJECT TO THE LICENSING QUALIFICATIONS IN THIS
3 ACT AND RULES PROMULGATED UNDER THIS ACT, THE COMMISSION SHALL
4 ISSUE A LATE NIGHT PERMIT TO AN APPLICANT NOT PROHIBITED UNDER THE
5 CIRCUMSTANCES DESCRIBED IN SUBSECTION (3) AND SHALL LIMIT THE
6 ISSUANCE OF A LATE NIGHT PERMIT TO ONLY THOSE APPLICANTS LOCATED
7 WITHIN THE AREA OF AN ENTERTAINMENT DISTRICT AS DESCRIBED IN
8 SUBSECTION (4) OR AS DESCRIBED IN SUBSECTION (5). THE COMMISSION
9 SHALL LIMIT THE ISSUANCE TO ONLY 1 OR BOTH TYPES OF LATE NIGHT
10 PERMITS AUTHORIZED BY THE RESOLUTION PASSED UNDER SUBSECTION (4).

11 (3) A LATE NIGHT PERMIT DOES NOT AUTHORIZE THE SERVING OF
12 ALCOHOLIC LIQUOR IN CONTRAVENTION OF ANY OF THE FOLLOWING:

13 (A) SECTION 1111 WHEN A COUNTY, CITY, VILLAGE, OR TOWNSHIP HAS
14 PROHIBITED THE SALE OF BEER AND WINE FOR CONSUMPTION ON OR OFF THE
15 LICENSED PREMISES BETWEEN THE HOURS OF 2 A.M. AND 12 MIDNIGHT ON
16 SUNDAY.

17 (B) SECTION 1113 WHEN A COUNTY HAS NOT AUTHORIZED THE SALE OF
18 SPIRITS AND MIXED SPIRIT DRINK FOR CONSUMPTION ON OR OFF THE
19 LICENSED PREMISES BETWEEN THE HOURS OF 2 A.M. AND 12 MIDNIGHT ON
20 SUNDAY.

21 (C) A RESOLUTION DULY PASSED BY A CITY, VILLAGE, OR TOWNSHIP
22 PROHIBITING THE ISSUANCE OF A LATE NIGHT PERMIT WITHIN THE LOCAL
23 UNIT OF GOVERNMENT.

24 (4) A CITY, VILLAGE, OR TOWNSHIP, BY RESOLUTION DULY PASSED BY
25 THE GOVERNING BODY OF THE CITY, VILLAGE, OR TOWNSHIP, MAY ESTABLISH
26 1 OR MORE ENTERTAINMENT DISTRICTS WITHIN ITS JURISDICTION. THE
27 RESOLUTION SHALL CLEARLY INDICATE WHETHER THE CITY, VILLAGE, OR

1 TOWNSHIP IS AUTHORIZING THE ISSUANCE OF LATE NIGHT PERMITS FOR ON-
2 PREMISES LICENSEES ONLY, OFF-PREMISES LICENSEES ONLY, OR BOTH. THE
3 COMMISSION SHALL ONLY ISSUE A LATE NIGHT PERMIT TO AN APPLICANT
4 MEETING THE QUALIFICATIONS DESCRIBED IN SUBSECTIONS (1) AND (2) WHO
5 CAN DEMONSTRATE INCLUSION WITHIN AN ENTERTAINMENT DISTRICT
6 ESTABLISHED UNDER THIS SUBSECTION. PASSAGE OF SUCH A RESOLUTION BY
7 THE CITY, VILLAGE, OR TOWNSHIP CONFERS ELIGIBILITY FOR ISSUANCE OF
8 SUCH A PERMIT TO ALL LICENSEES WITHIN THE ENTERTAINMENT DISTRICT
9 THAT ARE DETERMINED ELIGIBLE BY THE COMMISSION.

10 (5) A COUNTY, CITY, VILLAGE, OR TOWNSHIP THAT HAS NOT
11 PROHIBITED THE SALE OF BEER AND WINE FOR CONSUMPTION ON OR OFF THE
12 LICENSED PREMISES BETWEEN THE HOURS OF 2 A.M. AND 12 MIDNIGHT UNDER
13 SECTION 1111 OR THAT HAS AUTHORIZED THE SALE OF SPIRITS AND MIXED
14 SPIRIT DRINK FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES
15 BETWEEN THE HOURS OF 2 A.M. AND 12 MIDNIGHT UNDER SECTION 1113, OR
16 BOTH, IS NOT REQUIRED TO AUTHORIZE THE ISSUANCE OF A LATE NIGHT
17 PERMIT. UNDER SUCH CIRCUMSTANCES, THE COMMISSION SHALL ISSUE A
18 PERMIT TO A PERSON SUBMITTING A COMPLETED APPLICATION AND THE
19 APPROPRIATE ADDITIONAL FEE AS DESCRIBED IN SECTION 525 FOR EACH
20 APPLICATION. IF THE COMMISSION DETERMINES THAT THE APPLICANT IS
21 ELIGIBLE, THE COMMISSION SHALL ISSUE THE LATE NIGHT PERMIT.

22 (6) THE ISSUANCE OF A LATE NIGHT PERMIT UNDER THIS SECTION
23 ONLY ALLOWS THE PERMIT HOLDER TO SELL, GIVE AWAY, OR FURNISH THE
24 TYPE OF ALCOHOLIC LIQUOR AUTHORIZED BY ITS LICENSE OR LICENSES AND
25 IS SUBJECT TO ANY PROHIBITIONS ENACTED BY A LOCAL UNIT OF
26 GOVERNMENT UNDER SECTION 1111 OR 1113. CONSUMPTION OF ALCOHOLIC
27 LIQUOR MAY CONTINUE ON THE LICENSED PREMISES UNTIL 4:30 A.M. FOR

1 ON-PREMISES LICENSEES THAT HAVE OBTAINED A LATE NIGHT PERMIT.

2 SEC. 1117. (1) NOTWITHSTANDING R 436.1403 AND R 436.1503 OF
3 THE MICHIGAN ADMINISTRATIVE CODE AND EXCEPT AS OTHERWISE PROVIDED
4 IN SUBSECTIONS (3) AND (4) AND THIS CHAPTER, AN ON-PREMISES OR OFF-
5 PREMISES LICENSEE, OR BOTH, MAY SELL OR FURNISH ALCOHOLIC LIQUOR
6 BETWEEN THE HOURS OF 7 A.M. AND 12 NOON, EST, ON SUNDAY IF THAT
7 LICENSEE HOLDS A SUNDAY MORNING PERMIT ISSUED UNDER THIS SECTION BY
8 THE COMMISSION. A COUNTY, CITY, VILLAGE, OR TOWNSHIP MAY PROHIBIT
9 THE ISSUANCE OF A SUNDAY MORNING PERMIT TO ONLY ON-PREMISES OR ONLY
10 OFF-PREMISES LICENSEES OR MAY COMPLETELY PROHIBIT THE ISSUANCE OF A
11 SUNDAY MORNING PERMIT TO ANY LICENSEES.

12 (2) AN ON-PREMISES OR OFF-PREMISES LICENSEE, OR BOTH, DESIRING
13 TO SELL OR FURNISH ALCOHOLIC LIQUOR ON SUNDAY FROM 7 A.M. UNTIL
14 NOON, EST, SHALL APPLY TO THE COMMISSION FOR A SUNDAY MORNING
15 PERMIT AND PAY THE ADDITIONAL FEE DESCRIBED IN SECTION 525 FOR EACH
16 APPLICATION. SUCH A PERMIT IS AN ADDENDUM TO EACH SPECIFIC ON-
17 PREMISES OR OFF-PREMISES LICENSE. SUBJECT TO THE LICENSING
18 QUALIFICATIONS IN THIS ACT AND RULES PROMULGATED UNDER THIS ACT,
19 THE COMMISSION SHALL ISSUE A SUNDAY MORNING PERMIT TO AN APPLICANT
20 NOT PROHIBITED UNDER THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (3)
21 AND SHALL LIMIT THE ISSUANCE OF A SUNDAY MORNING PERMIT TO ONLY
22 THOSE APPLICANTS LOCATED WITHIN THE AREA OF AN ENTERTAINMENT
23 DISTRICT AS DESCRIBED IN SUBSECTION (4) OR AS DESCRIBED IN
24 SUBSECTION (5). THE COMMISSION SHALL LIMIT THE ISSUANCE TO ONLY 1
25 OR BOTH TYPES OF SUNDAY MORNING PERMITS AUTHORIZED BY THE
26 RESOLUTION PASSED UNDER SUBSECTION (4).

27 (3) THE COMMISSION SHALL NOT ISSUE A SUNDAY MORNING PERMIT TO

1 AN ON-PREMISES OR OFF-PREMISES LICENSEE, OR BOTH, LOCATED WITHIN
2 ANY OF THE FOLLOWING:

3 (A) A COUNTY, CITY, VILLAGE, OR TOWNSHIP THAT PROHIBITS THE
4 SALE OF BEER AND WINE FOR CONSUMPTION ON AND OFF THE LICENSED
5 PREMISES BETWEEN THE HOURS OF 2 A.M. AND 12 MIDNIGHT, EST, ON
6 SUNDAY PURSUANT TO SECTION 1111.

7 (B) A COUNTY THAT HAS NOT AUTHORIZED THE SALE OF SPIRITS AND
8 MIXED SPIRIT DRINK FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES,
9 OR BOTH, BETWEEN 2 A.M. AND 12 MIDNIGHT, ON SUNDAY PURSUANT TO
10 SECTION 1113.

11 (C) A CITY, VILLAGE, OR TOWNSHIP THAT HAS PROHIBITED THE
12 ISSUANCE OF A SUNDAY MORNING PERMIT TO AN OFF-PREMISES OR ON-
13 PREMISES LICENSEE, OR BOTH, BY RESOLUTION DULY PASSED BY THE LOCAL
14 UNIT OF GOVERNMENT.

15 (4) A CITY, VILLAGE OR TOWNSHIP, BY RESOLUTION DULY PASSED BY
16 THE GOVERNING BODY OF THE CITY, VILLAGE, OR TOWNSHIP, MAY ESTABLISH
17 1 OR MORE ENTERTAINMENT DISTRICTS WITHIN ITS JURISDICTION. THE
18 RESOLUTION SHALL CLEARLY INDICATE WHETHER THE CITY, VILLAGE, OR
19 TOWNSHIP IS AUTHORIZING THE ISSUANCE OF SUNDAY MORNING PERMITS FOR
20 ON-PREMISES LICENSEES ONLY, OFF-PREMISES LICENSEES ONLY, OR BOTH.
21 THE COMMISSION SHALL ONLY ISSUE A SUNDAY MORNING PERMIT TO AN
22 APPLICANT MEETING THE QUALIFICATIONS DESCRIBED IN SUBSECTIONS (1)
23 AND (2) WHO CAN DEMONSTRATE INCLUSION WITHIN AN ENTERTAINMENT
24 DISTRICT ESTABLISHED UNDER THIS SUBSECTION. PASSAGE OF SUCH A
25 RESOLUTION BY THE CITY, VILLAGE, OR TOWNSHIP CONFERS ELIGIBILITY
26 FOR ISSUANCE OF SUCH A PERMIT TO ALL LICENSEES WITHIN THE
27 ENTERTAINMENT DISTRICT THAT ARE DETERMINED ELIGIBLE BY THE

1 COMMISSION.

2 (5) A COUNTY, CITY, VILLAGE, OR TOWNSHIP THAT HAS NOT
3 PROHIBITED THE SALE OF BEER AND WINE FOR CONSUMPTION ON OR OFF THE
4 LICENSED PREMISES BETWEEN THE HOURS OF 2 A.M. AND 12 MIDNIGHT UNDER
5 SECTION 1111 OR THAT HAS AUTHORIZED THE SALE OF SPIRITS AND MIXED
6 SPIRIT DRINK FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES
7 BETWEEN THE HOURS OF 2 A.M. AND 12 MIDNIGHT UNDER SECTION 1113, OR
8 BOTH, IS NOT REQUIRED TO AUTHORIZE THE ISSUANCE OF A SUNDAY MORNING
9 PERMIT. UNDER SUCH CIRCUMSTANCES, THE COMMISSION SHALL ISSUE A
10 PERMIT TO A PERSON SUBMITTING A COMPLETED APPLICATION AND THE
11 APPROPRIATE ADDITIONAL FEE AS DESCRIBED IN SECTION 525 FOR EACH
12 APPLICATION. IF THE COMMISSION DETERMINES THAT THE APPLICANT IS
13 ELIGIBLE, THE COMMISSION SHALL ISSUE THE SUNDAY MORNING PERMIT.

14 (6) THE ISSUANCE OF A SUNDAY MORNING PERMIT UNDER THIS SECTION
15 ONLY ALLOWS THE PERMIT HOLDER TO SELL OR FURNISH THE TYPE OF
16 ALCOHOLIC LIQUOR AUTHORIZED BY ITS LICENSE OR LICENSES.