

# HOUSE BILL No. 4421

March 15, 2011, Introduced by Rep. Lindberg 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 541 (MCL 436.1541), as amended by 2008 PA 489.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 541. (1) The commission shall not prohibit an applicant  
2       for, or the holder of, a specially designated distributor license  
3       or specially designated merchant license from owning or operating  
4       motor vehicle fuel pumps on or adjacent to the licensed premises,  
5       if both of the following conditions are met:

6       (a) One or both of the following conditions exist:

7       (i) The applicant or licensee is located in a neighborhood  
8       shopping center **THAT IS** composed of 1 or more commercial  
9       establishments organized or operated as a unit ~~which~~**THAT** is  
10      related in location, size, and type of shop to the trade area that

1 the unit serves, which provides not less than 50,000 square feet of  
2 gross leasable retail space, and which provides 5 private off-  
3 street parking spaces for each 1,000 square feet of gross leasable  
4 retail space.

5 (ii) The applicant or licensee maintains a minimum inventory on  
6 the premises, excluding alcoholic liquor and motor vehicle fuel, of  
7 not less than \$250,000.00, at cost, of those goods and services  
8 customarily marketed by approved types of businesses.

9 (b) The site of payment and selection of alcoholic liquor is  
10 not less than 50 feet from that point where motor vehicle fuel is  
11 dispensed.

12 (2) The commission shall not prohibit an applicant for, or the  
13 holder of, a specially designated distributor license ~~or specially~~  
14 ~~designated merchant license~~ from owning or operating motor vehicle  
15 fuel pumps on or adjacent to the licensed premises, if all of the  
16 following conditions are met:

17 (a) The applicant is located in a township with a population  
18 of 7,000 or less, which township is not contiguous with any other  
19 township. For purposes of this subdivision, a township is not  
20 considered contiguous by water.

21 (b) The applicant or licensee maintains a minimum inventory on  
22 the premises, excluding alcoholic liquor and motor vehicle fuel, of  
23 not less than \$12,500.00 at cost, of those goods and services  
24 customarily marketed by approved types of businesses.

25 (c) The applicant has the approval of the township, as  
26 evidenced by a resolution duly adopted by the township and  
27 submitted with the application to the commission.

1           (3) ~~The~~ **NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1), THE**  
2 commission shall not prohibit an applicant for, or the holder of, a  
3 specially designated merchant license from owning or operating  
4 motor vehicle fuel pumps on or adjacent to the licensed premises if  
5 ~~both of the following conditions are met:~~

6       ~~— (a) The applicant or licensee is located in either of the~~  
7 ~~following:~~

8       ~~— (i) A city, incorporated village, or township with a population~~  
9 ~~of 3,500 or less and a county with a population of 31,000 or more.~~

10       ~~— (ii) A city, incorporated village, or township with a~~  
11 ~~population of 4,000 or less and a county with a population of less~~  
12 ~~than 31,000.~~

13       ~~— (b) The applicant or licensee maintains a minimum inventory on~~  
14 ~~the premises, excluding alcoholic liquor and motor vehicle fuel, of~~  
15 ~~not less than \$10,000.00, at cost, of those goods and services~~  
16 ~~customarily marketed by approved types of businesses.~~ **THE APPLICANT**  
17 **OR LICENSEE MAINTAINS AN INVENTORY ON THE PREMISES, EXCLUDING BEER,**  
18 **WINE, TOBACCO PRODUCTS, ITEMS OFFERED FOR SALE ON CONSIGNMENT, AND**  
19 **MOTOR VEHICLE FUEL, OF NOT LESS THAN \$20,000.00, AT COST. INVENTORY**  
20 **INCLUDES ANY GOODS AND MATERIALS AVAILABLE FOR RETAIL SALE ON THE**  
21 **LICENSED PREMISES. ISSUANCE SHALL BE BASED UPON THE FOLLOWING**  
22 **FORMULA:**

23       **(A) BEGINNING THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**  
24 **ADDED THIS SUBDIVISION, THE APPLICANT OR HOLDER OF A SPECIALLY**  
25 **DESIGNATED MERCHANT LICENSE IS LOCATED IN A COUNTY THROUGH WHICH**  
26 **NORTH TOWN LINE 16 RUNS OR A COUNTY THAT LIES ENTIRELY NORTH OF**  
27 **TOWN LINE 16.**

1 (B) BEGINNING 180 DAYS AFTER THE EFFECTIVE DATE OF THE  
2 AMENDATORY ACT THAT ADDED THIS SUBDIVISION, THE APPLICANT OR HOLDER  
3 OF A SPECIALLY DESIGNATED MERCHANT LICENSE IS LOCATED IN A COUNTY  
4 THAT LIES ENTIRELY SOUTH OF TOWN LINE 16 AND ENTIRELY WEST OF US-  
5 127.

6 (C) BEGINNING 360 DAYS AFTER THE EFFECTIVE DATE OF THE  
7 AMENDATORY ACT THAT ADDED THIS SUBDIVISION, THE APPLICANT OR HOLDER  
8 OF A SPECIALLY DESIGNATED MERCHANT LICENSE IS LOCATED IN A COUNTY  
9 NOT DESCRIBED IN EITHER SUBDIVISION (A) OR (B).

10 (4) The commission shall not prohibit an applicant for, or the  
11 holder of, a specially designated distributor license from owning  
12 or operating motor vehicle fuel pumps on or adjacent to the  
13 licensed premises if both of the following conditions are met:

14 (a) The applicant or licensee is located in either of the  
15 following:

16 (i) A city, incorporated village, or township with a population  
17 of 3,500 or less and a county with a population of 31,000 or more.

18 (ii) A city, incorporated village, or township with a  
19 population of 4,000 or less and a county with a population of less  
20 than 31,000.

21 (b) The applicant or licensee maintains a minimum inventory on  
22 the premises, excluding alcoholic liquor and motor vehicle fuel, of  
23 not less than \$12,500.00, at cost, of those goods and services  
24 customarily marketed by approved types of businesses.

25 (5) A person who was issued a specially designated merchant  
26 license or specially designated distributor license at a location  
27 at which another person owned, operated or maintained motor vehicle

1 fuel pumps at the same location may have or acquire an interest in  
2 the ownership, operation or maintenance of those motor vehicle fuel  
3 pumps.

4 (6) The commission may transfer ownership of a specially  
5 designated merchant license or specially designated distributor  
6 license to a person who owns or is acquiring an interest in motor  
7 vehicle fuel pumps already in operation at the same location at  
8 which the license is issued.