

**SUBSTITUTE FOR
HOUSE BILL NO. 4074**

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 or
3 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 composed of 1 or more commercial establishments
9 organized or operated as a unit ~~which~~**THAT** is related in location,
10 size, and type of shop to the trade area that the unit serves,

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

5 (ii) The applicant or licensee maintains a minimum inventory
6 on the premises, excluding alcoholic liquor and motor vehicle fuel,
7 of 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~~**THAT** is not contiguous with any
19 other 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 commission shall not prohibit an applicant for or the
2 holder of a specially designated merchant license from owning or
3 operating motor vehicle fuel pumps on or adjacent to the licensed
4 premises if both of the following conditions are met:

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

7 (i) A city, incorporated village, or township with a
8 population of 3,500 or less and a county with a population of
9 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.

17 **(4) THE COMMISSION SHALL NOT PROHIBIT THE HOLDER OF A**
18 **SPECIALLY DESIGNATED MERCHANT LICENSE FROM OWNING OR OPERATING A**
19 **MOTOR VEHICLE FUEL PUMP ON OR ADJACENT TO THE LICENSED PREMISES IF**
20 **ALL OF THE FOLLOWING CONDITIONS ARE MET:**

21 **(A) THE LICENSEE IS LOCATED IN A TOWNSHIP WITH A POPULATION**
22 **DENSITY OF LESS THAN 4 PEOPLE PER SQUARE MILE AND A COUNTY WITH A**
23 **POPULATION DENSITY OF LESS THAN 11 PEOPLE PER SQUARE MILE.**

24 **(B) THE FUEL TANK THAT HOLDS THE FUEL FOR THE FUEL PUMP IS**
25 **ABOVEGROUND.**

26 **(C) THE LICENSEE WAS ISSUED THE SPECIALLY DESIGNATED MERCHANT**
27 **LICENSE BEFORE THE LICENSEE SELLS FUEL TO ITS CUSTOMERS.**

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

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

7 (i) A city, incorporated village, or township with a
8 population of 3,500 or less and a county with a population of
9 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 \$12,500.00, at cost, of those goods and services
16 customarily marketed by approved types of businesses.

17 (6) ~~(5)~~—A person ~~who~~ **THAT** was issued a specially designated
18 merchant license or specially designated distributor license at a
19 location at which another person owned, operated or maintained
20 motor vehicle fuel pumps at the same location may have or acquire
21 an interest in the ownership, operation or maintenance of those
22 motor vehicle fuel pumps.

23 (7) ~~(6)~~—The commission may transfer ownership of a specially
24 designated merchant license or specially designated distributor
25 license to a person ~~who~~ **THAT** owns or is acquiring an interest in
26 motor vehicle fuel pumps already in operation at the same location
27 at which the license is issued.