

HOUSE BILL No. 5851

February 23, 2010, Introduced by Reps. Lindberg, McDowell, Polidori, Neumann and Bennett 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~~ 1 or both of the following conditions exist:

7 **(A)** ~~(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,

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

5 (B) ~~(ii)~~—The applicant or licensee maintains a minimum
6 inventory on the premises, excluding alcoholic liquor, ~~and motor~~
7 ~~vehicle fuel~~, of not less than ~~\$250,000.00~~, **\$50,000.00**, at cost, of
8 those goods and services customarily marketed by approved types of
9 businesses.

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

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

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

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

26 (c) The applicant has the approval of the township, as
27 evidenced by a resolution duly adopted by the township and

1 submitted with the application to the commission.

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

21 (a) The applicant or licensee is located in either of the
22 following:

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

25 (ii) A city, incorporated village, or township with a
26 population of 4,000 or less and a county with a population of less
27 than 31,000.

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

5 (5) A person who was issued a specially designated merchant
6 license or specially designated distributor license at a location
7 at which another person owned, operated or maintained motor vehicle
8 fuel pumps at the same location may have or acquire an interest in
9 the ownership, operation or maintenance of those motor vehicle fuel
10 pumps.

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