

# HOUSE BILL No. 4560

April 16, 2013, Introduced by Reps. Yonker, Kelly, MacMaster, Muxlow, Callton and Dianda 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,  
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 (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~~ **THAT** is not contiguous with any  
20 other 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  
8 vehicle fuel pumps at the same location may have or acquire an  
9 interest in the ownership, operation, or maintenance of those motor  
10 vehicle fuel 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.