

# HOUSE BILL No. 5694

May 1, 1990, Introduced by Rep. Hickner and referred to the Committee on Liquor Control.

A bill to amend section 28c of Act No. 8 of the Public Acts of the Extra Session of 1933, entitled as amended "The Michigan liquor control act," as added by Act No. 132 of the Public Acts of 1988, being section 436.28c of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 28c of Act No. 8 of the Public Acts of  
2 the Extra Session of 1933, as added by Act No. 132 of the Public  
3 Acts of 1988, being section 436.28c of the Michigan Compiled  
4 Laws, is amended to read as follows:

5       Sec. 28c. (1) The commission shall not prohibit an appli-  
6 cant for or the holder of a specially designated distributor  
7 license or specially designated merchant license from owning or  
8 operating motor vehicle fuel pumps on or adjacent to the licensed  
9 premises, if both of the following conditions are met:

1 (a) One or more of the following conditions exists:

2 (i) The applicant or licensee is located in a neighborhood  
3 shopping center composed of 1 or more commercial establishments  
4 organized or operated as a unit which is related in location,  
5 size, and type of shop to the trade area that the unit serves,  
6 which provides not less than 50,000 square feet of gross leasable  
7 retail space, and which provides 5 private off-street parking  
8 spaces for each 1,000 square feet of gross leasable retail  
9 space.

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

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

17 (2) The commission shall not prohibit ~~the application~~ AN  
18 APPLICANT for or the holder of a specially designated merchant  
19 license from owning or operating motor vehicle fuel pumps on or  
20 adjacent to the licensed premises if ~~all~~ BOTH of the following  
21 conditions are met:

22 (a) The applicant or licensee is located in a city, incorpo-  
23 rated village, or township of ~~3,000~~ 3,500 population or less.

24 —

25 (b) The applicant or licensee maintains a minimum inventory  
26 on the premises, excluding alcoholic liquor and motor vehicle

1 fuel, of not less than \$10,000.00, at cost, of those goods and  
2 services customarily marketed by approved types of businesses.

3 (3) The commission shall not prohibit ~~the application~~ AN  
4 APPLICANT for or the holder of a specially designated distributor  
5 license from owning or operating motor vehicle fuel pumps on or  
6 adjacent to the licensed premises if ~~all~~ BOTH of the following  
7 conditions are met:

8 (a) The applicant or licensee is located in a city, incorpo-  
9 rated village, or township of ~~3,000~~ 3,500 population or less.

10 ~~7~~

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

15 (4) ~~(4)(a)~~ A person who was issued a specially designated  
16 merchant license or specially designated distributor license at a  
17 location at which another person owned, operated or maintained  
18 motor vehicle fuel pumps at the same location may have or acquire  
19 an interest in the ownership, operation or maintenance of those  
20 motor vehicle fuel pumps.

21 (5) ~~(b)~~ The commission may transfer ownership of a spe-  
22 cially designated merchant license or specially designated dis-  
23 tributor license to a person who owns or is acquiring an interest  
24 in motor vehicle fuel pumps already in operation at the same  
25 location at which the license is issued.

26 ~~(5) The commission and the department of commerce shall~~  
27 ~~conduct a study to obtain information and examine the feasibility~~

~~1 of issuing specially designated distributor licenses and  
2 specially designated merchant licenses to types of businesses  
3 other than those described in subsection (1) that sell motor  
4 vehicle fuel. A report of the results of the study shall be pro-  
5 vided to the legislature not later than December 31, 1988.~~