

HOUSE BILL No. 6271

November 5, 1998, Introduced by Rep. Varga and referred to the Committee on Regulatory Affairs.

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 811, 916, and 1113 (MCL 436.1811, 436.1916, and 436.2113).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 811. The insurance policy described in this chapter
2 shall cover the liability imposed by section 801 and shall con-
3 tain the following conditions:

4 That no condition, provision, stipulation or limitation con-
5 tained in the policy, or any other endorsement thereon, shall
6 relieve the insurer from liability (within the statutory limits
7 provided by section 803 of the Michigan liquor control code of
8 ~~1997~~ 1998), for the payment of any claim for which the insured
9 may be held legally liable under section 801 of said act.

1 Sec. 916. (1) An on-premises licensee shall not allow
2 monologues, dialogues, motion pictures, still slides, closed
3 circuit television, contests, or other performances for public
4 viewing on the licensed premises unless the licensee has applied
5 for and been granted an entertainment permit by the commission.
6 Issuance of an entertainment permit under this subsection does
7 not allow topless activity on the licensed premises.

8 (2) An on-premises licensee shall not allow dancing by cus-
9 tomers on the licensed premises unless the licensee has applied
10 for and been granted a dance permit by the commission. Issuance
11 of a dance permit under this subsection does not allow topless
12 activity on the licensed premises.

13 (3) An on-premises licensee shall not allow topless activity
14 on the licensed premises unless the licensee has applied for and
15 been granted a topless activity permit by the commission. This
16 section is not intended to prevent a local unit of government
17 from enacting an ordinance prohibiting topless activity or nudity
18 on a licensed premises located within that local unit of
19 government. This subsection applies only to topless activity
20 permits issued by the commission to on-premises licensees located
21 in counties with a population of 95,000 or less.

22 (4) The commission may issue to an on-premises licensee a
23 combination dance-entertainment permit or topless
24 activity-entertainment permit after application requesting a
25 permit for both types of activities.

26 (5) An on-premises licensee shall not allow the activities
27 allowed by a permit issued under this section at any time other

1 than the legal hours for sale and consumption of alcoholic
2 liquor.

3 (6) Before the issuance of any permit under this section,
4 the on-premises licensee shall obtain the approval of all of the
5 following:

6 (a) The commission.

7 (b) Except in cities with a population of 1,000,000 or more,
8 the local legislative body of the jurisdiction within which the
9 premises are located.

10 (c) The chief law enforcement officer of the jurisdiction
11 within which the premises are located or the entity contractually
12 designated to enforce the law in that jurisdiction.

13 (7) The following activities are allowed without the grant-
14 ing of a permit under this section:

15 (a) The performance or playing of an orchestra, piano, or
16 other types of musical instruments, or singing.

17 (b) Any publicly broadcast television transmission from a
18 federally licensed station.

19 (8) In the case of a licensee granted an entertainment or
20 dance permit under R 436.1407 of the Michigan administrative code
21 who, after January 1, 1998, extended the activities conducted
22 under that permit to regular or full-time topless activity, that
23 licensee shall apply to the commission for a topless activity
24 permit under this section within 60 days after the effective date
25 of this section in order to continue topless activity. Except as
26 otherwise provided for in this subsection, this section applies

1 only to entertainment or dance permits issued after the effective
2 date of this section.

3 (9) The fees imposed by the commission for a permit under
4 this section remain the same as the fees imposed under a permit
5 issued under R 436.1407 of the Michigan administrative code.

6 (10) Except as otherwise provided, this section does not
7 change the renewal or application process for a license under
8 section ~~17~~ 501 or the renewal process for permits issued under
9 R 436.1407 of the Michigan administrative code.

10 (11) As used in this section:

11 (a) "Nudity" means exposure to public view of the whole or
12 part of the pubic region; the whole or part of the anus; the
13 whole or part of the buttocks; the whole or part of the genitals;
14 or the breast area including the nipple or more than 1/2 of the
15 area of the breast.

16 (b) "Topless activity" means activity that includes, but is
17 not limited to, entertainment or work-related activity performed
18 by any of the following persons on the licensed premises in which
19 the female breast area, including the nipple, or more than 1/2 of
20 the area of the breast, is directly exposed or exposed by means
21 of see-through clothing or a body stocking:

22 (i) A licensee.

23 (ii) An employee, agent, or contractor of the licensee.

24 (iii) A person acting under the control of or with the per-
25 mission of the licensee.

26 Sec. 1113. (1) Except as provided in subsection (2), (3),
27 or (5), a licensee enumerated under section 525 or any other

1 person shall not sell at retail, give away, or furnish, and a
2 person shall not knowingly and willfully buy, spirits or mixed
3 spirit drink between the hours of 2 a.m. and 12 midnight on
4 Sunday. If January 1 falls on Sunday, the hours may be extended
5 to 4 a.m.

6 (2) If the legislative body of a county has authorized the
7 sale of spirits and mixed spirit drink for consumption on the
8 premises on Sunday, by resolution approved by a majority of the
9 legislative body voting on that resolution, the spirits and mixed
10 spirit drink may be sold after 12 noon in an establishment
11 licensed under this act in which the gross receipts derived from
12 the sale of food and other goods and services exceed 50% of the
13 total gross receipts. With respect to an action taken by the
14 legislative body or if the legislative body fails to act, a peti-
15 tion may be filed with the county clerk requesting the submission
16 of the question of the sale of spirits and mixed spirit drink for
17 consumption on the premises in addition to beer and wine on
18 Sunday. The petition shall be signed by a number of the regis-
19 tered and qualified electors of the county that is not less than
20 8% of the total number of votes cast for all candidates for the
21 office of secretary of state in the county at the last general
22 election held for that purpose. The question shall not be sub-
23 mitted to the electors of a county more than once every 4 years.
24 The county clerk shall submit the question at the next regular
25 state election held in the county if the petitions are filed not
26 less than 60 days before the election. The question of the sale
27 of spirits and mixed spirit drink for consumption on the

1 premises, in addition to beer and wine, on Sunday shall be
 2 submitted by ballot in substantially the following form:

3 "Shall the sale of spirits and mixed spirit drink for con-
 4 sumption on the premises be permitted on Sunday in an establish-
 5 ment licensed under the Michigan liquor control code of ~~1997~~
 6 1998 in which the gross receipts derived from the sale of food or
 7 other goods and services exceed 50% of the total gross receipts
 8 within the county of under the provisions of the law
 9 governing the sale of spirits and mixed spirit drink for
 10 consumption?

11 Yes

12 No "

13 (3) If the legislative body of a county has authorized the
 14 sale of spirits and mixed spirit drink for consumption off the
 15 premises on Sunday by resolution approved by a majority of the
 16 legislative body voting on the resolution, spirits and mixed
 17 spirit drink may be sold after 12 noon in a retail establishment
 18 licensed under this act. With respect to an action taken by the
 19 legislative body or if the legislative body fails to act, a peti-
 20 tion may be filed with the county clerk requesting the submission
 21 of the question of the sale of spirits and mixed spirit drink for
 22 consumption off the premises, in addition to beer and wine, in a
 23 retail establishment licensed under this act on Sunday. The
 24 petition shall be signed by a number of the registered and quali-
 25 fied electors of the county that is not less than 8% of the total
 26 number of votes cast for all candidates for the office of
 27 secretary of state in the county at the last general election

1 held for that purpose. The question shall not be submitted to
 2 the electors of a county more than once every 4 years. The
 3 county clerk shall submit the question at the next regular state
 4 election held in the county if the petitions are filed not less
 5 than 60 days before the election. The question of the sale of
 6 spirits and mixed spirit drink for consumption off the premises,
 7 in addition to beer and wine, in a retail establishment licensed
 8 under this act on Sunday shall be submitted by ballot in substan-
 9 tially the following form:

10 "Shall the sale of spirits and mixed spirit drink for con-
 11 sumption off the premises be permitted on Sunday in a retail
 12 establishment licensed under the Michigan liquor control code of
 13 ~~1997~~ 1998 within the county of under the provisions
 14 of the law governing the sale of spirits and mixed spirit drink
 15 for consumption?

16 Yes

17 No".

18 (4) Votes on a question submitted under this section shall
 19 be taken, counted, and canvassed in the same manner as votes cast
 20 in county elections are taken, counted, and canvassed. A ballot
 21 shall be furnished by the election commission or similar body of
 22 the county. If a majority of the electors voting at an election
 23 vote in favor of the proposal, spirits and mixed spirit drink may
 24 be sold in the county under this act for consumption on the
 25 premises or by a retail establishment for consumption off the
 26 premises, in addition to beer and wine, on Sunday. The sale
 27 shall not be permitted in a city, village, or township in which

1 the sale of spirits and mixed spirit drink is prohibited under
2 this act. A violation of this section is a misdemeanor. This
3 section does not apply to spirits and mixed spirit drink served
4 to a bona fide guest in the residence of a person or sold or fur-
5 nished for medicinal purposes as provided for in this act.

6 (5) A licensee enumerated under section 525 or any other
7 person shall not sell at retail, and a person shall not knowingly
8 and willfully buy, alcoholic liquor between the hours of
9 9 p.m. on December 24 and 7 a.m. on December 26. If December 26
10 falls on Sunday, the hours of closing shall be determined pursu-
11 ant to this act. The legislative body of a city, village, or
12 township, by resolution or ordinance, may prohibit the sale of
13 alcoholic liquor on Sunday or a legal holiday, primary election
14 day, general election day, or municipal election day.