

SENATE BILL NO. 778

September 30, 1999, Introduced by Senators LELAND, EMERSON, KOIVISTO, MC COTTER, EMMONS, NORTH, ROGERS, JOHNSON, CHERRY, HAMMERSTROM, HART, A. SMITH, BYRUM, DE BEAUSSAERT, MURPHY, BENNETT, SCHUETTE, STEIL, DINGELL, DUNASKISS, BULLARD, SHUGARS, PETERS, GOSCHKA, V. SMITH, SIKKEMA, GAST, HOFFMAN and MC MANUS and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to amend 1993 PA 327, entitled
"Tobacco products tax act,"
by amending section 5 (MCL 205.425), as amended by 1997 PA 187.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) ~~The~~ SUBJECT TO SUBSECTION (3), THE department
2 may suspend, revoke, or refuse to issue or renew a license issued
3 under this act for failure to comply with this act or for ~~any~~
4 other good cause. A person whose license is suspended, revoked,
5 or not renewed shall not act as a stamping agent or acquire a
6 stamp from the department or ~~any other~~ ANOTHER person, or sell
7 a tobacco product during the period of suspension or revocation,
8 or until the license is renewed.

9 (2) If a person who is a manufacturer, wholesaler, or
10 unclassified acquirer licensed under this act is convicted of a

1 felony under ~~any~~ A provision of this act, the department shall
2 revoke ~~any~~ A license issued under this act to that person.

3 (3) IF A PERSON LICENSED UNDER THIS ACT IS CONVICTED OF A
4 VIOLATION OF SECTION 300A OF THE MICHIGAN PENAL CODE, 1931
5 PA 328, MCL 750.300A, THE DEPARTMENT SHALL SUSPEND FOR A PERIOD
6 OF 5 YEARS A LICENSE ISSUED UNDER THIS ACT TO THAT PERSON.

7 (4) ~~(3)~~ Before the department suspends, revokes, or
8 refuses to renew a license under this act, the department shall
9 notify the person of its intent to hold a hearing before a repre-
10 sentative of the commissioner for purposes of determining whether
11 to suspend, revoke, or refuse to renew a license at least 14 days
12 before the scheduled hearing date.

13 (5) ~~(4)~~ A person aggrieved by the suspension, revocation,
14 or refusal to issue or renew a license may apply to the revenue
15 division of the department for a hearing within 20 days after
16 notice of the suspension, revocation, or refusal to issue or
17 renew the license. A hearing shall be had in the same manner AS
18 provided FOR AN INFORMAL CONFERENCE in section 21 of 1941 PA 122,
19 MCL 205.21. The decision in case of suspension, revocation, or
20 refusal to renew shall be issued within 45 days of receipt of the
21 request for hearing.

22 Enacting section 1. This amendatory act does not take
23 effect unless all of the following bills of the 90th Legislature
24 are enacted into law:

25 (a) Senate Bill No. 776.

26

1 (b) Senate Bill No. 777.

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3 (c) Senate Bill No. 779.

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