

HOUSE BILL No. 5856

February 23, 2010, Introduced by Reps. Segal, Scripps and Ebli 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 503 (MCL 436.1503).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 503. (1) A new application for a license to sell
2 alcoholic beverages at retail, or a request to transfer location of
3 an existing license, shall be denied if the contemplated location
4 is within 500 feet of a **PRESCHOOL**, church, or ~~a~~-school building.
5 The distance between the **PRESCHOOL**, church, or school building and
6 the contemplated location shall be measured along the center line
7 of the street or streets of address between 2 fixed points on the
8 center line determined by projecting straight lines, at right
9 angles to the center line, from the part of the **PRESCHOOL**, church,
10 or school building nearest to the contemplated location and from
11 the part of the contemplated location nearest to the **PRESCHOOL**,

1 church, or school building.

2 (2) This section does not apply to specially designated
3 merchants not in conjunction with on the ~~premise~~**PREMISES** licenses.

4 (3) This section does not apply to an outstanding license
5 issued before March 1, 1949, for a location within the ~~aforsaid~~
6 distance **DESCRIBED IN SUBSECTION (1)** or to the renewal or transfer
7 of the outstanding license at that location, or to a resort license
8 in effect during the 1948-1949 licensing year, or to the renewal or
9 transfer of the resort at that location or to an application for a
10 license at that location which has been approved by the commission
11 before March 1, 1949, and licenses so issued, renewed, transferred,
12 or approved shall be conclusively presumed to be valid for purposes
13 of this section only.

14 (4) The commission may waive this section in the case of other
15 classes of licenses. If an objection is not filed by the **PRESCHOOL,**
16 church, or school, the commission may issue the license pursuant to
17 this act. If an objection is filed, the commission shall hold a
18 hearing pursuant to rules established by the commission before
19 making a decision on the issuance of the license.

20 (5) This section shall not be construed to prevent the
21 transfer of a license to a location farther from a **PRESCHOOL,**
22 church, or school, if the license to be transferred is within the
23 500-foot radius.

24 (6) **AS USED IN THIS SECTION, "PRESCHOOL" MEANS A FACILITY**
25 **LICENSED AS A CHILD CARE CENTER AS THAT TERM IS DEFINED IN SECTION**
26 **1 OF 1973 PA 116, MCL 722.111.**