

HOUSE BILL No. 5541

May 6, 2014, Introduced by Reps. Dianda, Pettalia, Goike, Kelly, Kivela, Singh, Brunner, Smiley, Haugh and Kosowski 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 or
3 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 or both of the following conditions exist:

7 (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,

1 size, and type of shop to the trade area that the unit serves,
2 ~~which~~ **THAT** provides not less than 50,000 square feet of gross
3 leasable retail space, and ~~which~~ **THAT** provides 5 private off-street
4 parking spaces for each 1,000 square feet of gross leasable retail
5 space.

6 (ii) The applicant or licensee maintains a minimum inventory on
7 the premises, excluding alcoholic liquor and motor vehicle fuel, of
8 not less than \$250,000.00, at cost, of those goods and services
9 customarily marketed by approved types of 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, of
24 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 **UNDER SUBDIVISIONS (A)**
6 **AND (B)** are met **OR IF THE CONDITION UNDER SUBDIVISION (C) IS MET:**

7 (a) The applicant or licensee is located in either of the
8 following:

9 (i) A city, incorporated village, or township with a population
10 of 3,500 or less and a county with a population of 31,000 or more.

11 (ii) A city, incorporated village, or township with a
12 population of 4,000 or less and a county with a population of less
13 than 31,000.

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

18 **(C) THE APPLICANT OR LICENSEE IS LOCATED IN A TOWNSHIP WITH A**
19 **POPULATION DENSITY OF LESS THAN 4 PEOPLE PER SQUARE MILE AND COUNTY**
20 **WITH A POPULATION DENSITY OF LESS THAN 11 PEOPLE PER SQUARE MILE.**

21 (4) The commission shall not prohibit an applicant for or the
22 holder of a specially designated distributor license from owning or
23 operating motor vehicle fuel pumps on or adjacent to the licensed
24 premises if both of the following conditions are met:

25 (a) The applicant or licensee is located in either of the
26 following:

27 (i) A city, incorporated village, or township with a population

1 of 3,500 or less and a county with a population of 31,000 or more.

2 (ii) A city, incorporated village, or township with a
3 population of 4,000 or less and a county with a population of less
4 than 31,000.

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

9 (5) A person who was issued a specially designated merchant
10 license or specially designated distributor license at a location
11 at which another person owned, operated or maintained motor vehicle
12 fuel pumps at the same location may have or acquire an interest in
13 the ownership, operation or maintenance of those motor vehicle fuel
14 pumps.

15 (6) The commission may transfer ownership of a specially
16 designated merchant license or specially designated distributor
17 license to a person who owns or is acquiring an interest in motor
18 vehicle fuel pumps already in operation at the same location at
19 which the license is issued.