## **HOUSE BILL No. 4683**

May 2, 2013, Introduced by Rep. Nathan 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 1031 (MCL 436.2031), as added by 2010 PA 175.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- Sec. 1031. (1) As used in this section, "wine auction license"
  means a license issued by the commission to sell wine by auction,
- 3 subject to the following:

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- (a) The wine is sold through an auction by a person **THAT IS** licensed as a specially designated merchant or through a seller partnering **THAT IS A PARTNER** with a specially designated merchant, as evidenced by a written agreement of the parties.
  - (b) The owner of the wine is not licensed under this act.
- (c) The wine is part of a private collection owned by a person **THAT IS** not licensed under this act.

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- 1 (d) The specially designated merchant ensures that each bottle
- 2 sold from the private collection has a permanently affixed tag or
- 3 label stating that the wine was acquired from a private collection.
- 4 (2) <del>Upon submission of </del>**IF IT RECEIVES** a completed application
- 5 and the license fee described in section 525(1)(aa), the commission
- 6 shall issue a wine auction license to a person licensed as a
- 7 specially designated merchant, or a seller partnering THAT IS A
- 8 PARTNER with a specially designated merchant, who is arranging for
- 9 the sale of wine by an owner that is not licensed under this act.
- 10 The commission shall issue the license for a term of 1 year. The
- 11 license allows the licensee to hold not more than 12 auctions per
- 12 license year.
- 13 (3) The license restrictions as prescribed under this section
- 14 and under this act are in addition to those requirements and
- 15 prescriptions imposed by any local law or ordinance, or resolution
- 16 of the local unit of government.
- 17 (4) The holder of the wine auction license is responsible for
- 18 the payment of any applicable sales or excise taxes regarding the
- 19 sale of the wine by auction.
- 20 (5) The holder of the wine auction license is responsible for
- 21 the delivery, storing, and warehousing of the wine offered for sale
- 22 and for the delivery of the wine to the purchasers.
- 23 (6) A person **THAT IS** licensed to sell wine at wholesale or
- 24 retail may purchase any wine offered at an auction under this
- 25 section and may resell that wine in accordance with the terms of
- 26 his or her THE license, so long as IF AT THE TIME OF SALE the tag
- 27 or label remains permanently affixed to the bottle. upon sale.

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- 1 (7) The sale and resale of wine purchased at auction is
- 2 subject to this act and any rules of the commission promulgated
- 3 under this act.
- 4 (8) A person holding a wine auction license is not required to
- 5 demonstrate compliance with the registration requirements of
- 6 article 29 of the occupational code, 1980 PA 299, MCL 339.2901 to
- **7** 339.2919.
- 8 Enacting section 1. This amendatory act does not take effect
- 9 unless Senate Bill No. \_\_\_\_ or House Bill No. 4682(request no.
- 10 02040'13 a) of the 97th Legislature is enacted into law.

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