

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:

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

4 (a) The wine is sold through an auction by a person **THAT IS**
5 licensed as a specially designated merchant or through a seller
6 ~~partnering~~**THAT IS A PARTNER** with a specially designated merchant,
7 as evidenced by a written agreement of the parties.

8 (b) The owner of the wine is not licensed under this act.

9 (c) The wine is part of a private collection owned by a person
10 **THAT IS** not licensed under this act.

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) ~~Upon submission of~~ **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.~~

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.