



HOUSE BILL No. 5141

October 19, 1993, Introduced by Reps. Anthony, DeMars, Wallace, Gagliardi, Llewellyn, Jacobetti, Griffin and Shepich and referred to the Committee on Liquor Control.

A bill to amend section 28c of Act No. 8 of the Public Acts of the Extra Session of 1933, entitled as amended "The Michigan liquor control act," as amended by Act No. 133 of the Public Acts of 1992, being section 436.28c of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 28c of Act No. 8 of the Public Acts of
2 the Extra Session of 1933, as amended by Act No. 133 of the
3 Public Acts of 1992, being section 436.28c of the Michigan
4 Compiled Laws, is amended to read as follows:

5 Sec. 28c. (1) The commission shall not prohibit an appli-
6 cant for or the holder of a specially designated distributor
7 license or specially designated merchant license from owning or
8 operating motor vehicle fuel pumps on or adjacent to the licensed
9 premises, if both of the following conditions are met:

1 (a) One or both of the following conditions exist:

2 (i) The applicant or licensee is located in a neighborhood
3 shopping center composed of 1 or more commercial establishments
4 organized or operated as a unit which is related in location,
5 size, and type of shop to the trade area that the unit serves,
6 which provides not less than 50,000 square feet of gross leasable
7 retail space, and which provides 5 private off-street parking
8 spaces for each 1,000 square feet of gross leasable retail
9 space.

10 (ii) The applicant or licensee maintains a minimum inventory
11 on the premises, excluding alcoholic liquor and motor vehicle
12 fuel, of not less than \$250,000.00, at cost, of those goods and
13 services customarily marketed by approved types of businesses.

14 (b) The site of payment and selection of alcoholic liquor is
15 not less than 50 feet from that point where motor vehicle fuel is
16 dispensed.

17 (2) The commission shall not prohibit an applicant for or
18 the holder of a specially designated merchant license from owning
19 or operating motor vehicle fuel pumps on or adjacent to the
20 licensed premises if both of the following conditions are met:

21 (a) The applicant or licensee is located in either of the
22 following:

23 (i) A city, incorporated village, or township with a popula-
24 tion of ~~3,000~~ 5,000 or less and a county with a population of
25 31,000 or more.

1 (ii) A city, incorporated village, or township with a
2 population of 3,500 or less and a county with a population of
3 less than 31,000.

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

8 (3) The commission shall not prohibit an applicant for or
9 the holder of a specially designated distributor license from
10 owning or operating motor vehicle fuel pumps on or adjacent to
11 the licensed premises if both of the following conditions are
12 met:

13 (a) The applicant or licensee is located in either of the
14 following:

15 (i) A city, incorporated village, or township with a popula-
16 tion of ~~3,000~~ 5,000 or less and a county with a population of
17 31,000 or more.

18 (ii) A city, incorporated village, or township with a popu-
19 lation of 3,500 or less and a county with a population of less
20 than 31,000.

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

25 (4) A person who was issued a specially designated merchant
26 license or specially designated distributor license at a location
27 at which another person owned, operated or maintained motor

1 vehicle fuel pumps at the same location may have or acquire ^{an}
2 interest in the ownership, operation or maintenance of those
3 motor vehicle fuel pumps.

4 (5) The commission may transfer ownership of a specially
5 designated merchant license or specially designated distribu^{tor}
6 license to a person who owns or is acquiring an interest in ^{motor}
7 vehicle fuel pumps already in operation at the same location ^{at}
8 which the license is issued.