

SENATE BILL No. 1401

September 17, 2002, Introduced by Senators HOFFMAN, HAMMERSTROM and BULLARD and referred to the Committee on Transportation and Tourism.

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 518.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 518. (1) AS USED IN THIS SECTION:

2 (A) "MOTORSPORTS ENTERTAINMENT COMPLEX" MEANS A
3 CLOSED-COURSE MOTORSPORTS FACILITY AND ITS ANCILLARY GROUNDS THAT
4 COMPLY WITH ALL OF THE FOLLOWING:

5 (i) HAS AT LEAST 70,000 FIXED SEATS FOR RACE PATRONS.

6 (ii) HAS AT LEAST 7 SCHEDULED DAYS OF MOTORSPORTS EVENTS
7 EACH CALENDAR YEAR.

8 (iii) HAS AT LEAST 4 MOTORSPORTS EVENTS EACH CALENDAR YEAR.

9 (iv) SERVES FOOD AND BEVERAGES AT THE FACILITY DURING
10 SANCTIONED EVENTS EACH CALENDAR YEAR THROUGH CONCESSION OUTLETS,
11 A MAJORITY OF WHICH ARE STAFFED BY INDIVIDUALS WHO REPRESENT OR

1 ARE MEMBERS OF 1 OR MORE NONPROFIT CIVIC OR CHARITABLE
2 ORGANIZATIONS THAT DIRECTLY FINANCIALLY BENEFIT FROM THE CONCES-
3 SION OUTLETS' SALES.

4 (v) ENGAGES IN TOURISM PROMOTION.

5 (vi) HAS LOCATED ON THE PROPERTY EXHIBITIONS OF MOTORSPORTS
6 HISTORY, EVENTS, OR VEHICLES.

7 (B) "MOTORSPORTS EVENT" MEANS A MOTORSPORTS RACE AND ITS
8 ANCILLARY ACTIVITIES THAT HAVE BEEN SANCTIONED BY A SANCTIONING
9 BODY.

10 (C) "OWNER" MEANS A PERSON WHO OWNS AND OPERATES A MOTOR-
11 SPORTS ENTERTAINMENT COMPLEX.

12 (D) "SANCTIONING BODY" MEANS THE AMERICAN MOTORCYCLE ASSOCI-
13 ATION (AMA); AUTO RACING CLUB OF AMERICA (ARCA); CHAMPIONSHIP
14 AUTO RACING TEAMS (CART); GRAND AMERICAN ROAD RACING ASSOCIATION
15 (GRAND AM); INDY RACING LEAGUE (IRL); NATIONAL ASSOCIATION FOR
16 STOCK CAR AUTO RACING (NASCAR); NATION HOT ROD ASSOCIATION
17 (NHRA); PROFESSIONAL SPORTSCAR RACING (PSR); SPORTS CAR CLUB OF
18 AMERICA (SCCA); UNITED STATES AUTO CLUB (USAC); OR ANY SUCCESSOR
19 ORGANIZATION OR ANY OTHER NATIONALLY OR INTERNATIONALLY RECOG-
20 NIZED GOVERNING BODY OF MOTORSPORTS THAT ESTABLISHES AN ANNUAL
21 SCHEDULE OF MOTORSPORTS EVENTS AND GRANTS RIGHTS TO CONDUCT THE
22 EVENTS, THAT HAS ESTABLISHED AND ADMINISTERS RULES AND REGULA-
23 TIONS GOVERNING ALL PARTICIPANTS INVOLVED IN THE EVENTS AND ALL
24 PERSONS CONDUCTING THE EVENTS, AND THAT REQUIRES CERTAIN LIABIL-
25 ITY ASSURANCES, INCLUDING INSURANCE.

26 (2) FOR A PERIOD OF TIME NOT TO EXCEED 7 CONSECUTIVE DAYS
27 DURING WHICH PUBLIC ACCESS IS PERMITTED TO A MOTORSPORTS

1 ENTERTAINMENT COMPLEX IN CONNECTION WITH A MOTORSPORTS EVENT,
2 MEMBERS OF THE GENERAL PUBLIC AT LEAST 21 YEARS OR OLDER MAY
3 BRING ALCOHOLIC LIQUOR NOT PURCHASED AT THE MOTORSPORTS ENTER-
4 TAINMENT COMPLEX INTO THE MOTORSPORTS ENTERTAINMENT COMPLEX AND
5 POSSESS AND CONSUME THAT ALCOHOLIC LIQUOR. POSSESSION AND CON-
6 SUMPTION OF ALCOHOLIC LIQUOR UNDER THIS SECTION ARE ALLOWED IN
7 PORTIONS OF THE MOTORSPORTS ENTERTAINMENT COMPLEX OPEN TO THE
8 GENERAL PUBLIC THAT ARE ALSO PART OF THE LICENSED PREMISES OF A
9 RETAIL LICENSEE ONLY UNDER BOTH OF THE FOLLOWING CIRCUMSTANCES:

10 (A) THE LICENSED PREMISES ARE LOCATED WITHIN THE MOTORSPORTS
11 ENTERTAINMENT COMPLEX.

12 (B) THE RETAIL LICENSEE HOLDS A LICENSE FOR CONSUMPTION ON
13 THE LICENSED PREMISES OF THE MOTORSPORTS ENTERTAINMENT COMPLEX.

14 (3) AN OWNER IS NOT CONSIDERED A VENDOR UNDER THIS ACT
15 MERELY BECAUSE IT IS AFFILIATED WITH, IS A SHAREHOLDER OF, OR
16 CONTRACTUALLY SHARES IN PERCENTAGE PAYMENTS WITH A RETAIL
17 LICENSEE UNLESS EITHER OR BOTH OF THE FOLLOWING CIRCUMSTANCES
18 EXIST:

19 (A) THE OWNER OBLIGATES OR REQUIRES A VENDOR OPERATING AT
20 THE MOTORSPORTS ENTERTAINMENT COMPLEX TO PURCHASE OR SELL A PAR-
21 TICULAR BRAND OF ALCOHOLIC LIQUOR IN THE AREAS THAT ARE ACCESSI-
22 BLE TO THE GENERAL PUBLIC. FOR PURPOSES OF THIS SUBDIVISION,
23 AREAS ACCESSIBLE TO THE GENERAL PUBLIC DO NOT INCLUDE ANY
24 RESTRICTED ACCESS AREAS THAT ARE UNDER LEASE, LICENSE, OR OCCU-
25 PANCY CONTRACTS WITH THE OWNER.

26 (B) WITH THE KNOWLEDGE OF THE OWNER, A PERSON LICENSED AS A
27 BEER DISTRIBUTOR IS DIRECTLY OR INDIRECTLY PARTICIPATING IN, OR

1 CONTRIBUTING TO, ADVERTISING OR PROMOTIONAL FUNDS BEING USED TO
2 PAY FEES TO THE OWNER.

3 (4) AN OWNER NOT HOLDING ANY LICENSE UNDER THIS ACT MAY
4 ENTER INTO A PROMOTIONAL CONTRACT TO PROVIDE FOR OR REQUIRE THE
5 PAYMENT OF FEES TO THE OWNER. THE PROMOTIONAL CONTRACT MAY BE
6 WITH ANY PERSON EXCEPT FOR ANY OF THE FOLLOWING:

7 (A) A PERSON LICENSED AS A BEER DISTRIBUTOR UNLESS THAT
8 PERSON IS ALSO LICENSED AS A MANUFACTURER.

9 (B) A PERSON A LICENSED AS A WINE DISTRIBUTOR UNLESS THAT
10 PERSON IS ALSO LICENSED AS A MANUFACTURER.

11 (C) A PERSON LICENSED AS A SPIRIT MANUFACTURER.