

SUBSTITUTE FOR  
HOUSE BILL NO. 5126

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
(MCL 339.101 to 339.2721) by adding article 17A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE 17A

SEC. 1753. (1) A LICENSE ISSUED UNDER THIS ARTICLE IS NOT  
TRANSFERABLE.

(2) IN ADDITION TO ANY PENALTIES ASSESSED UNDER ARTICLE 6, A  
PERSON THAT INTENTIONALLY USES OR PERMITS THE USE, OR ATTEMPTS TO  
USE OR PERMIT THE USE, OF A LICENSE ISSUED UNDER THIS ARTICLE BY  
OR ON BEHALF OF A PERSON OTHER THAN THE LICENSEE IS GUILTY OF A  
MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 OR  
IMPRISONMENT FOR NOT MORE THAN 6 MONTHS, OR BOTH.

SEC. 1754. (1) A LICENSE ISSUED UNDER THIS ARTICLE SHALL  
CONTAIN THE ORIGINAL OR FACSIMILE SIGNATURE OF THE DIRECTOR,

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1 SHALL BEAR IN BOLD LETTERS THE DATE OF ISSUANCE AND TERMINATION,  
2 AND SHALL STATE THE NAME AND ADDRESS OF THE LICENSEE.

3       (2) A LICENSE FOR THE OPERATION OF AN ADULT ENTERTAINMENT  
4 ESTABLISHMENT SHALL DESCRIBE THE NATURE OF THE BUSINESS OR ENTER-  
5 PRISE AS AN ADULT BOOKSTORE, ADULT MOTION PICTURE THEATER, ADULT  
6 MINI-MOTION PICTURE THEATER, ADULT CABARET, OR MASSAGE ESTABLISH-  
7 MENT, IF APPLICABLE, AND SPECIFY THE LOCATION OF THE PREMISES AT  
8 WHICH THE BUSINESS IS AUTHORIZED. IF THE LICENSEE IS A CORPORA-  
9 TION, THE LICENSE SHALL STATE THE NAME AND ADDRESS OF THE  
10 CORPORATION'S RESIDENT AGENT IN THIS STATE AND THE ADDRESS OF ITS  
11 REGISTERED OFFICE.

12       SEC. 1755. (1) THE DEPARTMENT SHALL MAINTAIN AN ALPHABET-  
13 IZED OR COMPUTERIZED DATABASE CONTAINING A PHOTOGRAPH AND THE  
14 FULL NAME, NICKNAMES OR ALIASES, RESIDENTIAL ADDRESS, BUSINESS  
15 ADDRESS, SOCIAL SECURITY NUMBER, AND DRIVER LICENSE NUMBER OF  
16 EVERY ADULT ESTABLISHMENT APPLICANT AND LICENSEE. AN APPLICANT  
17 FOR A LICENSE SHALL PROVIDE A PHOTOGRAPH AND THE SAME INFORMATION  
18 FOR ANY OTHER PERSON WHOSE SIGNATURE APPEARS ON AN APPLICATION OR  
19 ON ANY SUPPORTING DOCUMENTS SUBMITTED WITH AN APPLICATION FOR A  
20 LICENSE UNDER THIS ARTICLE. EACH DATABASE SHALL INDICATE THE  
21 ELIGIBILITY OF AN APPLICANT AS A LICENSEE UNDER THIS ARTICLE AND  
22 WHETHER THE SIGNATURE OF A PERSON ON AN APPLICATION FOR A LICENSE  
23 PRECLUDES THE ISSUANCE OF A LICENSE BASED ON THAT SIGNATURE.

24       (2) IN CONSIDERING AN APPLICATION FOR A LICENSE, THE DEPART-  
25 MENT SHALL SUBMIT NAMES OF APPLICANTS AND THOSE APPEARING IN  
26 APPLICATIONS TO THE FEDERAL BUREAU OF INVESTIGATION AND THE

1 UNITED STATES DEPARTMENT OF JUSTICE FOR THE PURPOSE OF A RECORD  
2 CHECK.

3 (3) ANY RECORDS OR INFORMATION OBTAINED BY OR DISCLOSED TO  
4 THE DEPARTMENT IN CONNECTION WITH AN APPLICATION FOR LICENSE OR  
5 LICENSE RENEWAL UNDER THIS ARTICLE ARE CONFIDENTIAL RECORDS OF  
6 THE DEPARTMENT AND SHALL NOT BE AVAILABLE FOR PUBLIC INSPECTION  
7 OR COPYING OR DIVULGED TO ANY PERSON EXCEPT AS PROVIDED IN THIS  
8 SUBSECTION. THE DEPARTMENT MAY DISCLOSE RECORDS OR INFORMATION  
9 AS FOLLOWS:

10 (A) TO LAW ENFORCEMENT OFFICIALS.

11 (B) IN CONNECTION WITH AN ACTION BROUGHT PURSUANT TO THIS  
12 ACT.

13 (C) UPON ORDER OF A COURT.

[ (D) PURSUANT TO SUBSECTION (4).

(4) AN APPLICANT OR LICENSEE MAY EXECUTE AND DELIVER A CONSENT,  
IN A FORM ACCEPTABLE TO THE DEPARTMENT AND THE LIQUOR CONTROL  
COMMISSION, TO 1 OR BOTH OF THE FOLLOWING DISCLOSURES:

(A) THE DISCLOSURE TO THE DEPARTMENT OF ANY RECORDS OR  
INFORMATION OBTAINED BY OR DISCLOSED TO THE LIQUOR CONTROL  
COMMISSION IN CONNECTION WITH ANY PAST OR PENDING APPLICATION OF THE  
APPLICANT OR LICENSEE FOR A CLASS C LICENSE, A TOPLESS ACTIVITY  
PERMIT, OR A TOPLESS ACTIVITY-ENTERTAINMENT PERMIT UNDER THE LIQUOR  
CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303. THE  
DEPARTMENT SHALL CONSIDER ANY INFORMATION OR RECORDS PROVIDED  
PURSUANT TO THIS SUBDIVISION AS INFORMATION OR RECORDS PROVIDED BY  
THE APPLICANT OR LICENSEE FOR PURPOSES OF ANY PENDING OR FUTURE  
APPLICATION FOR LICENSE OR LICENSE RENEWAL UNDER THIS ARTICLE.

(B) THE DISCLOSURE TO THE LIQUOR CONTROL COMMISSION OF ANY  
RECORDS OR INFORMATION OBTAINED BY OR DISCLOSED TO THE DEPARTMENT IN  
CONNECTION WITH ANY PAST OR PRESENT APPLICATION FOR LICENSE OR  
LICENSE RENEWAL UNDER THIS ARTICLE. THE LIQUOR CONTROL COMMISSION  
SHALL CONSIDER ANY INFORMATION OR RECORDS PROVIDED PURSUANT TO THIS  
SUBDIVISION AS INFORMATION OR RECORDS PROVIDED BY THE APPLICANT OR  
LICENSEE FOR PURPOSES OF ANY PENDING OR FUTURE APPLICATION FOR A  
CLASS C LICENSE OR A TOPLESS ACTIVITY OR TOPLESS ACTIVITY-  
ENTERTAINMENT PERMIT UNDER THE LIQUOR CONTROL CODE OF 1998, 1998 PA  
58, MCL 436.1101 TO 436.2303.]

14 SEC. 1756. (1) ALL OF THE FOLLOWING APPLY TO AN ADULT  
15 ENTERTAINMENT ESTABLISHMENT:

16 (A) A LICENSE ISSUED UNDER THIS ARTICLE AUTHORIZES THE  
17 LICENSEE TO ENGAGE IN OR CARRY ON THE BUSINESS OF OPERATING AN  
18 ADULT ENTERTAINMENT ESTABLISHMENT ONLY IN THE PREMISES SPECIFIED  
19 IN THE LICENSE.

20 (B) AN APPLICANT OR LICENSEE SEEKING A LICENSE OR RENEWAL  
21 MUST DOCUMENT IN ITS APPLICATION THAT THE LOCATION OR PROPOSED  
22 LOCATION OF THE PLACE OF BUSINESS IS IN COMPLIANCE WITH ALL  
23 APPLICABLE LAWS AND ORDINANCES.

24 (C) IF A LICENSEE CHANGES THE LOCATION OF THE LICENSEE'S  
25 PLACE OF BUSINESS DURING THE PERIOD FOR WHICH THE LICENSE WAS  
26 ISSUED, THE LICENSE IS REVOKED AND THE LICENSEE MUST SUBMIT A NEW

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1 LICENSE APPLICATION IN ACCORDANCE WITH THIS ARTICLE FOR A NEW  
2 LICENSE TO CONDUCT BUSINESS AT THE NEW LOCATION.

3 (2) IN ADDITION TO ANY PENALTIES ASSESSED UNDER ARTICLE 6, A  
4 PERSON THAT IS THE HOLDER OF A LICENSE ISSUED UNDER THIS ARTICLE,  
5 A PERSON ENGAGED IN THE MANAGEMENT OF THE PERSON'S ADULT ENTER-  
6 TAINMENT ESTABLISHMENT, AND EACH OF THE FOLLOWING PERSONS, AS  
7 APPLICABLE, ENGAGING IN, CARRYING ON, OR PARTICIPATING IN THE  
8 OPERATION OF THE BUSINESS OF OPERATING A MASSAGE ESTABLISHMENT OR  
9 AN ADULT BOOKSTORE AT A PLACE OTHER THAN THAT AUTHORIZED BY THE  
10 LICENSE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT  
11 MORE THAN \$500.00 OR IMPRISONMENT FOR NOT MORE THAN 6 MONTHS, OR  
12 BOTH:

13 (A) IF THE PERSON IS A CORPORATION, A PRINCIPAL OWNER,  
14 DIRECTOR, OR OFFICER.

15 (B) IF THE PERSON IS A PARTNERSHIP, A GENERAL PARTNER OR  
16 PRINCIPAL OWNER.

17 (C) IF THE PERSON IS A LIMITED LIABILITY COMPANY, A PRINCI-  
18 PAL OWNER OR MANAGER.

19 (3) UNLESS AN APPLICABLE ZONING ORDINANCE PROVIDES OTHER-  
20 WISE, AN ADULT ENTERTAINMENT ESTABLISHMENT SHALL NOT OPERATE AN  
21 ESTABLISHMENT WITHIN [3,000 FEET OF AN AREA ZONED AS RESIDENTIAL BY  
AN APPLICABLE ZONING ORDINANCE,] A SCHOOL, A CHURCH OR OTHER  
22 HOUSE OF RELIGIOUS WORSHIP, OR A CHILD CARE ORGANIZATION AS  
23 DEFINED IN SECTION 1 OF 1973 PA 116, MCL 722.111. IN ADDITION TO  
24 ANY PENALTIES ASSESSED UNDER ARTICLE 6, A VIOLATION OF THIS SUB-  
25 SECTION IS A MISDEMEANOR PUNISHABLE BY A FINE IN THE AMOUNT OF  
26 \$5,000.00.

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1 Enacting section 1. This amendatory act does not take  
2 effect unless all of the following bills of the 90th Legislature  
3 are enacted into law:

4 (a) House Bill No. 5124.

5 (b) House Bill No. 5125.

6 (c) House Bill No. 5127.

7 (d) House Bill No. 5128.

8 (e) House Bill No. 5129.

9 (f) House Bill No. 5130.

10 (g) House Bill No. 5131.

11 (h) House Bill No. 5132.