



HOUSE BILL No. 5126

November 10, 1999, Introduced by Rep. Kukuk and referred to the Committee on Constitutional Law and Ethics.

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

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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,

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, RELAXATION ESTABLISHMENT, ADULT
6 SHOW, ADULT THEATER, OR MASSAGE ESTABLISHMENT, IF APPLICABLE, AND
7 SPECIFY THE LOCATION OF THE PREMISES AT WHICH THE BUSINESS IS
8 AUTHORIZED. IF THE LICENSEE IS A CORPORATION, THE LICENSE SHALL
9 STATE THE NAME AND ADDRESS OF THE CORPORATION'S RESIDENT AGENT IN
10 THIS STATE AND THE ADDRESS OF ITS REGISTERED OFFICE.

11 (3) A LICENSE ISSUED TO A MASSAGIST SHALL BEAR THE PHOTO-
12 GRAPH OF THE LICENSEE.

13 SEC. 1755. (1) THE DEPARTMENT SHALL MAINTAIN AN ALPHABET-
14 IZED OR COMPUTERIZED DATABASE CONTAINING A PICTURE AND THE FULL
15 NAME, NICKNAMES OR ALIASES, RESIDENTIAL ADDRESS, BUSINESS
16 ADDRESS, SOCIAL SECURITY NUMBER, AND DRIVER LICENSE NUMBER OF,
17 AND THE NAME AND ADDRESS OF ALL BANKS IN OR OUT OF THIS STATE
18 WHERE ACCOUNTS ARE MAINTAINED BY, EVERY ADULT ESTABLISHMENT
19 APPLICANT AND LICENSEE AND A SEPARATE COMPUTERIZED DATABASE CON-
20 TAINING A PICTURE OF AND THE SAME INFORMATION CONCERNING EVERY
21 MASSAGIST APPLICANT AND LICENSEE. AN APPLICANT FOR A LICENSE
22 SHALL PROVIDE A PICTURE AND THE SAME INFORMATION FOR ANY OTHER
23 PERSON WHOSE SIGNATURE APPEARS ON AN APPLICATION OR ON ANY SUP-
24 PORTING DOCUMENTS SUBMITTED WITH AN APPLICATION FOR A LICENSE
25 UNDER THIS ARTICLE. EACH DATABASE SHALL INDICATE THE ELIGIBILITY
26 OF AN APPLICANT AS A LICENSEE UNDER THIS ARTICLE AND WHETHER THE

1 SIGNATURE OF A PERSON ON AN APPLICATION FOR A LICENSE PRECLUDES
2 THE ISSUANCE OF A LICENSE BASED ON THAT SIGNATURE.

3 (2) IN CONSIDERING AN APPLICATION FOR A LICENSE, THE DEPART-
4 MENT SHALL SUBMIT NAMES OF APPLICANTS AND THOSE APPEARING IN
5 APPLICATIONS TO THE FEDERAL BUREAU OF INVESTIGATION AND THE
6 UNITED STATES DEPARTMENT OF JUSTICE FOR THE PURPOSE OF A RECORD
7 CHECK.

8 (3) ANY RECORDS OR INFORMATION OBTAINED BY OR DISCLOSED TO
9 THE DEPARTMENT IN CONNECTION WITH AN APPLICATION FOR LICENSE OR
10 LICENSE RENEWAL UNDER THIS ARTICLE SHALL BE CONFIDENTIAL RECORDS
11 OF THE DEPARTMENT AND SHALL NOT BE AVAILABLE FOR PUBLIC INSPEC-
12 TION OR COPYING OR DIVULGED TO ANY PERSON EXCEPT AS PROVIDED IN
13 THIS SUBSECTION. THE DEPARTMENT MAY DISCLOSE RECORDS OR INFORMA-
14 TION AS FOLLOWS:

15 (A) TO LAW ENFORCEMENT OFFICIALS.

16 (B) IN CONNECTION WITH AN ACTION BROUGHT PURSUANT TO THIS
17 ACT.

18 (C) UPON ORDER OF A COURT.

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

21 (A) A LICENSE ISSUED UNDER THIS ARTICLE SHALL AUTHORIZE THE
22 LICENSEE TO ENGAGE IN OR CARRY ON THE BUSINESS OF OPERATING AN
23 ADULT ENTERTAINMENT ESTABLISHMENT ONLY IN THE PREMISES SPECIFIED
24 IN THE LICENSE.

25 (B) AN APPLICANT OR LICENSEE SEEKING A LICENSE OR RENEWAL
26 MUST DOCUMENT IN ITS APPLICATION THAT THE LOCATION OR PROPOSED

1 LOCATION OF THE PLACE OF BUSINESS IS IN COMPLIANCE WITH ALL
2 APPLICABLE LAWS AND ORDINANCES.

3 (C) IF A LICENSEE CHANGES THE LOCATION OF THE LICENSEE'S
4 PLACE OF BUSINESS DURING THE PERIOD FOR WHICH THE LICENSE WAS
5 ISSUED, THE LICENSE IS REVOKED AND THE LICENSEE MUST SUBMIT A NEW
6 LICENSE APPLICATION IN ACCORDANCE WITH THIS ARTICLE FOR A NEW
7 LICENSE TO CONDUCT BUSINESS AT THE NEW LOCATION.

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

18 (A) IF THE PERSON IS A CORPORATION, A PRINCIPAL OWNER,
19 DIRECTOR, OR OFFICER.

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

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

24 (3) AN ADULT ENTERTAINMENT ESTABLISHMENT SHALL NOT OPERATE
25 MORE THAN 1 ADULT BOOKSTORE, RELAXATION ESTABLISHMENT, ADULT
26 SHOW, ADULT THEATER, OR MASSAGE ESTABLISHMENT IN THE SAME
27 BUILDING OR IN SEPARATE BUILDINGS LESS THAN 1,500 FEET FROM EACH

1 OTHER. IN ADDITION TO ANY PENALTIES ASSESSED UNDER ARTICLE 6, A
 2 VIOLATION OF THIS SUBSECTION IS A MISDEMEANOR PUNISHABLE BY A
 3 FINE IN THE AMOUNT OF \$5,000.00.

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

7 (a) Senate Bill No. _____ or House Bill No. 5124 (request
 8 no. 04171'99 *).

9 (b) Senate Bill No. _____ or House Bill No. 5125 (request
 10 no. 04171'99 a *).

11 (c) Senate Bill No. _____ or House Bill No. 5127 (request
 12 no. 05235'99).

13 (d) Senate Bill No. _____ or House Bill No. 5128 (request
 14 no. 05236'99).

15 (e) Senate Bill No. _____ or House Bill No. 5129 (request
 16 no. 05237'99).

17 (f) Senate Bill No. _____ or House Bill No. 5130 (request
 18 no. 05238'99).

19 (g) Senate Bill No. _____ or House Bill No. 5131 (request
 20 no. 05239'99).

21 (h) Senate Bill No. _____ or House Bill No. 5132 (request
 22 no. 05240'99).