



HOUSE BILL No. 5127

November 10, 1999, Introduced by Rep. DeHart 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

SEC. 1757. (1) A PERSON LICENSED TO OPERATE AN ADULT ENTER-
TAINMENT ESTABLISHMENT UNDER THIS ARTICLE SHALL DISPLAY THE
LICENSE IN A CONSPICUOUS MANNER ON THE PREMISES FOR WHICH THE
LICENSE IS ISSUED.

(2) A MASSAGIST LICENSED UNDER THIS ARTICLE SHALL HAVE THE
LICENSE IN HIS OR HER POSSESSION DURING THE COURSE OF PERFORMANCE
OF SERVICES AS A MASSAGIST OR WHILE ON THE PREMISES OF A MESSAGE
ESTABLISHMENT AND SHALL DISPLAY THE LICENSE UPON REQUEST OF A
PEACE OFFICER OR A REPRESENTATIVE OF THE DEPARTMENT.

1 (3) IN ADDITION TO ANY PENALTIES ASSESSED UNDER ARTICLE 6, A
2 VIOLATION OF THIS SECTION IS A MISDEMEANOR PUNISHABLE BY A FINE
3 OF NOT MORE THAN \$1,000.00.

4 SEC. 1758. THE DEPARTMENT SHALL NOT ISSUE A LICENSE TO
5 ENGAGE IN THE OCCUPATION OF MASSAGIST UNDER THIS ARTICLE UNLESS
6 THE APPLICANT EXECUTES AND FILES WITH THE DEPARTMENT A SWORN
7 APPLICATION THAT INCLUDES ALL OF THE FOLLOWING:

8 (A) THE APPLICANT'S FULL NAME, INCLUDING NICKNAMES OR
9 ALIASES, RESIDENTIAL ADDRESS, PLACE OF EMPLOYMENT INCLUDING
10 ADDRESS AND TELEPHONE NUMBER, SOCIAL SECURITY NUMBER, DATE OF
11 BIRTH, AND DRIVER LICENSE NUMBER.

12 (B) A PHOTOGRAPH OF THE APPLICANT TAKEN WITHIN 30 DAYS OF
13 APPLICATION.

14 (C) THE APPLICANT'S CERTIFICATION OR SWORN STATEMENT THAT
15 THE APPLICANT HAS NEVER BEEN CONVICTED OF A CRIME OR VIOLATION OF
16 A LOCAL ORDINANCE INVOLVING LEWDNESS, PROSTITUTION, PROMOTING
17 PROSTITUTION, SEXUAL ASSAULT OR ASSAULT WITH INTENT TO COMMIT
18 CRIMINAL SEXUAL CONDUCT, SEXUAL MISCONDUCT, INDECENT EXPOSURE,
19 INCEST, RAPE OR CRIMINAL SEXUAL CONDUCT, OR SODOMY, OR HAS NOT
20 REGISTERED AS A SEX OFFENDER, IN THIS STATE OR ANY OTHER STATE OR
21 JURISDICTION WITHIN THE 3 YEARS PRIOR TO THE DATE OF
22 APPLICATION.

23 (D) A LETTER OR CERTIFICATION OF A PHYSICIAN STATING THAT
24 THE APPLICANT HAS BEEN EXAMINED AND FOUND FREE OF COMMUNICABLE
25 DISEASES AS OF A DATE NOT MORE THAN 30 DAYS PRIOR TO SUBMISSION
26 OF THE APPLICATION.

1 (E) A COPY OF THE APPLICANT'S FINGERPRINTS ON A FORM
2 FURNISHED BY THE DEPARTMENT OF STATE POLICE.

3 (F) OTHER INFORMATION, FORMS, OR DOCUMENTS REQUIRED BY THE
4 DEPARTMENT.

5 SEC. 1759. (1) THE DEPARTMENT SHALL NOT ISSUE A LICENSE FOR
6 THE OPERATION OF AN ADULT ENTERTAINMENT ESTABLISHMENT UNLESS THE
7 APPLICANT HAS EXECUTED AND FILED WITH THE DEPARTMENT A CERTIFIED
8 OR SWORN APPLICATION IN COMPLIANCE WITH THIS ARTICLE.

9 (2) AN APPLICATION FOR LICENSE FOR THE OPERATION OF AN ADULT
10 ENTERTAINMENT ESTABLISHMENT SHALL STATE THE FULL NAME OF THE
11 APPLICANT APPEARING PURSUANT TO SECTION 1760, INCLUDING NICKNAMES
12 OR ALIASES, RESIDENTIAL ADDRESS, PLACE OF EMPLOYMENT INCLUDING
13 ADDRESS AND TELEPHONE NUMBER, SOCIAL SECURITY NUMBER, DATE OF
14 BIRTH, DRIVER LICENSE NUMBER, A PHOTOGRAPH OF THE APPLICANT TAKEN
15 WITHIN 30 DAYS OF THE APPLICATION, FEDERAL EMPLOYER'S IDENTIFICA-
16 TION NUMBER, AND AN ADDRESS OF THE PREMISES FOR WHICH THE APPLI-
17 CATION FOR LICENSE IS MADE. THE APPLICATION SHALL PROVIDE THE
18 FULL NAME, INCLUDING NICKNAMES AND ALIASES, RESIDENTIAL ADDRESS,
19 PLACE OF EMPLOYMENT INCLUDING ADDRESS AND TELEPHONE NUMBER, DATE
20 OF BIRTH, SOCIAL SECURITY NUMBER, AND A RECENT PHOTOGRAPH TAKEN
21 WITHIN 30 DAYS OF THE APPLICATION OF EACH PERSON EMPLOYED BY THE
22 ADULT ENTERTAINMENT ESTABLISHMENT. THE APPLICATION SHALL SPECIF-
23 ICALLY IDENTIFY WHO IS TO BE RESPONSIBLE FOR THE DAY-TO-DAY MAN-
24 AGEMENT OF THE ADULT ENTERTAINMENT ESTABLISHMENT.

25 (3) IF THE APPLICANT IS A CORPORATION, THE APPLICATION SHALL
26 INCLUDE ALL OF THE FOLLOWING:

1 (A) A COPY OF THE ARTICLES OR CERTIFICATE OF INCORPORATION
2 CERTIFIED BY THE DEPARTMENT FOR A DOMESTIC CORPORATION OR THE
3 APPROPRIATE OFFICIAL OF THE STATE OF INCORPORATION FOR A CORPORA-
4 TION FORMED IN ANOTHER STATE.

5 (B) IF THE APPLICANT IS A CORPORATION FORMED IN ANOTHER
6 STATE, A CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS FROM THE
7 DEPARTMENT.

8 (C) A CERTIFICATE CONTAINING THE FULL NAME, INCLUDING NICK-
9 NAMES OR ALIASES, PLACE OF EMPLOYMENT INCLUDING ADDRESS AND TELE-
10 PHONE NUMBER, SOCIAL SECURITY NUMBER, DATE OF BIRTH, DRIVER
11 LICENSE NUMBER, AND A PHOTOGRAPH TAKEN WITHIN 30 DAYS OF APPLICA-
12 TION OF EACH DIRECTOR, OFFICER, AND PRINCIPAL OWNER OF THE
13 APPLICANT. EACH DIRECTOR, OFFICER, AND PRINCIPAL OWNER OF THE
14 APPLICANT MUST SIGN THE CERTIFICATE, AND EACH SIGNATURE MUST BE
15 AN ORIGINAL SIGNATURE SEPARATELY WITNESSED AND ACKNOWLEDGED BY A
16 NOTARY PUBLIC.

17 (D) THE NAMES AND ADDRESSES OF ALL HOLDERS OF STOCK OF THE
18 APPLICANT AS OF A DATE WITHIN 30 DAYS BEFORE THE DATE OF APPLICA-
19 TION, CERTIFIED AS TRUE AND CORRECT BY AN AUTHORIZED DIRECTOR OR
20 OFFICER OF THE CORPORATION.

21 (4) IF THE APPLICANT IS A LIMITED LIABILITY COMPANY, THE
22 APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

23 (A) A COPY OF THE ARTICLES OF ORGANIZATION CERTIFIED BY THE
24 DEPARTMENT FOR A DOMESTIC CORPORATION OR THE APPROPRIATE OFFICIAL
25 OF THE STATE OF FORMATION FOR A LIMITED LIABILITY COMPANY FORMED
26 IN ANOTHER STATE.

1 (B) IF THE APPLICANT IS A LIMITED LIABILITY COMPANY FORMED
2 IN ANOTHER STATE, A CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS
3 FROM THE DEPARTMENT.

4 (C) A CERTIFICATE CONTAINING THE FULL NAME, INCLUDING NICK-
5 NAMES OR ALIASES, PLACE OF EMPLOYMENT INCLUDING ADDRESS AND TELE-
6 PHONE NUMBER, SOCIAL SECURITY NUMBER, DATE OF BIRTH, DRIVER
7 LICENSE NUMBER, AND A PHOTOGRAPH TAKEN WITHIN 30 DAYS OF APPLICA-
8 TION OF EACH MANAGER AND PRINCIPAL OWNER OF THE APPLICANT. EACH
9 MANAGER AND PRINCIPAL OWNER OF THE APPLICANT MUST SIGN THE CER-
10 TIFICATE, AND EACH SIGNATURE MUST BE AN ORIGINAL SIGNATURE SEPA-
11 RATELY WITNESSED AND ACKNOWLEDGED BY A NOTARY PUBLIC.

12 (D) THE NAMES AND ADDRESSES OF ALL HOLDERS OF MEMBERSHIP
13 INTERESTS IN THE APPLICANT AS OF A DATE WITHIN 30 DAYS PRIOR TO
14 THE DATE OF APPLICATION, CERTIFIED AS TRUE AND CORRECT BY A MAN-
15 AGER OR MEMBER OF THE APPLICANT.

16 (5) IF THE APPLICANT IS A PARTNERSHIP OR OTHER UNINCORPOR-
17 ATED ASSOCIATION, THE APPLICATION SHALL INCLUDE A CERTIFICATE
18 CONTAINING THE FULL NAME, INCLUDING NICKNAMES OR ALIASES, PLACE
19 OF EMPLOYMENT INCLUDING ADDRESS AND TELEPHONE NUMBER, SOCIAL
20 SECURITY NUMBER, DATE OF BIRTH, DRIVER LICENSE NUMBER, AND A PHO-
21 TOGRAPH TAKEN WITHIN 30 DAYS OF APPLICATION OF EVERY PARTNER OR
22 MEMBER. EACH PARTNER OR MEMBER OF THE APPLICANT MUST SIGN THE
23 CERTIFICATE AND EACH SIGNATURE MUST BE AN ORIGINAL SIGNATURE SEP-
24 ARATELY WITNESSED AND ACKNOWLEDGED BY A NOTARY PUBLIC.

25 (6) THE DEPARTMENT SHALL NOT ACCEPT AN APPLICATION OR ISSUE
26 A LICENSE TO OPERATE AN ADULT ENTERTAINMENT ESTABLISHMENT AT A
27 LOCATION IF THE DEPARTMENT HAS DENIED AN APPLICATION TO OPERATE

1 AN ADULT ENTERTAINMENT ESTABLISHMENT AT THAT LOCATION WITHIN THE
2 PRIOR 6 MONTHS.

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

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

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

10 (c) Senate Bill No. _____ or House Bill No. 5126 (request
11 no. 05234'99).

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

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

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

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

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