

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**LIQUOR CONTROL COMMISSION**

**GENERAL RULES**

(By authority conferred on the liquor control commission by section 215(1) of 1998 PA 58, MCL 436.1215(1) and Executive Reorganization Order No. 2011-4, MCL 445.2230)

**R 436.1001 Definitions.**

Rule 1. (1) As used in these rules:

(a) "Act" means 1998 P.A. 58, MCL 436.1101 to 436.2203.

(b) "Broker" means a person, other than an individual, that is licensed by the commission and that is employed or otherwise retained by any of the following entities to sell, promote, or otherwise assist in the sale or promotion of alcoholic liquor:

(i) A manufacturer.

(ii) A vendor of spirits.

(iii) An outstate seller of beer.

(iv) An outstate seller of wine.

(v) An outstate seller of mixed spirit drink.

(vi) A manufacturer of mixed spirit drink.

(vii) A wholesaler.

(c) "Co-licensee" means 1 of 2 or more persons whose names appear on any single license issued by the commission, except for a person whose name appears on the license in a fiduciary capacity. All co-licensees on a single license are considered a partnership for purposes of the act and these rules.

(d) "Cooperative advertising" means a joint effort between licensees or vendors of spirits to advertise alcoholic liquor.

(e) "Department store" means a retail store that has all of the following:

(i) More than 15,000 square feet.

(ii) A minimum of 4 separate and distinct major departments that include at least 1 of the stores listed in R 436.1129(1)(a) to (g).

(iii) A minimum inventory of \$250,000.00, at cost.

(f) "Drive-in" or "drive-through" means an establishment that allows the sale of alcoholic liquor to a retail customer through a service window or similar aperture without requiring the retail customer to exit his or her vehicle to make the purchase and includes an establishment that allows the retail customer to drive in or through any enclosed building or structure and make a purchase of alcoholic liquor without requiring the retail customer to exit his or her vehicle.

(g) "Drive-up or walk-up window" means a service window, door, or other aperture through which a customer may purchase merchandise without that customer entering the licensed premises.

(h) "Driver helper" means a person who is not less than 18 years of age and who accompanies and assists, and who may only accompany and assist, a licensed salesperson in delivering alcoholic liquor to a retail licensee.

(i) "Licensed premises" means any portion of a building, structure, room, or enclosure on real estate that is owned, leased, used, controlled, or operated by a licensee in the conduct of the business at the location for which the licensee is licensed by the commission, except when otherwise specified by commission rule or written commission order.

(j) "Licensee" means the person to whom a license is issued by the commission to manufacture, sell, import, warehouse, deliver, or promote, or otherwise assist in the sale of, alcoholic liquor.

(k) "Major thoroughfare" means a street or highway which is primarily for through traffic and which has not less than 4 lanes of traffic, excluding any lanes that are used primarily for turning purposes and any lanes in which parking is allowed at any time.

(l) "Neighborhood shopping center" means 1 commercial establishment, or a group of commercial establishments organized or operated as a unit, which is related in location, size, and type of shop to the trade area that the unit serves and which consists of not less than 50,000 square feet of leasable retail space and has access to off-street parking spaces.

(m) "Off-premises licensee" means a person who is licensed by the commission to sell alcoholic liquor at retail for consumption off the licensed premises.

(n) "On-premises licensee" means a person who is licensed by the commission to sell alcoholic liquor at retail for consumption on the licensed premises.

(o) "Permit" means a contract between the commission and a licensee granting authority to the licensee to perform the functions defined in the act or commission rules for a specific permit.

(p) "Privately held corporation" means a corporation that does not trade its stock on a stock exchange or in over-the-counter transactions. A subsidiary of a corporation that trades its stock on a stock exchange or in over-the-counter transactions is not a privately held corporation.

(q) "Public room" means a room that is open for use by the general public for eating, drinking, or amusement. "Public room" does not mean any of the following:

- (i) A restroom.
- (ii) A kitchen.
- (iii) A storage room.
- (iv) An office.
- (v) A boiler room.
- (vi) A hallway.
- (vii) A landing.
- (viii) A stairway.
- (ix) An elevator.
- (x) A dance floor.
- (xi) A stage.
- (xii) An area similar to the areas specified in this subdivision.

(r) "Release" means a document in which written permission is granted by the commission to ship alcoholic liquor into this state.

(s) "Salesperson" means a person who is employed by any of the following entities and who is licensed by the commission to sell, deliver, or promote, or otherwise assist in the sale of, alcoholic liquor in this state:

- (i) A vendor of spirits.
- (ii) A broker.
- (iii) A manufacturer of beer or wine.
- (iv) An outstate seller of beer or wine.
- (v) A wholesaler.

(t) "Sample of alcoholic liquor" means a container that bears the word "sample" and is not more than 1.75 liters or 59.17 United States fluid ounces. If a product is not available in a container of 1.75 liters or less, then the next larger size may be substituted. However, a container shall not be more than 3 liters.

(u) "Sports/entertainment venue" means a facility that is licensed to sell alcoholic liquor for on-premises consumption, has a seating capacity of 4,500 or more, is primarily used for sporting events or other entertainment, and is not located on the campus of a 2- or 4-year college or university.

(v) "Temporary bin display" means a freestanding device that is constructed of any material that is used for the exhibition of beer, wine, or spirits on the premises of a retail licensee who is licensed for off-premises sales only and that must be removed from the retail licensed premises not later than 120 days after installation.

(w) "Vendor representative" means a person who is licensed by the commission and who is authorized by a manufacturer of beer or wine, an outstate seller of beer or wine, or a vendor of spirits to represent the respective employer or principal in transactions with the commission.

(2) Terms defined in the act have the same meanings when used in these rules.

(3) Terms defined in the act and these rules have the same meanings when used in rules previously or hereafter promulgated by the commission.

History: 1979 AC; 1982 AACS; 1984 AACS; 1985 AACS; 1986 AACS; 1987 AACS; 1994 AACS; 1998-2000 AACS; 2003 AACS; 2016 AACS.

### **R 436.1003 Building and health laws, rules, and ordinances.**

Rule 3. (1) A licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcement officials who have jurisdiction over the licensee.

(2) A licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with the requirements in subrule (1) of this rule.

History: 1979 AC; 2016 AACS.

### **R 436.1005 Rescinded.**

History: 1979 AC; 2011 AACS.

**R 436.1007 Records; maintenance.**

Rule 7. (1) A licensee shall maintain accurate records of alcoholic liquor purchases and sales.

(2) A licensee shall maintain records sufficient to determine ownership of the licensed business and to whom the profits or losses of the business accrue.

(3) The records required by this rule shall be maintained for a 4-year period of time.

History: 1979 AC.

**R 436.1009 Rescinded.**

History: 1979 AC; 2011 AACS.

**R 436.1011 Prohibited conduct of licensees, agents, or employees.**

Rule 11. (1) The clerk, servant, agent, or employee of a licensee shall not engage in an illegal occupation or illegal act on the licensed premises. A certified copy of a conviction is prima facie evidence of a violation.

(2) A licensee, an officer of a licensed corporation, a stockholder of a privately held corporation, or a member or manager of a limited liability company shall not, on or off its licensed premises, commit any of the following:

(a) A felony.

(b) A crime involving the excessive use of alcoholic liquor.

(c) A crime involving gambling, prostitution, weapons, violence, tax evasion, fraudulent activity, or controlled substances.

(d) A misdemeanor that impairs, or may impair, the ability of the person to operate the licensed business in a safe and competent manner.

(e) Any of the offenses specified in this subrule which results in sentencing after a plea of nolo contendere and for which the licensee is subject to the penalties in section 903 of the act. A certified copy of a conviction is prima facie evidence of a violation.

(3) The provisions of subrules (1) and (2) of this rule apply to the person, the officer of a corporate entity, the stockholder of a privately held corporate entity, or the member or manager of a limited liability entity of the person named as a participant on the licensee's participation permit.

(4) A licensee, or the clerk, servant, agent, or employee of the licensee, shall not threaten, hinder, or obstruct a law enforcement officer or commission inspector or investigator in the course of making an investigation or inspection of the premises and shall not refuse, fail, or neglect to cooperate with a law enforcement officer or a commission inspector or investigator in the performance of his or her duties to enforce the act or commission rules.

(5) A licensee, or the clerk, servant, agent, or employee of a licensee, shall not impersonate a commission employee, a commission investigator, or a law enforcement officer empowered to enforce the act or commission rules.

(6) A licensee, or the clerk, servant, agent, or employee of the licensee, shall not do any of the following:

(a) Allow, on the licensed premises, the annoying or molesting of customers or employees by other customers or employees without taking prompt, effective action to prevent and stop the annoying or molesting of customers or employees.

(b) Knowingly allow the licensed premises to be used by any person for the purposes of accosting or soliciting another person to commit prostitution.

(c) Allow, on the licensed premises, fights, brawls, or the improper use of firearms, knives, or other weapons without taking prompt, effective action to prevent and stop the fights, brawls, or the improper use of firearms, knives, or other weapons.

(d) Allow the sale, possession, or consumption on the licensed premises of any controlled substances that are prohibited by 1978 PA 368, MCL 333.1101 to 333.25211 without taking prompt, effective action to prevent and stop the sale, possession, or consumption on the licensed premises of any controlled substances that are prohibited by 1978 PA 368, MCL 333.1101 to 333.25211.

(e) Allow narcotics paraphernalia to be used, stored, exchanged, or sold on the licensed premises.

(7) A retail licensee shall not sell any alcoholic liquor off the licensed premises, except as follows:

(a) An on-premises licensee may provide out-of-doors service if done in accord with the provisions of R 436.1419.

(b) An off-premises licensee may deliver a preordered quantity of alcoholic liquor to a customer; however, the licensee shall not make a delivery to a customer on the campus of a 2- or 4-year college or university, unless the customer is licensed by the commission.

(c) An off-premises licensee may provide out-of-doors service if done in accord with the provisions of R 436.1521.

History: 1979 AC; 1983 AACS; 1985 AACS; 1986 AACS 1986; 1995 AACS; 1998-2000 AACS; 2003 AACS; 2016 AACS.

**R 436.1012 Business entities dissolved, terminated, expired, revoked, or otherwise not in good standing.**

Rule 12. (1) A licensed business entity that is dissolved, terminated, expired, revoked, or otherwise not in good standing in this state, shall not sell, offer for sale, furnish, or allow the consumption of alcoholic liquor on the licensed premises from the date the licensed business entity is dissolved, terminated, expired, or otherwise not in good standing until the date the licensee provides to the commission a certificate of good standing from the corporations, securities, and commercial licensing bureau. Electronic documentation from the state of Michigan's business entity search is prima facie evidence of a business entity's dissolution, termination, expiration, revocation, or lack of good standing in this state.

(2) The licensee's licenses and permits shall be suspended until the date the licensee provides to the commission a certificate of good standing from the corporations, securities, and commercial licensing bureau.

(3) The commission shall not renew the licenses and permits of a licensee for active operation, whose licensed business entity is dissolved, terminated, expired, revoked, or otherwise not in good standing in this state until the licensee provides a certificate of good standing from this state. The license shall also be immediately suspended by written order of the commission and the licensee shall have 60 days from the date of the order to provide a certificate of good standing from the corporations, securities, and commercial licensing bureau or provide a written request to place the license in escrow. If the licensee fails to provide a certificate of good standing or a

written request to place the license in escrow within 60 days of the date of the order, then the license shall be cancelled without further order of the commission. A license in escrow shall not be released for active operation until the licensee provides a certificate of good standing from this state. The licensee may apply for another license if the license is cancelled under this subrule.

(4) For purposes of this rule, "business entity" means any person as defined in section 111(1) of 1998 PA 58, MCL 436.1111(1).

History: 2016 AACCS.

### **R 436.1013 Rescinded.**

History: 1979 AC; 2011 AACCS.

### **R 436.1015 Display of license and permit.**

Rule 15. (1) Licenses issued by the commission shall be signed by the licensee, shall be framed under a transparent material, and shall be prominently displayed in the licensed premises.

(2) Permits and permissions issued by the commission to a licensee shall be framed under a transparent material and shall be prominently displayed in the licensed premises adjacent to the liquor license.

History: 1979 AC; 2016 AACCS.

### **R 436.1017 Rescinded.**

History: 1979 AC; 2011 AACCS.

### **R 436.1019 Contests.**

Rule 19. A licensee shall not participate in or sponsor any contest that requires the use or consumption of alcoholic liquor or features alcoholic liquor as a prize in connection with a contest.

History: 1979 AC.

### **R 436.1021 Sale to licensed truck driver salesman.**

Rule 21. A licensee shall not knowingly sell, give, or furnish alcoholic liquor to a licensed truck driver salesman who is employed by a licensee while the truck driver is on duty or in the course of employment.

History: 1979 AC.

### **R 436.1023 Transfer of location of licensed premises; alteration of premises; lease, sale, or transfer of premises.**

Rule 23. (1) A licensee shall not transfer the location of the licensed premises without the prior written approval of the commission.

(2) A licensee shall not, without the prior written approval of the commission, do any of the following:

(a) Add or drop any space to or from the physical structure of the licensed premises.

(b) If the licensee holds a class C or B hotel license, install any additional bars.

(c) Redefine the licensed premises to add space to the licensed premises if the space being added is not connected to the existing physical structure either temporarily or permanently, unless all of the following conditions are met:

(i) The redefined space is located on property owned or controlled by the licensee by ownership or lease.

(ii) The redefined space is located within the same city, village, or township as the licensed premises.

(iii) The redefined space is not separated from the licensed premises by a public street, road, highway, or alley under the control of the state highway commission, county, city, village, or township.

(iv) The redefined space is operated by the licensee, its employees, or agents.

(v) The redefined space is operated as an extension of the licensed premises and not for a separate business use or purpose.

(d) A request to add or drop space to the licensed premises shall exclude areas where outdoor service approval is required as prescribed in R 436.1419.

(3) A licensee shall not lease, sell, or transfer possession of a portion of the licensed premises without the prior written approval of the commission.

History: 1979 AC; 1998-2000 AACS; 2016 AACS.

#### **R 436.1025 Storing of alcoholic liquor.**

Rule 25. A licensee shall not allow alcoholic liquor to be kept or stored off the licensed premises, except upon prior written order of the commission. If the commission issues an order allowing a licensee to keep or store alcoholic liquor off the licensed premises, the licensee shall ensure that the storage area is under the exclusive control of the licensee, locked and secured at all times, and shall make the storage area available for inspection and search by a commission investigator or law enforcement officer empowered to enforce the rules.

History: 1979 AC; 2016 AACS.

#### **R 436.1027 Confiscation and impoundment of alcoholic liquor.**

Rule 27. (1) The commission or a law enforcement officer may seize suspected adulterated alcoholic liquor for analytical purposes.

(2) The commission or a law enforcement officer may confiscate or impound alcoholic liquor that does not comply with the act or commission rules.

(3) The commission inspector or investigator may impound alcoholic liquor that is damaged by fire, water, chemicals, smoke, floods, explosion, freezing, sewage, or other causes affecting quality or merchantable value. Once impounded, damaged alcoholic

liquor shall not be used, sold, moved, or destroyed without the prior written approval of the commission.

(4) The commission may impound alcoholic liquor of a licensee by written order.

History: 1979 AC; 2016 AACCS.

**R 436.1029 Orders of commission.**

Rule 29. A licensee shall not fail, refuse, or neglect to obey any written order of the commission or an individual commissioner issued relative to the operation of his or her licensed establishment.

History: 1979 AC.

**R 436.1031 Sales prohibited during periods of suspension; notice of suspension.**

Rule 31. (1) A licensee shall not sell, offer for sale, furnish, consume, or allow the consumption of, alcoholic liquor on the licensed premises during the period that the license is suspended by the commission or an individual commissioner.

(2) During the time of suspension of a license by the commission, the notice of the suspension shall be continuously posted in a conspicuous place on the licensed premises in full view of the public.

History: 1979 AC.

**R 436.1033 Rescinded.**

History: 1979 AC; 2011 AACCS.

**R 436.1035 Rescinded.**

History: 1979 AC; 2016 AACCS.

**R 436.1037 Rescinded.**

History: 1979 ACS 4, Eff. Feb. 3, 1981; 2003 AACCS.

**R 436.1039 Living quarters in connection with licensed premises; other direct connections to licensed premises.**

Rule 39. (1) A licensee shall not have an inside connection between the licensed premises and an unlicensed portion of the same building or another building without the prior written approval of the commission.



(2) A licensee, except for a hotel or club licensee, shall not have living quarters connected with the licensed premises, unless a living quarters permit is granted by the commission.

(3) If a living quarters permit is granted by the commission to a licensee, alterations shall not be made in the connections between the living quarters and the licensed premises, unless written permission is granted by the commission.

History: 1979 AC; 2016 AACS.

**R 436.1041 Obtaining a license for use or benefit of another; participation permits.**

Rule 41. (1) A licensee or an applicant for a license shall not obtain or attempt to obtain a license for the use or benefit of another person whose name does not appear on the license. In addition, a licensee shall not allow a person whose name does not appear on the license to use or benefit from the license.

(2) The provisions of subrule (1) of this rule do not apply to a participating agreement where the commission approves a participating agreement after a showing of good cause and issues a participation permit to the licensee.

(3) Upon written application of the licensee, the commission may issue a participation permit to a licensee who meets all of the following qualifications:

(a) The non-licensed person who receives use or benefit from the licensee's license, or who receives gross sales or net profits from a licensed business, shall meet the same qualifications as a licensee as prescribed by R 436.1105(1)(a) and (2) and shall be considered an agent of the licensee as prescribed in R 436.1011.

(b) The licensee shall submit a copy of the participation agreement with the application. The agreement shall include the term of the agreement and the percent or amount of sales to be received by the non-licensed person.

(c) The non-licensed person or spouse is not ineligible to be issued a license under section 523(1) of 1998 PA 58, MCL 436.1523(1).

(d) The licensee makes application and either cancels an existing participation permit or receives approval by the commission for a new participation permit before adding or deleting any participating non-licensed person. For the purposes of this subrule, the addition or deletion of a participant shall not constitute a transfer of interest in a license.

(e) As used in this subrule, "non-licensed person" means a person as defined in section 111(1) of 1998 PA 58, MCL 436.1111(1).

History: 1979 AC; 2003 AACS; 2016 AACS.

**R 436.1043 Liquor analysis.**

Rule 43 The commission may order random analysis of a brand of alcoholic liquor sold or offered for sale in this state.

History: 1979 AC; 2016 AACS.

**R 436.1045 Dispensing equipment, furniture, or fixtures.**

Rule 45. (1) A manufacturer, an outstate seller of beer or wine, or a wholesaler shall not sell, give, or otherwise furnish dispensing equipment, furniture, or fixtures to a retail licensee, except upon written order of the commission or as provided by R 436.1611(3).

(2) A retail licensee shall not purchase, receive, or otherwise accept dispensing equipment or components, furniture, or fixtures from a manufacturer, an outstate seller of beer or wine, or a wholesaler, except upon written order of the commission or as provided by R 436.1611(3).

(3) A manufacturer, wholesaler, or retail licensee who sells alcoholic liquor to a special licensee may provide the special licensee with draft beer-dispensing equipment or cooling equipment for use by the special licensee during the effective period of the special license.

(4) A licensee shall not allow on the licensed premises, any vending machine, whether or not operated by coin or currency, that dispenses a type of alcoholic liquor directly to a customer. This subrule does not apply to any of the following:

(a) A dispensing machine, commonly known as an "in-room bar device", whether or not operated by coin or currency, and that is located in the bedrooms or suites of licensed hotels.

(b) A dispensing machine that is located at an on-premises licensed establishment under all of the following conditions:

(i) The dispensing machine does not dispense more than 96 ounces of beer or wine in a single order.

(ii) The dispensing machine is located at a patron's table or booth only.

(iii) The dispensing machine does not dispense spirits or mixed spirit drink.

(iv) The patron of the establishment ordered the beer or wine from the clerk, servant, agent, or employee of the licensee that verified the patron's legal age and determined the patron can otherwise be served an alcoholic beverage.

(v) The licensee does not sell, offer to sell, or advertise the sale of an unlimited quantity of beer or wine from the dispensing machine.

(vi) The licensee monitors the sale, service, and consumption of beer or wine from the dispensing machine to ensure compliance with the act and rules

History: 1979 AC; 1992 AACS; 1998-2000 AACS; 2016 AACS.

**R 436.1047 Return of licenses and permits.**

Rule 47. A licensee who ceases active operation of the licensed business for a period of more than 30 days shall return all current licenses and permits to the commission to be placed into escrow. The license or licenses that the licensee returns under this rule shall be the actual license printed and issued by the commission and not a copy of the actual license printed and issued by the commission. For purposes of this rule, "ceases active operation" does not include seasonal businesses that are both of the following:

(a) In compliance with the requirements of section 535 of the act, MCL 436.1535.

(b) Considered seasonal employers under section 27(o)(9)(d) of 1936 PA 1, MCL 421.27(o)(9)(d).

History: 1979 AC; 2016 AACS.

**R 436.1048 Renewal of licenses.**

Rule 48. (1) A license, and any permits or approvals, shall be renewed each year by April 30 following the date of issuance.

(2) The licensee has a continuing duty to provide the commission with up-to-date contact information and must notify the commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the commission.

History: 2016 AACS.

**R 436.1049 Transfer of license or corporate stock while an alleged violation is pending final disposition.**

Rule 49. (1) If the licensee has been cited in a violation report, a transfer of a license shall not be completed before final disposition of the alleged violation.

(2) If the licensee has been cited in a violation report, a transfer of more than 10% in the aggregate of the stock of a licensed corporation or a transfer of 10% or more in the aggregate of the membership in a limited liability company shall not be completed before final disposition of the alleged violation.

(3) A licensee shall not transfer a license, transfer an interest in a license, or remove a license from escrow with the commission until that licensee has paid all outstanding fines, fees, or charges levied by the commission, except upon prior written order of the commission.

History: 1979 AC; 2003 AACS.

**R 436.1050 Approval orders; cancellations.**

Rule 50. If the commission approves an application, the approval is valid for 2 years from the date of the commission approval order. If the applicant or licensee has not met all the requirements set forth in the commission approval order within 2 years from the date of the approval order, then the approval order is vacated unless the commission has been provided with a notice of pending litigation involving the application. The person whose approval is vacated may submit a new application.

History: 2016 AACS.

**R 436.1051 Notice of changes affecting control of privately held corporation or limited liability company.**

Rule 51. (1) A privately held licensed corporation shall immediately notify the commission, in writing, of changes made in its officers or directors or of amendments made to the articles of incorporation.

(2) A limited liability company shall immediately notify the commission, in writing, of changes made in its managers or assignees or of amendments made to the articles of organization, operating agreement, or bylaws.

History: 1979 AC; 2003 AACCS; 2016 AACCS.

**R 436.1053 Proof of loss or destruction of a license or permit.**

Rule 53. (1) To prove the loss or destruction of a license or permit, a licensee shall make a written statement as to the loss or destruction and shall file it with the commission.

(2) The written statement shall include a detailed description of the circumstances concerning the loss or destruction of the license or permit and shall be accompanied by any remaining part of the license.

(3) The written statement shall be signed by the licensee.

History: 1979 AC; 2000 AACCS; **2016 AACCS.**

**R 436.1055 Sale of alcoholic liquor below cost prohibited; exception.**

Rule 55. A retail licensee shall not sell alcoholic liquor to a customer for less than the cost of the alcoholic liquor to the retail licensee, except upon prior written commission order.

History: 1979 AC.

**R 436.1057 Rescinded.**

History: 1979 AC; 2003 AACCS.

**R 436.1059 Dishonored payment.**

Rule 59. (1) A licensee, or the clerk, servant, agent, or employee of a licensee, shall not make payment to the commission or the state of Michigan by any means that will be dishonored by a financial institution for lack of sufficient funds or for any other reason.

(2) If a licensee makes 5 or more dishonored payments under subrule (1) of this rule in a 24-month consecutive period, then the commission shall, in a written order, require the licensee to make payments to the commission by cash or other means required by the commission for a period of not less than 6 months.

(3) If a licensee received an order from the commission issued under subrule (2) of this rule, and the licensee then makes any additional dishonored payments within 36 months from the last dishonored payment, then the commission shall require the licensee,

in a written order, to make payments to the commission by cash or other means required by the commission for a period of not less than 6 months for each subsequent dishonored payment.

History: 1979 AC; 2000 AACS; 2016 AACS.

**R 436.1060 Server training; requirements.**

Rule 60. (1) As used in this rule, all terms and phrases shall have the same meaning as defined in section 906(1) of the act.

(2) If the commission conditionally approves the issuance of a license for the purpose of meeting the server training requirements of that approval, then the time period allowed for meeting the server training requirements shall commence on the date the license is issued.

(3) An administrator of a server training program approved by the commission shall administer a comprehensive examination to participants of the program, including individuals seeking certification as instructors within the program. The examination shall thoroughly test the individual's knowledge and competency in the curriculum topics required by section 906(6) of the act. The minimum passing grade for the examination, for instructor certification, and for all other participants in the program shall be not less than 70%, but shall be not less than 85% for instructors if administered the same examination as other participants in the program. Examinations administered in other than a written form must be approved by the commission. Examination may be proctored by someone other than a certified instructor of the server training program if the proctor is an agent of the administrator of the server training program and is acceptable to the commission.

(4) If server training or instructor training is conducted by the administrator of a server training program approved by the commission by means other than classroom training, then the alternative training method must first be approved by the commission.

(5) Certification issued by the administrator of an approved server training program for instructors and other participants shall expire not more than 3 years from the date of issuance.

(6) A licensee, for purposes of meeting the requirements of section 906(10) of the act, shall have employed or have present on the licensed premises on each shift and during all hours alcoholic liquor is served supervisory personnel who maintain active, unexpired server training certification or current recognition by a server training program approved by the commission.

History: 2003 AACS.

**R 436.1061 Grounds for suspension or revocation of a permit or privilege.**

Rule 61. Any permit issued to a licensee by the commission or any privilege granted to a licensee by the commission may be revoked or suspended by the commission or a hearing commissioner, after due notice and proper hearing, if the

licensee or the establishment no longer qualifies for the permit or the privilege or if the licensee is found to be in violation of the act or a commission rule which directly pertains to the permit issued or the privilege granted.

History: 1979 AC.

**R 436.1062 Facsimile and electronic transmissions.**

Rule 62. (1) The commission may accept documents and filings, including documents and filings requiring signature, by facsimile (fax) communication equipment, or other electronic means, if the documents and filings are transmitted in accordance with this rule and pursuant to procedures for fax transmissions or communications by other electronic means that the commission may establish by prior written order.

(2) All documents and filings submitted under this rule shall be on 8½ inch x 11 inch standard paper and shall be legible.

(3) A special license, as defined in section 111(11) of the act, MCL 436.1111(11), may be transmitted by facsimile or other electronic means to the special licensee for use and display during the effective dates of the license for good cause shown.

(4) The commission may transmit a license or permit, other than a special license, to a licensee by facsimile or other electronic means for good cause shown if the facsimile or other copy of the license bears an expiration date that allows its use and display for a maximum of 20 business days after the actual license or permit is mailed to the licensee.

(5) The commission shall not transmit a license or permit by facsimile or other electronic means to a licensee unless all required documents have been received in the commission's Lansing office and all applicable fees for the license or permit, or both, have been paid.

(6) Documents and filings received by the commission under this rule after 4 p.m. are considered filed on the next business day.

(7) A cover sheet shall accompany any facsimile transmission to the commission.

The cover sheet shall include all of the following information:

(a) The name, electronic mail address, facsimile number, and telephone number of the sender.

(b) The title or description of the document or filing being transmitted.

(c) Any application or file number pertaining to the document or filing being transmitted.

(8) Information sent to the commission by electronic means shall include all of the following information:

(a) The name, electronic mail address, facsimile number, and telephone number of the sender.

(b) The title or description of the document or filing being transmitted.

(c) Any application or file number pertaining to the document or filing being transmitted.

(9) Notwithstanding subrule (1) of this rule, the commission may refuse to accept the facsimile transmission or other electronic transmission of a document the commission determines requires an original signature.

(10) A facsimile transmission or other electronic transmission accepted by the commission under this rule and certified by an agent of the commission is considered an original for all purposes and is admissible in evidence in like manner as an original.

History: 1998-2000 AACCS; 2016 AACCS.

**R 436.1063 Rescissions.**

Rule 63. R 436.1 to R 436.4, R 436.6 to R 436.18, R 436.19(1) to R 436.41, R 436.51 to R 436.64, R 436.66 to R 436.67(2), R 436.69 to R 436.81, R 436.91 to R 436.126, R 436.544, R 436.601, R 436.1101, R 436.1301, R 436.1701, and R 436.1851 of the Michigan Administrative Code, appearing on pages 4484 to 4506, 4509, 4511, 4520, 4529, and 4538 of the 1979 Michigan Administrative Code, and pages 153 to 155 of Quarterly Supplement No. 1 to the 1979 Michigan Administrative Code, are rescinded.

History: 1979 AC.