

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

LIQUOR CONTROL COMMISSION

VENDOR REPRESENTATIVE AND SALESPERSON RULES

(By authority conferred on the liquor control commission by section 215(1) of 1998 PA 58, MCL 436.1215(1))

R 436.1851 Rescinded.

History: 1979 AC; 1981 AACS.

R 436.1853 Licenses.

Rule 53. (1) A vendor of spirits, manufacturer of beer, manufacturer of wine, outstate seller of beer, outstate seller of wine, or wholesaler shall not employ a person to sell, deliver, promote, or otherwise assist in the sale of, alcoholic liquor in this state unless the person is licensed by the commission as a vendor representative or salesperson and issued an identification card.

(2) The commission shall set the license fee for a vendor representative or salesperson by written order. A license is renewable on May 1, 1975, and every 3 years thereafter.

(3) The commission shall set the license fee for a broker by written order. A license fee for a broker shall be the same as for a salesperson license.

(4) A person shall not sell alcoholic liquor to the commission unless represented by a licensed vendor representative.

(5) A vendor representative shall obtain a separate license for each vendor of spirits represented.

(6) A person shall be not less than 18 years of age before being issued a license.

(7) This rule does not require a driver helper to be licensed as a salesperson if the driver helper is accompanied by a licensed salesperson and is assisting the licensed salesperson only in the delivery of alcoholic beverage product.

History: 1979 AC; 1982 AACS; 1998-2000 AACS.

R 436.1855 Identification cards.

Rule 55. (1) A vendor representative or salesman shall show his commission identification card upon request of a commission representative or law enforcement officer.

(2) A vendor representative or salesman shall show his commission identification card upon request before offering for sale or selling alcoholic liquor to a retail licensee.

History: 1979 AC.

R 436.1857 Common carriers.

Rule 57. A person employed by a common carrier is not required to be licensed under these rules.

History: 1979 AC.

R 436.1859 Prohibited acts.

Rule 59. (1) A vendor representative, salesperson, or driver helper shall not do any of the following::

(a) Grant, allow, pay, or rebate cash or any other thing of value to a licensee or an agent, clerk, or employee of a licensee, except upon written order of the commission.

(b) Purchase or deliver spirits to retail licensees, except for a salesperson or driver helper who delivers spirits in the normal course of his or her duties for an authorized distribution agent.

(c) Deliver beer or wine to retail licensees in vehicles not approved by the commission.

- (d) Be employed by a retail licensee on a paid or any other basis.
- (e) Furnish entertainment or a gratuity of any kind to commission employees.

The word "entertainment" does not include normal business meals.

(2) A licensee employed to deliver alcoholic liquor shall not consume alcoholic liquor while on duty or in the course of employment.

(3) A vendor representative or salesperson shall not advise a licensee on commission rules or the liquor control code, being Act No. 58 of the Public Acts of 1998, as amended, being §436.1101 et seq. of the Michigan Compiled Laws.

History: 1979 AC; 1998-2000 AACCS.

R 436.1861 Promotions.

Rule 61. (1) A brewer, a vendor of spirits, a wine maker, an outstate seller of beer, an outstate seller of wine, or a licensed wholesaler of beer or wine shall not do either of the following:

(a) Participate in or conduct any event, contest, activity, or undertaking on the campus of any 2- or 4-year college or university located in this state which is designed to promote the sale or consumption of any alcoholic liquor.

(b) Participate in or conduct any event, contest, activity, or undertaking off the campus of any 2- or 4-year college or university located in this state if the event, contest, activity, or undertaking is organized or sponsored by any student group which has a majority of members who are under the legal age for consumption of alcoholic liquor.

(2) Notwithstanding the provisions of subrule (1) of this rule, a brewer, a vendor of spirits, a wine maker, an outstate seller of beer, an outstate seller of wine, or a licensed wholesaler of beer or wine may do any of the following:

(a) Advertise in any newspaper or periodical published or circulated on the campus of a 2- or 4-year college or university located in this state if such advertising is done in accordance with the provisions of R 436.1301 to R 436.1339.

(b) Make a philanthropic gift to the governing body of a 2- or 4-year college or university located in this state if such gift does not include alcoholic liquor and is not contingent upon the promotion or advertising of any brand of alcoholic liquor.

(c) Participate in a course offered by any 2- or 4-year college or university located in this state if the course is offered in an academic building of the 2- or 4-year college or university and is under the supervision of a faculty member.

(d) Participate in, sponsor, contribute to, or promote any organization or program having as its purpose the dissemination of information concerning alcohol awareness or responsible consumption of alcoholic liquor or which is involved in either research or treatment related to the use or abuse of alcoholic liquor if such participation has the prior approval of both the commission and the governing body, or its designee, of the 2- or 4-year college or university located in this state at which the participation is to take place.

(e) Provide financial assistance to a group or organization conducting an event, contest, activity, or undertaking held entirely or in part on the campus of any 2- or 4-year college or university located in this state if such financial assistance has the prior approval of both the commission and the governing body, or its designee, of the college or university on whose campus the event, contest, activity, or undertaking is to take place. A group or organization which receives financial assistance may acknowledge the source of the financial assistance.

(3) A brewer, a vendor of spirits, a wine maker, an outstate seller of beer, an outstate seller of wine, or a licensed wholesaler of beer or wine shall not hire, or cause to be hired, any person whose duty or responsibility it is to promote, market, or encourage the use, sale, or consumption of alcoholic liquor on the campus of, or by the students of, any 2- or 4-year college or university located in this state. However, a brewer, a vendor of spirits, a wine maker, an outstate seller of beer, or an outstate seller of wine may hire a person, who shall be licensed by the commission, for the purpose of representing that brewer, vendor of spirits, wine maker, outstate seller of beer, or outstate seller of wine in its dealings with any group or organization affiliated with and recognized by a 2- or 4-year college or university or with the governing body, or its designee, to make the arrangements necessary to accomplish those activities permitted by subrule (2) of this rule.

(4) This rule shall not prohibit a licensed wholesaler of beer or wine from making a sale or delivery of beer or wine to a licensee located on the campus of a 2- or 4-year college or university.

History: 1979 AC; 1985 AACS.

R 436.1863 Samples.

Rule 63. (1) A sample of alcoholic liquor shall have affixed on a separate label or on the commercial label the word "Sample" at least 1/2 inch high.

(2) Only 1 open sample bottle or can of alcoholic liquor may be given to a retail licensee for his personal sampling.

(3) A vendor of spirits, manufacturer of beer, manufacturer of wine, outstate seller of wine, outstate seller of beer, vendor representative, salesman or other licensees shall not assist in the violation of the liquor control act or commission rules.

History: 1979 AC.

R 436.1865 Expenses and expense records.

Rule 65. (1) A vendor representative and salesperson of a vendor of spirits, manufacturer of beer, manufacturer of wine, outstate seller of beer, outstate seller of wine or wholesaler shall maintain an accurate record of expenditures for each call on a retail licensee. These records shall be maintained for 4 years and be available for commission inspection.

(2) A vendor representative or salesperson of spirits or wine, for promotional purposes, may purchase 1 drink for each customer of an on-premises retail licensee only. The drink purchased shall be of the brand represented by the vendor representative or salesperson.

(3) A vendor representative or salesperson of a manufacturer of beer, a wholesaler of beer or an outstate seller of beer, for promotional purposes, may purchase 1 drink for each customer of an on-premises retail licensee subject to a total spending limit of \$50.00 per day. The drinks purchased shall be of the brand represented by the vendor representative or salesperson.

(4) A vendor representative or salesperson of a manufacturer of beer, a wholesaler of beer or an outstate seller of beer shall not purchase drinks, as described in subrule (3) of this rule, more than twice per month at the same on-premises retail licensed location.

(5) A licensee employed to deliver alcoholic liquor shall not purchase drinks of alcoholic liquors for a retail licensee while on duty or in the course of employment.

History: 1979 AC; 2010 AACS.

R 436.1869 Rescissions.

Rule 69. The rules of the commission entitled "Rules and Regulations Governing the Relationship between Licensed Manufacturers, Wholesalers of Alcoholic Liquors, Their Sales Representatives and Retail Licensees," being R 436.521 to R 436.534, R 436.549 to R 436.555, R 436.558, R 436.560 and R 436.570 of the Michigan Administrative Code and appearing on pages 5383 to 5384 and 5386 to 5388 of the 1954 volume of the Code are rescinded.

History: 1979 AC.