

DEPARTMENT OF ~~CONSUMER AND INDUSTRY SERVICES~~ LICENSING AND  
REGULATORY AFFAIRS

LIQUOR CONTROL COMMISSION

GENERAL RULES

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(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, R 436.1003, R 436.1011, R 436.1015, R 436.1023, R 436.1025, R 436.1027, R 436.1039, R 436.1041, R 436.1043, R 436.1045, R 436.1047, R 436.1051, R 436.1053, R 436.1059, R 436.1062 of the Michigan Administrative Code are amended, R 436.1012, R 436.1048, R 436.1050 are added to the Code, and R 436.1035 is rescinded, as follows:

R 436.1001 Definitions.

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

- (a) "Act" means 1998 P.A. 58, MCL 436.1101 ~~et seq~~ to **436.2203**.
- (b) "Broker" means a person, other than an individual, ~~who~~ **that** is licensed by the commission and ~~who~~ **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.

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(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 provides consists of** not less than 50,000 square feet of gross leasable retail space, ~~and which provides 5 private~~ **has access to** off-street parking spaces for each 1,000 square feet of gross leasable retail space.

(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 ~~which~~ **that** bears the word "sample" and ~~which~~ is not more than ~~± 1.75 liters or 33.82 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 ~~which~~ **that** is licensed to sell alcoholic liquor for on-premises consumption, ~~which~~ has a seating capacity of 4,500 or more, ~~which~~ is primarily used for sporting events or other entertainment, and ~~which~~ is not located on the campus of a 2- or 4-year college or university.

(v) "Temporary bin display" means a freestanding device ~~which~~ **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 ~~which~~ **that** must be removed from the retail licensed premises not later than 120 days after installation.

~~(w) "Vendor of spirits" means a person who sells spirits to the commission.~~

~~(x)(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.

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 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.**

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 ~~P.A.~~ PA 368, MCL 333.1101 ~~et seq~~ 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.

**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).**

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.

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) Make an alteration in the size of the physical structure of the licensed premises.~~

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

~~(c)(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.

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.**

R 436.1027 Confiscation and impoundment of alcoholic liquor.

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

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

(3) ~~A The commission inspector or investigator~~ may impound alcoholic liquor ~~which 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.**

R 436.1035—~~Aid or assistance by or to licensee prohibited; exception.~~ **Rescinded.**

~~Rule 35. A licensee or vendor of spirits shall not aid or assist any other licensee by gift or loan of money or property of any description or other valuable thing or by giving premiums or rebates; and it is unlawful for any licensee or vendor of spirits to accept the same, except as provided in R 436.1045, R 436.1317, and R 436.1321.~~

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.

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 ~~the~~ a participating agreement after a showing of good cause ~~by the on-premise licensee or where a person not licensed by the commission receives 10% or less of the gross sales of the licensed business~~ **and issues a participation permit to the licensee.**

(3) ~~The provisions of subrule (1) of this rule do not apply to persons approved by the commission and named on a participation permit issued to the licensee.~~ Upon written request **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 436.1101-ET SEQ 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).**

~~(b)(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.** ~~includes any of the following:~~

~~(i) Transfer or transfer of interest from 1 person to another.~~

~~(ii) The transfer in the aggregate to another person during any single licensing year of more than 10% of the outstanding stock of a corporate participant.~~

~~(iii) The transfer of more than 10% of the total interest in a participant which is a partnership.~~

~~(iv) The transfer of more than 10% in the aggregate of the membership of a limited liability company.~~

**(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).**

R 436.1043 Liquor analysis.

~~Rule 43. (1) A brand of alcoholic liquor that is not presently merchandised in this state shall not be sold, offered for sale, or introduced into this state without being analyzed by the commission, or its duly authorized agent, and without being approved for sale in this state by the commission.~~

~~(2) The commission, by written order, may waive the requirement that alcoholic liquor be analyzed.~~

~~(3) The commission may order random analysis of a brand of alcoholic liquor sold or offered for sale in this state.~~

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

**(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

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).

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.

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.

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 ~~by-laws~~ **bylaws**.

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.**

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.**

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 ~~in accordance with~~ **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~~ **section 111(101)** 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 **5 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.**

~~(8)~~**(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.

~~(9)~~**(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.