

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



BILL SCHUETTE
ATTORNEY GENERAL

P.O. Box 30736
LANSING, MICHIGAN 48909-8236

May 4, 2012

Representative Richard LeBlanc
PO Box 30014
Lansing, MI 48909-7514

Re: Attorney General File #2012-0008632

Dear Rep. LeBlanc:

Your request for an Attorney General opinion was forwarded to me for reply. Your letter posed a hypothetical scenario as follows:

Person H is a hunter on a hunting trip. Person H has one or more firearms lawfully stored, unloaded and encased in his vehicle for transport. Person H has no concealed pistol license.

If Person H stops at an establishment licensed to sell liquor under the Liquor Control Act (MCL 436.1801 et. seq.) with either an on-premise or off-premise license, and his firearms are lawfully stored for transport in his vehicle, is H in violation of MCL 750.234d(1)(h) while his vehicle is in the parking lot of said establishment?

The relevant portion of MCL 750.234d(1)(h) states as follows:

Except as provided in subsection (2), a person *shall not possess a firearm on the premises* of any of the following:

(h) *An establishment licensed under the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws. [Emphasis added.]*

As defined under R436.1001, the liquor control commission can issue a retail license for selling liquor for consumption either on or off the licensed premises:

(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.

(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*. [Emphasis added.]

Your hypothetical question hinges on whether the parking lot of a licensed establishment is part of the licensed premises. R436.1001(i) defines "licensed premises" to mean:

[A]ny 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. [Emphasis added.]

Under this definition, the licensed premises is a specific defined area within the general business location as a whole, and does not include the parking lot.

Therefore, in your hypothetical, if "H" has firearms lawfully stored, unloaded and encased in his vehicle for transport, and parks his vehicle in the parking lot of a restaurant or gas station licensed to sell liquor under the Michigan Liquor Control Act, "H" is not in violation of MCL 750.234d because a parking lot is not part of the premises licensed to sell alcohol.

This letter represents advice at the division level and is not the opinion of the Attorney General. Please let me know if you have further questions.

Sincerely,



Donald S. McGehee
Division Chief
Alcohol & Gambling Enforcement Division
(517) 241-0210

DSM:dah