

# HOUSE BILL No. 4009

January 31, 1991, Introduced by Reps. McBryde, Fitzgerald, Dalman, Willis Bullard, Bobier, Bandstra, Martin, Ouwinga, Walberg, Niederstadt, Dolan, Munsell, Gilmer, Bender, Bouchard, Randall, Jaye, Oxender, Shugars, Robertson, Muxlow, Trim, Nye, Hillegonds, London, Allen, McNutt, Bankes, Gnodtke, Bodem, Horton, Strand, Middaugh, Griffin, Middleton, Power and Van Singel and referred to the Committee on Judiciary.

A bill to amend section 33b of Act No. 8 of the Public Acts of the Extra Session of 1933, entitled as amended "The Michigan liquor control act," as amended by Act No. 176 of the Public Acts of 1986, being section 436.33b of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 33b of Act No. 8 of the Public Acts of  
2 the Extra Session of 1933, as amended by Act No. 176 of the  
3 Public Acts of 1986, being section 436.33b of the Michigan  
4 Compiled Laws, is amended to read as follows:

5 Sec. 33b. (1) A person less than 21 years of age shall not  
6 purchase alcoholic liquor, consume alcoholic liquor in a licensed  
7 premises, or possess alcoholic liquor, except as provided in  
8 section 33a(1). ~~of this act.~~ A person less than 21 years of  
9 age who violates this subsection is liable for the following

1 civil fines and shall not be subject to the penalties prescribed  
2 in section 50:

3       (i) For the first violation a fine of not more than \$25.00.

4       (ii) For a second violation a fine of not more than \$50.00,  
5 or participation in substance abuse prevention services as  
6 defined in section 6107 of the public health code, Act No. 368 of  
7 the Public Acts of 1978, being section 333.6107 of the Michigan  
8 Compiled Laws and designated by the administrator of substance  
9 abuse services, or both.

10       (iii) For a third or subsequent violation a fine of not more  
11 than \$100.00, or participation in substance abuse prevention  
12 services as defined in section 6107 of the public health code,  
13 Act No. 368 of the Public Acts of 1978, and designated by the  
14 administrator of substance abuse services, or both.

15       (2) A LAW ENFORCEMENT AGENCY, UPON DETERMINING THAT A PERSON  
16 WHO CONSUMES OR POSSESSES ALCOHOLIC LIQUOR IN VIOLATION OF SUB-  
17 SECTION (1) IS LESS THAN 18 YEARS OF AGE, SHALL NOTIFY THE PAR-  
18 ENTS OR PARENT OF THE PERSON, OR THE PERSON'S GUARDIAN OR CUSTO-  
19 DIAN, AS TO THE NATURE OF THE VIOLATION AND THE CIVIL FINE. THE  
20 NOTIFICATION REQUIRED BY THIS SUBSECTION SHALL BE MADE WITHIN 48  
21 HOURS AFTER THE LAW ENFORCEMENT AGENCY DETERMINES THAT THE PERSON  
22 WHO VIOLATED SUBSECTION (1) IS LESS THAN 18 YEARS OF AGE AND MAY  
23 BE MADE IN PERSON, BY TELEPHONE, OR BY FIRST CLASS MAIL.

24       (3) ~~-(2)-~~ Fifty percent of the fines collected under subsec-  
25 tion (1) shall be deposited with the state treasurer for deposit  
26 in the general fund to the credit of the department of public

1 health for substance abuse treatment and rehabilitation  
2 services.

3       (4) ~~-(3)-~~ A person who furnishes fraudulent identification  
4 to a person less than 21 years of age, or a person less than 21  
5 years of age who uses fraudulent identification to purchase alco-  
6 holic liquor, is guilty of a misdemeanor. The court shall order  
7 the secretary of state to suspend, for a period of 90 days, the  
8 ~~operator~~ OPERATOR'S or ~~chauffeur~~ CHAUFFEUR'S license of a  
9 person who is convicted of using fraudulent identification in  
10 violation of this subsection and the ~~operator~~ OPERATOR'S or  
11 ~~chauffeur~~ CHAUFFEUR'S license of that person shall be surren-  
12 dered to the court. The court shall immediately forward the sur-  
13 rendered license and a certificate of conviction to the secretary  
14 of state. A suspension ordered under this subsection shall be in  
15 addition to any other suspension of the person's ~~operator or~~  
16 ~~chauffeur~~ license.

17       (5) ~~-(4)-~~ This section shall not be construed to prohibit a  
18 person less than 21 years of age from possessing alcoholic liquor  
19 during regular working hours and in the course of his or her  
20 employment if employed by a person licensed by this act, by the  
21 liquor control commission, or by an agent of the liquor control  
22 commission, if the alcoholic liquor is not possessed for his or  
23 her personal consumption.

24       (6) ~~-(5)-~~ This section shall not be construed to limit the  
25 civil or criminal liability of the vendor or the vendor's clerk,  
26 servant, agent, or employee for a violation of this act.

1       (7) ~~-(6)-~~ The consumption of alcoholic liquor by a person  
2 under 21 years of age who is enrolled in a course offered by an  
3 accredited post secondary educational institution in an academic  
4 building of the institution under the supervision of a faculty  
5 member shall not be prohibited by this act if the purpose is  
6 solely educational and a necessary ingredient of the course.