



SENATE BILL No. 327

February 3, 1993, Introduced by Senator EMMONS and referred to the Committee on Judiciary.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 Sec. 33. (1) Alcoholic liquor shall not be sold or fur-
5 nished to a ~~person unless the person has attained 21 years of~~
6 ~~age~~ MINOR. ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)
7 OR (3), A person who knowingly sells or furnishes alcoholic
8 liquor to a ~~person who is less than 21 years of age~~ MINOR, or
9 who ~~fails to make~~ SELLS OR FURNISHES ALCOHOLIC LIQUOR TO A
10 MINOR WITHOUT HAVING MADE A diligent inquiry as to whether ~~the~~

1 ~~person~~ HE OR SHE is less than 21 years of age, is guilty of a
2 misdemeanor.

3 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A
4 FELONY, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS, OR
5 A FINE OF NOT MORE THAN \$5,000.00, OR BOTH, IF THE SUBSEQUENT
6 CONSUMPTION OF THE ALCOHOLIC LIQUOR BY THE MINOR IS A DIRECT AND
7 SUBSTANTIAL CAUSE OF THE MINOR'S DEATH OR AN ACCIDENTAL INJURY
8 THAT CAUSES THE MINOR'S DEATH.

9 (3) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A
10 FELONY, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS, OR
11 A FINE OF NOT MORE THAN \$2,500.00, OR BOTH, IF THE SUBSEQUENT
12 CONSUMPTION OF THE ALCOHOLIC LIQUOR BY THE MINOR IS A DIRECT AND
13 SUBSTANTIAL CAUSE OF A SERIOUS INJURY TO THE MINOR OR AN ACCIDENT
14 THAT CAUSES THE MINOR TO SUFFER A SERIOUS INJURY.

15 (4) A suitable sign which describes this section and the
16 penalties for violating this section shall be posted in a con-
17 spicuous place in each room where alcoholic ~~liquors are~~ LIQUOR
18 IS sold. The signs shall be approved and furnished by the ~~state~~
19 ~~liquor control~~ commission.

20 ~~(2) In an action for the violation of this section, proof~~
21 ~~that the defendant or the defendant's agent or employee demanded~~
22 ~~and was shown, before furnishing alcoholic liquor to a person~~
23 ~~under 21 years of age, a motor vehicle operator's license or a~~
24 ~~registration certificate issued by the federal selective service,~~
25 ~~or other bona fide documentary evidence of the age and identity~~
26 ~~of that person, shall be a defense to an action under this~~
27 ~~section.~~

(5) AS USED IN THIS SECTION:

(A) "DILIGENT INQUIRY" MEANS A DILIGENT GOOD FAITH EFFORT TO DETERMINE THE AGE OF A PERSON, WHICH INCLUDES AT LEAST AN EXAMINATION OF AN OFFICIAL MICHIGAN OPERATOR'S OR CHAUFFEUR'S LICENSE, AN OFFICIAL MICHIGAN PERSONAL IDENTIFICATION CARD, OR ANY OTHER BONA FIDE PICTURE IDENTIFICATION WHICH ESTABLISHES THE IDENTITY AND AGE OF THE PERSON.

(B) "MINOR" MEANS A PERSON LESS THAN 21 YEARS OF AGE.

(C) "SERIOUS INJURY" MEANS A PHYSICAL INJURY THAT IS NOT NECESSARILY PERMANENT, BUT THAT CONSTITUTES SERIOUS BODILY DISFIGUREMENT OR THAT SERIOUSLY IMPAIRS THE FUNCTIONING OF A BODY ORGAN OR LIMB. SERIOUS INJURY INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

(i) THE LOSS OF A LIMB.

(ii) THE LOSS OF A HAND, FOOT, FINGER, OR THUMB.

(iii) THE LOSS OF AN EYE.

(iv) THE LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.

(v) SERIOUS VISIBLE DISFIGUREMENT.

(vi) A COMATOSE STATE WHICH LASTS FOR A PERIOD OF MORE THAN 1 MONTH.

(vii) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.

(viii) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.

(ix) SUBDURAL HEMORRHAGE OR HEMATOMA.