



SENATE BILL No. 482

March 9, 1993, Introduced by Senators DI NELLO, BOUCHARD, EMMONS, MC MANUS, CISKY, DUNASKISS, CARL, WARTNER, HART and PRIDNIA and referred to the Committee on State Affairs and Military/Veteran Affairs.

A bill to amend sections 33, 33b, and 33c of Act No. 8 of the Public Acts of the Extra Session of 1933, entitled as amended "The Michigan liquor control act,"

section 33b as amended by Act No. 176 of the Public Acts of 1986 and section 33c as amended by Act No. 12 of the Public Acts of 1983, being sections 436.33, 436.33b, and 436.33c of the Michigan Compiled Laws; and to add section 20a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 33, 33b, and 33c of Act No. 8 of the
2 Public Acts of the Extra Session of 1933, section 33b as amended
3 by Act No. 176 of the Public Acts of 1986 and section 33c as
4 amended by Act No. 12 of the Public Acts of 1983, being sections
5 436.33, 436.33b, and 436.33c of the Michigan Compiled Laws, are
6 amended and section 20a is added to read as follows:

1 SEC. 20A. (1) NOTWITHSTANDING SECTION 20(1), IF A RETAIL
2 LICENSEE OR A RETAIL LICENSEE'S CLERK, AGENT, OR EMPLOYEE
3 VIOLATES THIS ACT BY SELLING OR FURNISHING ALCOHOLIC LIQUOR TO A
4 PERSON LESS THAN 21 YEARS OF AGE, OR BY ALLOWING A PERSON LESS
5 THAN 21 YEARS OF AGE TO CONSUME ALCOHOLIC LIQUOR OR POSSESS ALCO-
6 HOLIC LIQUOR FOR PERSONAL CONSUMPTION ON THE LICENSED PREMISES,
7 AND IF THE ENFORCING AGENCY INVOLVED IN THE PROSECUTION OF THE
8 VIOLATION IS THE STATE POLICE OR A LOCAL POLICE AGENCY, THE COM-
9 MISSION SHALL NOT TAKE ANY ACTION UNDER SECTION 20(1) TO SUSPEND
10 OR REVOKE THE LICENSEE'S LICENSE OR ASSESS A PENALTY AGAINST THE
11 LICENSEE UNLESS ENFORCEMENT ACTION IS TAKEN AGAINST THE PERSON
12 LESS THAN 21 YEARS OF AGE WHO PURCHASED OR RECEIVED THE ALCOHOLIC
13 LIQUOR FROM THE RETAIL LICENSEE OR THE RETAIL LICENSEE'S CLERK,
14 AGENT, OR EMPLOYEE.

15 (2) SUBSECTION (1) DOES NOT APPLY TO EITHER OF THE FOLLOWING
16 CIRCUMSTANCES:

17 (A) THE ENFORCING AGENT INVOLVED IN THE PROSECUTION IS A
18 COMMISSION INSPECTOR RATHER THAN A POLICE AGENCY.

19 (B) THE PROSECUTION OF THE VIOLATION IS THE RESULT OF AN
20 UNDERCOVER OPERATION IN WHICH THE PERSON LESS THAN 21 YEARS OF
21 AGE WHO PURCHASED OR RECEIVED THE ALCOHOLIC LIQUOR ACTED UNDER
22 THE DIRECTION OF THE STATE POLICE OR A LOCAL POLICE AGENCY AS
23 PART OF THE ENFORCEMENT ACTION.

24 Sec. 33. (1) Alcoholic liquor shall not be sold or fur-
25 nished to a ~~person unless the person has attained 21 years of~~
26 ~~age~~ MINOR. ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)
27 OR (3) AND SUBJECT TO SUBSECTION (4), A person who knowingly

1 sells or furnishes alcoholic liquor to a ~~person who is less than~~
2 ~~21 years of age~~ MINOR, or who fails to make diligent inquiry as
3 to whether the person is ~~less than 21 years of age~~ A MINOR, is
4 guilty of a misdemeanor. A RETAIL LICENSEE OR A RETAIL
5 LICENSEE'S CLERK, AGENT, OR EMPLOYEE WHO VIOLATES THIS SUBSECTION
6 SHALL BE PUNISHED IN THE MANNER PROVIDED FOR LICENSEES IN
7 SECTION 50. NOTWITHSTANDING SECTION 50, A PERSON WHO IS NOT A
8 RETAIL LICENSEE OR A RETAIL LICENSEE'S CLERK, AGENT, OR EMPLOYEE
9 AND WHO VIOLATES THIS SUBSECTION SHALL BE FINED \$500.00 AND MAY
10 BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR ORDERED
11 TO PERFORM COMMUNITY SERVICE. A suitable sign ~~which describes~~
12 DESCRIBING THE CONTENT OF this section and the penalties for
13 ~~violating this section~~ ITS VIOLATION shall be posted in a con-
14 spicuous place in each room where alcoholic ~~liquors are~~ LIQUOR
15 IS sold. The signs shall be approved and furnished by the ~~state~~
16 ~~liquor control~~ commission.

17 (2) ~~In an action for the violation of this section, proof~~
18 ~~that the defendant or the defendant's agent or employee demanded~~
19 ~~and was shown, before furnishing alcoholic liquor to a person~~
20 ~~under 21 years of age, a motor vehicle operator's license or a~~
21 ~~registration certificate issued by the federal selective service,~~
22 ~~or other bona fide documentary evidence of the age and identity~~
23 ~~of that person, shall be a defense to an action under this~~
24 ~~section.~~ A PERSON WHO IS NOT A RETAIL LICENSEE OR THE RETAIL
25 LICENSEE'S CLERK, AGENT, OR EMPLOYEE AND WHO VIOLATES
26 SUBSECTION (1) IS GUILTY OF A FELONY, PUNISHABLE BY IMPRISONMENT
27 FOR NOT MORE THAN 15 YEARS, OR A FINE OF NOT MORE THAN \$5,000.00,

1 OR BOTH, IF THE SUBSEQUENT CONSUMPTION OF THE ALCOHOLIC LIQUOR BY
2 THE MINOR IS A DIRECT AND SUBSTANTIAL CAUSE OF THE MINOR'S DEATH
3 OR AN ACCIDENTAL INJURY THAT CAUSES THE MINOR'S DEATH.

4 (3) A PERSON WHO IS NOT A RETAIL LICENSEE OR THE RETAIL
5 LICENSEE'S CLERK, AGENT, OR EMPLOYEE AND WHO VIOLATES
6 SUBSECTION (1) IS GUILTY OF A FELONY, PUNISHABLE BY IMPRISONMENT
7 FOR NOT MORE THAN 5 YEARS, OR A FINE OF NOT MORE THAN \$2,500.00,
8 OR BOTH, IF THE SUBSEQUENT CONSUMPTION OF THE ALCOHOLIC LIQUOR BY
9 THE MINOR IS A DIRECT AND SUBSTANTIAL CAUSE OF A SERIOUS INJURY
10 TO THE MINOR OR AN ACCIDENT THAT CAUSES THE MINOR TO SUFFER A
11 SERIOUS INJURY.

12 (4) IF THE PERSON WHO VIOLATES SUBSECTION (1) IS A RETAIL
13 LICENSEE OR A RETAIL LICENSEE'S CLERK, AGENT, OR EMPLOYEE, THE
14 PERSON SHALL NOT BE PROSECUTED UNDER SUBSECTION (1) UNLESS
15 ENFORCEMENT ACTION IS TAKEN AGAINST THE PERSON LESS THAN 21 YEARS
16 OF AGE WHO PURCHASED OR RECEIVED THE ALCOHOLIC LIQUOR FROM THE
17 LICENSEE OR THE RETAIL LICENSEE'S CLERK, AGENT, OR EMPLOYEE.
18 HOWEVER, THIS SUBSECTION DOES NOT APPLY IN EITHER OF THE FOLLOW-
19 ING CIRCUMSTANCES:

20 (A) THE ENFORCING AGENT INVOLVED IN THE PROSECUTION IS A
21 COMMISSION INSPECTOR RATHER THAN A POLICE AGENCY.

22 (B) THE PROSECUTION OF THE VIOLATION IS THE RESULT OF AN
23 UNDERCOVER OPERATION IN WHICH THE MINOR WHO PURCHASED OR RECEIVED
24 THE ALCOHOLIC LIQUOR ACTED UNDER THE DIRECTION OF THE STATE
25 POLICE OR A LOCAL POLICE AGENCY AS PART OF THE ENFORCEMENT
26 ACTION.

1 (5) THE COMMISSION SHALL PROVIDE, ON AN ANNUAL BASIS, A
2 WRITTEN REPORT TO THE DEPARTMENT OF STATE POLICE AS TO THE NUMBER
3 OF ACTIONS HEARD BY THE COMMISSION INVOLVING VIOLATIONS OF THIS
4 SECTION AND SECTION 22(3). THE REPORT SHALL INCLUDE THE DISPOSI-
5 TION OF EACH ACTION AND CONTAIN FIGURES REPRESENTING THE FOLLOW-
6 ING CATEGORIES:

7 (A) DECOY OPERATIONS.

8 (B) OFF-PREMISES VIOLATIONS.

9 (C) ON-PREMISES VIOLATIONS.

10 (D) REPEAT OFFENSES WITHIN THE 3 YEARS PRECEDING THE DATE OF
11 THAT REPORT.

12 (6) AS USED IN THIS SECTION:

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

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

20 (C) "SERIOUS INJURY" MEANS A PHYSICAL INJURY THAT IS NOT
21 NECESSARILY PERMANENT, BUT THAT CONSTITUTES SERIOUS BODILY DIS-
22 FIGUREMENT OR THAT SERIOUSLY IMPAIRS THE FUNCTIONING OF A BODY
23 ORGAN OR LIMB. SERIOUS INJURY INCLUDES, BUT IS NOT LIMITED TO,
24 THE FOLLOWING:

25 (i) THE LOSS OF A LIMB.

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

1 (iii) THE LOSS OF AN EYE.

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

4 (v) SERIOUS VISIBLE DISFIGUREMENT.

5 (vi) A COMATOSE STATE WHICH LASTS FOR A PERIOD OF MORE THAN
6 1 MONTH.

7 (vii) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.

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

9 (ix) SUBDURAL HEMORRHAGE OR HEMATOMA.

10 Sec. 33b. (1) A person less than 21 years of age shall not
11 purchase OR ATTEMPT TO PURCHASE alcoholic liquor, consume OR
12 ATTEMPT TO CONSUME alcoholic liquor in a licensed premises, or
13 possess OR ATTEMPT TO POSSESS alcoholic liquor, except as pro-
14 vided in THIS SECTION AND section 33a(1). ~~of this act. A~~
15 NOTWITHSTANDING SECTION 50, A person less than 21 years of age
16 who violates this subsection is RESPONSIBLE FOR A CIVIL INFRAC-
17 TION AS DEFINED IN SECTION 113 OF THE REVISED JUDICATURE ACT OF
18 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION
19 600.113 OF THE MICHIGAN COMPILED LAWS, IS liable for ~~the~~
20 ~~following~~ A civil ~~finer and shall not be subject to the penal-~~
21 ~~ties prescribed in section 50:~~ FINE OF NOT LESS THAN \$100.00 AND
22 NOT MORE THAN \$500.00, MAY BE ORDERED TO UNDERGO SUBSTANCE ABUSE
23 SCREENING AND ASSESSMENT AT HIS OR HER OWN EXPENSE AS DESCRIBED
24 IN SUBSECTION (5), AND MAY BE ORDERED TO PERFORM COMMUNITY SERV-
25 ICE OR PARTICIPATE IN SUBSTANCE ABUSE PREVENTION SERVICES OR SUB-
26 STANCE ABUSE TREATMENT AND REHABILITATION SERVICES AS DEFINED IN
27 SECTION 6107 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC

1 ACTS OF 1978, BEING SECTION 333.6107 OF THE MICHIGAN COMPILED
2 LAWS, AND LICENSED BY THE OFFICE OF SUBSTANCE ABUSE SERVICES. IN
3 ADDITION, THE PERSON IS SUBJECT TO OPERATOR OR CHAUFFEUR LICENSE
4 SANCTIONS DESCRIBED IN SUBSECTION (6) BUT SHALL NOT BE SUBJECT TO
5 THE PENALTIES PRESCRIBED IN SECTION 50. FOR PURPOSES OF ADJUDI-
6 CATING VIOLATIONS OF THIS SECTION, THE DISTRICT AND MUNICIPAL
7 COURTS SHALL HAVE JURISDICTION OVER PERSONS BETWEEN 17 AND 21
8 YEARS OF AGE. THE JUVENILE DIVISION OF THE PROBATE COURT SHALL
9 HAVE JURISDICTION OVER PERSONS UNDER 17 YEARS OF AGE.

10 ~~(i) For the first violation a fine of not more than~~
11 ~~\$25.00.~~

12 ~~(ii) For a second violation a fine of not more than \$50.00,~~
13 ~~or participation in substance abuse prevention services as~~
14 ~~defined in section 6107 of the public health code, Act No. 368 of~~
15 ~~the Public Acts of 1978, being section 333.6107 of the Michigan~~
16 ~~Compiled Laws and designated by the administrator of substance~~
17 ~~abuse services, or both.~~

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

23 (2) ~~Fifty percent of the~~ THE fines collected under subsec-
24 tion (1) shall be deposited with the state treasurer for deposit
25 in the general fund to the credit of the department of public
26 health for substance abuse PREVENTION, treatment, and
27 rehabilitation services.

1 (3) A person who furnishes fraudulent identification to a
2 person less than 21 years of age, or a person less than 21 years
3 of age who uses fraudulent identification to purchase alcoholic
4 liquor, is guilty of a misdemeanor. The court shall order the
5 secretary of state to suspend, PURSUANT TO SECTION 319(5) OF THE
6 MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949,
7 BEING SECTION 257.319 OF THE MICHIGAN COMPILED LAWS, for a period
8 of 90 days, the operator or chauffeur license of a person who is
9 convicted of using fraudulent identification in violation of this
10 subsection and the operator or chauffeur license of that person
11 shall be surrendered to the court. The court shall immediately
12 forward the surrendered license and a ~~certificate~~ ABSTRACT of
13 conviction to the secretary of state. A suspension ordered under
14 this subsection shall be in addition to any other suspension of
15 the person's operator or chauffeur license.

16 (4) A LAW ENFORCEMENT AGENCY, UPON DETERMINING THAT A PERSON
17 LESS THAN 18 YEARS OF AGE ALLEGEDLY CONSUMED, POSSESSED, PUR-
18 CHASED, OR ATTEMPTED TO CONSUME, POSSESS, OR PURCHASE ALCOHOLIC
19 LIQUOR IN VIOLATION OF SUBSECTION (1) SHALL NOTIFY THE PARENT OR
20 PARENTS, CUSTODIAN, OR GUARDIAN OF THE PERSON AS TO THE NATURE OF
21 THE VIOLATION IF THE NAME OF A PARENT, GUARDIAN, OR CUSTODIAN IS
22 REASONABLY ASCERTAINABLE BY THE LAW ENFORCEMENT AGENCY. THE
23 NOTICE REQUIRED BY THIS SUBSECTION SHALL BE MADE NOT LATER THAN
24 48 HOURS AFTER THE LAW ENFORCEMENT AGENCY DETERMINES THAT THE
25 PERSON WHO ALLEGEDLY VIOLATED SUBSECTION (1) IS LESS THAN 18
26 YEARS OF AGE AND MAY BE MADE IN PERSON, BY TELEPHONE, OR BY FIRST
27 CLASS MAIL.

1 (5) THE COURT MAY ORDER THE PERSON FOUND VIOLATING
2 SUBSECTION (1) TO UNDERGO SCREENING AND ASSESSMENT BY A PERSON OR
3 AGENCY AS DESIGNATED BY THE SUBSTANCE ABUSE COORDINATING AGENCY
4 AS DEFINED IN SECTION 6103 OF ACT NO. 368 OF THE PUBLIC ACTS OF
5 1978, BEING SECTION 333.6103 OF THE MICHIGAN COMPILED LAWS, IN
6 ORDER TO DETERMINE WHETHER THE PERSON IS LIKELY TO BENEFIT FROM
7 REHABILITATIVE SERVICES, INCLUDING ALCOHOL OR DRUG EDUCATION AND
8 ALCOHOL OR DRUG TREATMENT PROGRAMS.

9 (6) IMMEDIATELY UPON THE ENTRY OF A CIVIL INFRACTION DETER-
10 MINATION FOR A VIOLATION OF SUBSECTION (1), A PROBATE COURT ORDER
11 OF DISPOSITION FOR A VIOLATION OF SUBSECTION (1), OR THE ENTRY OF
12 A DEFAULT JUDGMENT FOR A VIOLATION OF SUBSECTION (1), A COURT
13 SHALL CONSIDER ALL PRIOR CIVIL INFRACTION DETERMINATIONS, CONVIC-
14 TIONS, OR PROBATE COURT ORDERS OF DISPOSITION INVOLVING A VIOLA-
15 TION OF SUBSECTION (1), OR A VIOLATION OF A LOCAL ORDINANCE OR
16 LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO
17 SUBSECTION (1), AND SHALL IMPOSE THE FOLLOWING SANCTIONS:

18 (A) IF THE COURT FINDS THAT THE PERSON HAS NO SUCH PRIOR
19 CIVIL INFRACTION DETERMINATION, CONVICTION, OR PROBATE COURT
20 ORDER OF DISPOSITION, THE COURT SHALL ORDER THE SECRETARY OF
21 STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE
22 PERSON FOR A PERIOD OF 90 DAYS. THE COURT MAY ORDER THE SECRE-
23 TARY OF STATE TO ISSUE TO THE PERSON A RESTRICTED LICENSE DURING
24 ALL OR A SPECIFIED PORTION OF THE PERIOD OF SUSPENSION IN THE
25 MANNER DESCRIBED IN SUBSECTION (8) AND PROVIDED FOR IN SECTION
26 319 OF ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING
27 SECTION 257.319 OF THE MICHIGAN COMPILED LAWS.

1 (B) IF THE COURT FINDS THAT THE PERSON HAS 1 SUCH PRIOR
2 CIVIL INFRACTION DETERMINATION, CONVICTION, OR PROBATE COURT
3 ORDER OF DISPOSITION, THE COURT SHALL ORDER THE SECRETARY OF
4 STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE
5 PERSON FOR A PERIOD OF NOT LESS THAN 90 DAYS OR MORE THAN 180
6 DAYS. THE COURT MAY ORDER THE SECRETARY OF STATE TO ISSUE TO THE
7 PERSON A RESTRICTED LICENSE DURING A PORTION OF THE PERIOD OF
8 SUSPENSION IN THE MANNER DESCRIBED IN SUBSECTION (8) AND PROVIDED
9 FOR IN SECTION 319 OF ACT NO. 300 OF THE PUBLIC ACTS OF 1949,
10 BEING SECTION 257.319 OF THE MICHIGAN COMPILED LAWS, EXCEPT THAT
11 THE COURT SHALL NOT ORDER AND THE SECRETARY OF STATE SHALL NOT
12 ISSUE A RESTRICTED LICENSE DURING THE FIRST 30 DAYS OF THE PERIOD
13 OF THE SUSPENSION.

14 (C) IF THE COURT FINDS THAT THE PERSON HAS 2 OR MORE SUCH
15 PRIOR CIVIL INFRACTION DETERMINATIONS, CONVICTIONS, OR PROBATE
16 COURT ORDERS OF DISPOSITION, THE COURT SHALL ORDER THE SECRETARY
17 OF STATE TO SUSPEND THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE
18 PERSON FOR A PERIOD OF NOT LESS THAN 180 DAYS OR MORE THAN 1 YEAR
19 AND SHALL NOT ORDER THE SECRETARY OF STATE TO ISSUE A RESTRICTED
20 LICENSE TO THE PERSON.

21 (7) UPON THE ENTRY OF A DEFAULT JUDGMENT, THE COURT SHALL
22 PROCEED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN
23 SECTION 321A OF ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING
24 SECTION 257.321A OF THE MICHIGAN COMPILED LAWS.

25 (8) IN THOSE CASES WHERE A RESTRICTED LICENSE IS ALLOWED
26 UNDER THIS SECTION, THE COURT SHALL NOT ORDER THE SECRETARY OF
27 STATE TO ISSUE A RESTRICTED LICENSE UNLESS THE PERSON STATES

1 UNDER OATH, AND THE COURT FINDS BASED UPON THE RECORD IN OPEN
2 COURT, THAT THE PERSON IS UNABLE TO TAKE PUBLIC TRANSPORTATION TO
3 AND FROM HIS OR HER WORK LOCATION, PLACE OF ALCOHOL OR DRUG EDU-
4 CATION TREATMENT, PROBATION DEPARTMENT, COURT-ORDERED COMMUNITY
5 SERVICE PROGRAM, OR EDUCATIONAL INSTITUTION, AND DOES NOT HAVE
6 ANY FAMILY MEMBERS OR OTHERS ABLE TO PROVIDE TRANSPORTATION. THE
7 COURT ORDER UNDER SUBSECTION (6) AND THE RESTRICTED LICENSE SHALL
8 INDICATE THE WORK LOCATION OF THE PERSON TO WHOM IT IS ISSUED,
9 THE APPROVED ROUTE OR ROUTES AND PERMITTED TIMES OF TRAVEL, AND
10 SHALL PERMIT THE PERSON TO WHOM IT IS ISSUED ONLY TO DO 1 OR MORE
11 OF THE FOLLOWING:

12 (A) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND WORK
13 LOCATION.

14 (B) DRIVE IN THE COURSE OF THE PERSON'S EMPLOYMENT OR
15 OCCUPATION.

16 (C) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND AN ALCOHOL
17 OR DRUG EDUCATION OR TREATMENT PROGRAM AS ORDERED BY THE COURT.

18 (D) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND THE COURT
19 PROBATION DEPARTMENT, OR A COURT-ORDERED COMMUNITY SERVICE PRO-
20 GRAM, OR BOTH.

21 (E) DRIVE TO AND FROM THE PERSON'S RESIDENCE AND AN EDUCA-
22 TIONAL INSTITUTION AT WHICH THE PERSON IS ENROLLED AS A STUDENT.

23 (9) IMMEDIATELY UPON THE ENTRY OF A CIVIL INFRACTION DETER-
24 MINATION OR A PROBATE COURT ORDER OF DISPOSITION FOR A VIOLATION
25 OF SUBSECTION (1), THE COURT SHALL ORDER THE PERSON FOUND RESPON-
26 SIBLE FOR THE VIOLATION TO SURRENDER TO THE COURT HIS OR HER
27 OPERATOR'S OR CHAUFFEUR'S LICENSE. THE COURT SHALL IMMEDIATELY

1 FORWARD A NOTICE OF COURT-ORDERED LICENSE SANCTIONS TO THE
2 SECRETARY OF STATE. IF THE LICENSE IS NOT FORWARDED TO THE SEC-
3 RETARY OF STATE, AN EXPLANATION OF THE REASON WHY THE LICENSE IS
4 ABSENT SHALL BE ATTACHED. IF THE FINDING IS REVIEWED BY THE CIR-
5 CUIT COURT, THE COURT MAY, EX PARTE, ORDER THE SECRETARY OF STATE
6 TO RESCIND THE SUSPENSION OR RESTRICTED LICENSE ISSUED PURSUANT
7 TO THIS SECTION. IMMEDIATELY FOLLOWING IMPOSITION OF THE SANC-
8 TION, THE COURT SHALL FORWARD A NOTICE TO THE SECRETARY OF STATE
9 INDICATING THE SANCTION IMPOSED.

10 (10) ~~-(4)-~~ This section shall not be construed to prohibit a
11 person less than 21 years of age from possessing alcoholic liquor
12 during regular working hours and in the course of his or her
13 employment if employed by a person licensed by this act, by the
14 ~~liquor control~~ commission, or by an agent of the ~~liquor~~
15 ~~control~~ commission, if the alcoholic liquor is not possessed for
16 his or her personal consumption.

17 (11) ~~-(5)-~~ This section shall not be construed to limit the
18 civil or criminal liability of the vendor or the vendor's clerk,
19 servant, agent, or employee for a violation of this act.

20 (12) ~~-(6)-~~ The consumption of alcoholic liquor by a person
21 ~~under~~ LESS THAN 21 years of age who is enrolled in a course
22 offered by an accredited post secondary educational institution
23 in an academic building of the institution under the supervision
24 of a faculty member shall not be prohibited by this act if the
25 purpose OF THE CONSUMPTION is solely educational and IS a neces-
26 sary ingredient of the course.

1 (13) SUBSECTION (1) DOES NOT APPLY TO A PERSON LESS THAN 21
2 YEARS OF AGE WHO PARTICIPATES IN EITHER OR BOTH OF THE
3 FOLLOWING:

4 (A) AN UNDERCOVER OPERATION IN WHICH THE PERSON LESS THAN 21
5 YEARS OF AGE PURCHASED OR RECEIVED ALCOHOLIC LIQUOR UNDER THE
6 DIRECTION OF THE PERSON'S EMPLOYER AND WITH THE APPROVAL OF THE
7 LOCAL PROSECUTOR'S OFFICE AS PART OF AN EMPLOYER-SPONSORED INTER-
8 NAL ENFORCEMENT ACTION.

9 (B) AN UNDERCOVER OPERATION IN WHICH THE PERSON LESS THAN 21
10 YEARS OF AGE PURCHASED OR RECEIVED ALCOHOLIC LIQUOR UNDER THE
11 DIRECTION OF THE STATE POLICE, THE COMMISSION, OR A LOCAL POLICE
12 AGENCY AS PART OF AN ENFORCEMENT ACTION.

13 (14) AS USED IN THIS SECTION:

14 (A) "PROBATE COURT ORDER OF DISPOSITION" MEANS A PROBATE
15 COURT ORDER OF DISPOSITION FOR A CHILD FOUND TO BE WITHIN THE
16 PROVISIONS OF CHAPTER XIIA OF ACT NO. 288 OF THE PUBLIC ACTS OF
17 1939, BEING SECTIONS 712A.1 TO 712A.28 OF THE MICHIGAN COMPILED
18 LAWS.

19 (B) "WORK LOCATION" MEANS, AS APPLICABLE, EITHER THE SPE-
20 CIFIC PLACE OR PLACES OF EMPLOYMENT, OR THE TERRITORY OR TERRITO-
21 RIES REGULARLY VISITED BY THE PERSON IN PURSUANCE OF THE PERSON'S
22 OCCUPATION, OR BOTH.

23 Sec. 33c. (1) A sheriff or deputy sheriff; village or town-
24 ship marshal; an officer or member of a village, township, or
25 city police department; an officer of the department of state
26 police; or an inspector of the commission who witnesses a
27 violation of section 33b or a local ordinance SUBSTANTIALLY

1 corresponding to that section, ~~for~~ which ~~violation~~ IS A CIVIL
2 INFRACTION FOR WHICH a civil fine, LICENSE SUSPENSION, OR OTHER
3 SANCTION is prescribed, may stop and detain the person for pur-
4 poses of obtaining satisfactory identification, seizing illegally
5 possessed alcoholic ~~beverages~~ LIQUOR, and issuing an appearance
6 ticket.

7 (2) As used in this section, "appearance ticket" means a
8 complaint or written notice, issued and subscribed by a law
9 enforcement officer OF THE TYPE DESCRIBED IN SUBSECTION (1) or
10 inspector of the commission, directing a designated person to
11 appear in a ~~designed district or municipal~~ DESIGNATED court at
12 a designated time in connection with the alleged ~~violation~~
13 CIVIL INFRACTION for which a civil fine, LICENSE SUSPENSION, OR
14 OTHER SANCTION is prescribed. The appearance ticket shall con-
15 sist of the following parts:

16 (a) The original which shall be a complaint or notice to
17 appear by the officer and filed with the court.

18 (b) The first copy which shall be the abstract of court
19 record.

20 (c) The second copy which shall be delivered to the alleged
21 violator.

22 (d) The third copy which shall be retained by the law
23 enforcement agency.

24 (3) A judge may accept an admission by the defendant of the
25 allegations of an appearance ticket and the judge shall then
26 ~~direct the~~ IMPOSE A civil ~~finer~~ FINE, LICENSE SUSPENSION, OR
27 OTHER SANCTION as ~~prescribed~~ FURTHER AUTHORIZED by section

1 33b. If the defendant denies the allegations of the appearance
2 ticket, the judge shall then set a date for trial OR HEARING. If
3 the defendant fails to appear on the date specified on the
4 appearance ticket, the judge shall enter a default judgment
5 against that defendant AND IMPOSE A CIVIL FINE, LICENSE SUSPEN-
6 SION, OR OTHER SANCTION AUTHORIZED BY SECTION 33B.

7 (4) THE COURT SHALL IMMEDIATELY ENTER OR CAUSE TO BE ENTERED
8 INFORMATION REGARDING A FINDING OF A VIOLATION OF SECTION 33B(1)
9 INTO THE LAW ENFORCEMENT INFORMATION NETWORK.

10 Section 2. This amendatory act shall not take effect unless
11 Senate Bill No. 483
12 of the 87th Legislature is enacted into law.