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BILL



ANALYSIS

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Senate Bill 630 (Substitute S-1)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 10-17-17

CONTENT

The bill would amend the Michigan Vehicle Code to change a reference to a provision of the Michigan Liquor Control Code that prohibits a minor from purchasing, consuming, or possessing liquor, to refer instead to provisions making a second or subsequent violation of that prohibition a misdemeanor.

Under the Michigan Vehicle Code, if an individual is charged with, or convicted of, a violation of Section 624a (transportation or possession of open alcoholic liquor in motor vehicle), Section 624b (transportation or possession of alcoholic liquor by an individual less than 21 years of age) of the Vehicle Code, or Section 703(1) of the Liquor Control Code or a substantially corresponding local ordinance and he or she fails to answer a citation or a notice to appear in court or fails to comply with an order or judgment of the court, the court must immediately give notice by first-class mail that if the individual fails to appear within seven days after the notice is issued, or fails to comply with the court order or judgment within 14 days after the notice is issued, the Secretary of State (SOS) must suspend his or her operator's or chauffeur's license.

The bill would revise the reference to Section 703(1) of the Liquor Control Code to refer instead to Section 703(1)(b) or (c) of the Code. (Please see **BACKGROUND** for information on those offenses.)

Within 28 days after an individual fails to appear in response to a citation issued for, or fails to comply with an order or judgment involving, a State civil infraction, the court must give notice by ordinary mail that if he or she fails to appear or comply with the order or judgment within 14 days after the notice is issued, the court will notify the SOS. Upon receiving notice of that failure, the SOS may not issue or renew the individual's operator's or chauffeur's license until both of the following occur: a) the court informs the SOS that the individual has resolved all outstanding matters regarding each notice or citation; and b) he or she has paid to the court a \$45 driver license clearance fee.

Under the bill, this would apply except for a violation of Section 624a or 624b of the Michigan Vehicle Code or Section 703(1)(b) or (c) of the Michigan Liquor Code or a substantially corresponding local ordinance that would require the court to provide notice as described above.

The bill would take effect on January 1, 2018.

MCL 257.321a

BACKGROUND

Section 703(1) of the Michigan Liquor Control Code prohibits a minor (an individual under 21 years old) from purchasing or attempting to purchase, consuming or attempting to consume, or possessing or attempting to possess alcoholic liquor, or from having any bodily alcohol content, except as otherwise provided. A minor who violates Section 703(1) is guilty of a misdemeanor. The offense is commonly referred to as minor in possession, or MIP.

Effective January 1, 2018, under Section 703(1)(a), a minor who violates Section 703(1) for the first time will be responsible for a State civil violation, punishable by a \$100 fine. Under Section 703(1)(b), if a violation occurs after one prior judgment, the minor will be guilty of a misdemeanor punishable by up to 30 days' imprisonment (if the minor violated a probation order, failed to complete court-ordered treatment, screening, or community service, or failed to pay a fine for a previous conviction), a maximum fine of \$200, or both. Under Section 703(1)(c), if a violation occurs after two or more prior judgments, the minor will be guilty of a misdemeanor punishable by up to 60 days' imprisonment (under the same circumstances listed above), a maximum fine of \$500, or both.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.