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BILL



ANALYSIS

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House Bill 4756 (as passed by the House)
Sponsor: Representative Peter J. Lucido
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 10-16-17

CONTENT

The bill would amend the Michigan Vehicle Code to require the clerk of a court to forward an abstract of the court record to the Secretary of State (SOS) upon a finding or admission of responsibility (instead of a conviction) for a violation of the Michigan Liquor Control Code involving the sale or furnishing of alcohol to a minor or a minor's purchase, consumption, or possession of alcohol.

The Michigan Vehicle Code requires each municipal judge and each clerk of a court of record to keep a full record of every case in which a person is charged with or cited for a violation of the Code or a substantially corresponding local ordinance regulating the operation of vehicles on highways, and with those offenses pertaining to the operation of off-road vehicles (ORVs) or snowmobiles for which points are assessed on a person's driving record (offenses pertaining to the operation of a motor vehicle, ORV, or snowmobile under the influence of alcohol or a controlled substance). The Code also lists a number of other offenses for which the clerk of a court must forward an abstract of the court record to the SOS after an individual's conviction. These include, for example, motor vehicle theft; negligent homicide or manslaughter resulting from the operation of a vehicle; a violation of the Public Health Code involving controlled substances; a violation of motor carrier regulations pertaining to commercial vehicles; and a violation of motor vehicle insurance requirements.

In addition, the clerk of the court must forward an abstract of the court record to the SOS upon an individual's conviction for a violation of Section 701(1) and 703 of the Michigan Liquor Control Code or a substantially corresponding local ordinance. Under the bill, for such a violation, the court clerk would have to forward an abstract of the court record to the SOS upon a finding or admission of responsibility.

(Section 701(1) of the Liquor Control Code prohibits the sale or furnishing of alcohol to a minor and includes various criminal, civil, and administrative penalties for a violation. Section 703 prohibits a minor 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. Effective January 1, 2018, a minor who violates Section 703(1) for the first time will be responsible for a State civil violation, punishable by a \$100 fine. A minor who violates Section 703(1) two or more times will be guilty of a misdemeanor.)

The bill would take effect on January 1, 2018.

MCL 257.732

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.