

SUBSTITUTE FOR
HOUSE BILL NO. 4557

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
by amending section 909 (MCL 436.1909), as amended by 2010 PA 175.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 909. (1) Except as otherwise provided in this act, a
2 person, other than a person required to be licensed under this act,
3 who violates this act is guilty of a misdemeanor.

4 (2) Except as otherwise provided in this act, a licensee who
5 violates this act, or a rule or regulation promulgated under this
6 act, is guilty of a misdemeanor punishable by imprisonment for not
7 more than 6 months or a fine of not more than \$500.00, or both.

8 (3) A person who performs ~~any~~**AN** act for which a license is
9 required under this act without first obtaining that license or who
10 sells alcoholic liquor in a county that has prohibited the sale of
11 alcoholic liquor under section 1107 is guilty of a felony

1 punishable by imprisonment for not more than 1 year or by a fine of
2 not more than \$1,000.00, or both.

3 (4) A person, whether or not a licensee, who violates section
4 901(4) is subject to the following penalties or sanctions:

5 (a) A person who sells, delivers, or imports spirits in
6 violation of section 901(4) in the amount of at least 80,000
7 milliliters is guilty of a felony punishable by imprisonment for
8 not more than 4 years or a fine of not more than \$5,000.00, or
9 both.

10 (b) A person who sells, delivers, or imports spirits in
11 violation of section 901(4) in the amount of at least 8,000
12 milliliters but less than 80,000 milliliters is guilty of a
13 misdemeanor punishable by imprisonment for not more than 93 days or
14 a fine of not more than \$2,500.00, or both.

15 (c) A person who sells, delivers, or imports spirits in
16 violation of section 901(4) in the amount of less than 8,000
17 milliliters is responsible for a state civil infraction and may be
18 ordered to pay a civil fine of not more than \$1,000.00.

19 **(5) SUBJECT TO SUBSECTION (6), A PERSON, WHETHER OR NOT A**
20 **LICENSEE, WHO SELLS, DELIVERS, OR IMPORTS BEER OR WINE IN VIOLATION**
21 **OF SECTION 203(1) IS SUBJECT TO THE FOLLOWING PENALTIES OR**
22 **SANCTIONS:**

23 **(A) A PERSON WHO SELLS, DELIVERS, OR IMPORTS BEER OR WINE IN**
24 **VIOLATION OF SECTION 203(1) IN THE AMOUNT OF AT LEAST 225,000**
25 **MILLILITERS IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR**
26 **NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR**
27 **BOTH.**

1 (B) A PERSON WHO SELLS, DELIVERS, OR IMPORTS BEER OR WINE IN
2 VIOLATION OF SECTION 203(1) IN THE AMOUNT OF AT LEAST 45,000
3 MILLILITERS BUT LESS THAN 225,000 MILLILITERS IS GUILTY OF A
4 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR
5 A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

6 (C) A PERSON WHO SELLS, DELIVERS, OR IMPORTS BEER OR WINE IN
7 VIOLATION OF SECTION 203(1) IN THE AMOUNT OF LESS THAN 45,000
8 MILLILITERS IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE
9 ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00.

10 (6) AS USED IN SUBSECTION (5), "PERSON" DOES NOT INCLUDE ANY
11 OF THE FOLLOWING:

12 (A) AN AIR CARRIER AS THAT TERM IS DEFINED IN 49 USC 40102.

13 (B) A FREIGHT FORWARDER AS THAT TERM IS DEFINED IN 49 USC
14 13102.

15 (C) A MOTOR CARRIER AS THAT TERM IS DEFINED IN 49 USC 13102.

16 (7) ~~(5)~~—The remedies under this act are cumulative and
17 independent. The use of 1 remedy by a person does not bar the use
18 of other lawful remedies by ~~that~~ **THE** person or the use of a lawful
19 remedy by another person.

20 (8) ~~(6)~~—It is the intent of the legislature that the court, in
21 imposing punishment under this section, should discriminate between
22 casual or slight violations and habitual sales of alcoholic liquor
23 or attempts to commercialize violations of this act or the rules or
24 regulations promulgated under this act.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.