

# HOUSE BILL No. 5042

September 20, 1989, Introduced by Rep. Hoffman and referred to the Committee on Judiciary.

A bill to amend section 33b of Act No. 8 of the Public Acts of the Extra Session of 1933, entitled as amended "The Michigan liquor control act," as amended by Act No. 176 of the Public Acts of 1986, being section 436.33b of the Michigan Compiled Laws; and to add section 34b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 33b of Act No. 8 of the Public Acts of  
2 the Extra Session of 1933, as amended by Act No. 176 of the  
3 Public Acts of 1986, being section 436.33b of the Michigan  
4 Compiled Laws, is amended and section 34b is added to read as  
5 follows:

6       Sec. 33b. (1) A person less than 21 years of age shall not  
7 purchase alcoholic liquor, consume alcoholic liquor in a licensed  
8 premises, or possess alcoholic liquor, except as provided in

1 section 33a(1) of this act. A person less than 21 years of age  
2 who violates this subsection is liable for the following civil  
3 fines and shall not be subject to the penalties prescribed in  
4 section 50:

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

6 (ii) For a second violation a fine of not more than \$50.00,  
7 or participation in substance abuse prevention services as  
8 defined in section 6107 of the public health code, Act No. 368 of  
9 the Public Acts of 1978, being section 333.6107 of the Michigan  
10 Compiled Laws and designated by the administrator of substance  
11 abuse services, or both.

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

17 (2) Fifty percent of the fines collected under subsection  
18 (1) shall be deposited with the state treasurer for deposit in  
19 the general fund to the credit of the department of public health  
20 for substance abuse treatment and rehabilitation services.

21 (3) A person who furnishes fraudulent identification to a  
22 person less than 21 years of age, or a person less than 21 years  
23 of age who uses fraudulent identification to purchase alcoholic  
24 liquor, is guilty of a misdemeanor. ~~The~~ EXCEPT AS OTHERWISE  
25 PROVIDED IN SECTION 34B, THE court shall order the secretary of  
26 state to suspend, for a period of 90 days, the ~~operator or~~  
27 ~~chauffeur~~ OPERATOR'S OR CHAUFFEUR'S license of a person who is

1 convicted of using fraudulent identification in violation of this  
2 subsection and the ~~operator or chauffeur~~ OPERATOR'S OR  
3 CHAUFFEUR'S license of that person shall be surrendered to the  
4 court. The court shall immediately forward the surrendered  
5 license and a certificate of conviction to the secretary of  
6 state. A suspension ordered under this subsection shall be in  
7 addition to any other suspension of the person's ~~operator or~~  
8 ~~chauffeur~~ OPERATOR'S OR CHAUFFEUR'S license.

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

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

19 (6) The consumption of alcoholic liquor by a person under 21  
20 years of age who is enrolled in a course offered by an accredited  
21 ~~post-secondary~~ POSTSECONDARY educational institution in an aca-  
22 demic building of the institution under the supervision of a fac-  
23 ulty member shall not be prohibited by this act if the purpose is  
24 solely educational and a necessary ingredient of the course.

25 SEC. 34B. IF A PERSON IS CONVICTED, FOUND RESPONSIBLE, OR  
26 FOUND TO BE WITHIN THE PROVISIONS OF CHAPTER XIIA OF ACT NO. 288  
27 OF THE PUBLIC ACTS OF 1939, BEING SECTIONS 712A.1 TO 712A.28 OF

1 THE MICHIGAN COMPILED LAWS, FOR A VIOLATION OF SECTION 33A, 33B,  
2 34, OR 34A THAT OCCURRED WHEN THE PERSON WAS LESS THAN 18 YEARS  
3 OF AGE, IN ADDITION TO ANY OTHER PENALTY IMPOSED, THE COURT SHALL  
4 ORDER THE SECRETARY OF STATE TO SUSPEND THE OPERATOR'S OR  
5 CHAUFFEUR'S LICENSE OF THE PERSON FOR A PERIOD OF 90 DAYS OR  
6 UNTIL THE PERSON IS 18 YEARS OF AGE, WHICHEVER PERIOD IS LONGER.  
7 THE PERSON SHALL SURRENDER HIS OR HER OPERATOR'S OR CHAUFFEUR'S  
8 LICENSE TO THE COURT, AND THE COURT SHALL IMMEDIATELY FORWARD THE  
9 SURRENDERED LICENSE AND A RECORD OF THE CONVICTION, FINDING OF  
10 RESPONSIBILITY, OR PROBATE COURT DISPOSITION TO THE SECRETARY OF  
11 STATE.

12       Section 2. This amendatory act shall not take effect unless  
13 Senate Bill No. \_\_\_\_ or House Bill No. 5041 (request  
14 no. 01368'89) of the 85th Legislature is enacted into law.