



HOUSE BILL No. 4136

January 17, 1995, Introduced by Rep. McBryde and referred to the Committee on Judiciary and Civil Rights.

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.

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 to read as follows:

5 Sec. 33b. (1) A person less than 21 years of age shall not
6 purchase alcoholic liquor, consume alcoholic liquor in a licensed
7 premises, or possess alcoholic liquor, except as provided in
8 section 33a(1). ~~of this act.~~ A person less than 21 years of
9 age who violates this subsection is liable for the following

1 civil fines and shall not be subject to the penalties prescribed
2 in section 50:

3 (A) ~~(i)~~ For the first violation a fine of not more than
4 \$25.00.

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

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

16 (2) IF A LAW ENFORCEMENT AGENCY DETERMINES THAT A PERSON WHO
17 CONSUMES OR POSSESSES ALCOHOLIC LIQUOR IN VIOLATION OF SUBSECTION
18 (1) IS LESS THAN 18 YEARS OF AGE, THE LAW ENFORCEMENT AGENCY
19 SHALL NOTIFY THE PERSON'S PARENTS OR PARENT OR THE PERSON'S
20 GUARDIAN OR CUSTODIAN OF THE VIOLATION AND THE APPLICABLE CIVIL
21 FINE. THE NOTIFICATION REQUIRED UNDER THIS SUBSECTION SHALL BE
22 MADE WITHIN 48 HOURS AFTER THE LAW ENFORCEMENT AGENCY DETERMINES
23 THE PERSON WHO VIOLATED SUBSECTION (1) IS LESS THAN 18 YEARS OF
24 AGE AND MAY BE MADE IN PERSON, BY TELEPHONE, OR BY FIRST-CLASS
25 MAIL.

26 (3) ~~(2)~~ Fifty percent of the fines collected under
27 subsection (1) shall be deposited with the state treasurer for

1 deposit in the general fund to the credit of the department of
2 public health for substance abuse treatment and rehabilitation
3 services.

4 (4) ~~(3)~~ A person who furnishes fraudulent identification
5 to a person less than 21 years of age, or a person less than 21
6 years of age who uses fraudulent identification to purchase alco-
7 holic liquor, is guilty of a misdemeanor. The court shall order
8 the secretary of state to suspend, for a period of 90 days, the
9 ~~operator~~ OPERATOR'S or ~~chauffeur~~ CHAUFFEUR'S license of a
10 person who is convicted of using fraudulent identification in
11 violation of this subsection and the ~~operator~~ OPERATOR'S or
12 ~~chauffeur~~ CHAUFFEUR'S license of that person shall be surren-
13 dered to the court. The court shall immediately forward the sur-
14 rendered license and a certificate of conviction to the secretary
15 of state. A suspension ordered under this subsection shall be in
16 addition to any other suspension of the person's ~~operator or~~
17 ~~chauffeur~~ license.

18 (5) ~~(4)~~ This section ~~shall~~ DOES not ~~be construed to~~
19 prohibit a person less than 21 years of age from possessing alco-
20 holic liquor during regular working hours and in the course of
21 his or her employment if employed by a person licensed ~~by~~ UNDER
22 this act, OR by the liquor control commission, or by an agent of
23 the liquor control commission, if the alcoholic liquor is not
24 possessed for his or her personal consumption.

25 (6) ~~(5)~~ This section ~~shall~~ DOES not ~~be construed to~~
26 limit the civil or criminal liability of the vendor or the

1 vendor's clerk, servant, agent, or employee for a violation of
2 this act.

3 (7) ~~(6)~~ The consumption of alcoholic liquor by a person
4 under 21 years of age who is enrolled in a course offered by an
5 accredited post secondary educational institution in an academic
6 building of the institution under the supervision of a faculty
7 member ~~shall~~ IS not ~~be~~ prohibited ~~by~~ UNDER this act if the
8 purpose is solely educational and a necessary ingredient of the
9 course.