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BILL



ANALYSIS

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Senate Bill 680 (as reported without amendment)  
Sponsor: Senator John Pappageorge  
Committee: Transportation

Date Completed: 10-22-09

### **RATIONALE**

Underage drinking is a persistent problem in Michigan. The 2007 Youth Risk Behavior Survey conducted by the Centers for Disease Control and Prevention found that, in the 30 days before the survey, 42.8% of high school students in Michigan reported having at least one drink, and 24.6% reported having five or more drinks in a row. Because it is difficult for those under the legal drinking age to purchase alcohol, they frequently must ask someone to buy it for them. While it is a crime to provide alcohol to a minor, many people may not be aware of the penalties for doing so. It has been suggested that the Secretary of State should notify all those over the age of 21 of the criminal penalties for providing alcohol to a minor, to help reduce the incidence of underage drinking in the State.

### **CONTENT**

**The bill would amend the Michigan Vehicle Code to require the Secretary of State (SOS), when issuing or renewing an individual's driver license, to notify the individual in writing of the prohibition against and the penalties for selling or furnishing alcoholic liquor to a minor in violation of the Michigan Liquor Control Code.**

That information would have to be provided to an individual who was 21 years of age or older and who was not previously issued the information. The information would have to be in a form determined appropriate by the SOS.

(Under the Liquor Control Code, a person (other than a retail licensee or the clerk,

employee or agent of a retail licensee) who furnishes or sells alcoholic liquor to a minor is guilty of a misdemeanor punishable by a maximum fine of \$1,000 and imprisonment for up to 60 days for a first offense, and a maximum fine of \$2,500 and imprisonment for up to 90 days for a second or subsequent offense. The person also may be ordered to perform community service.

Furnishing or selling alcoholic liquor to a minor is a felony punishable by up to 10 years' imprisonment or a maximum fine of \$5,000, or both, if the minor's subsequent consumption of the alcohol is a direct and substantial cause of his or her death or an accidental injury that causes his or her death.

A retail licensee or the clerk, employee, or agent of a retail licensee who violates the Code is guilty of a misdemeanor punishable by imprisonment for up to six months or a maximum fine of \$500, or both.)

MCL 257.314a

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

The bill would create a simple, common sense way to reduce the incidence of underage drinking in Michigan. One of the most common ways for young people to obtain alcohol is to ask older friends, family members, or even strangers to purchase it for them. Supplying alcohol to a minor is a

crime that can carry serious penalties, but most adults are unaware of the consequences of that action. Having that information could make adults think twice about buying alcohol for minors, or could give them a persuasive reason to deny such a request.

Michigan already has taken steps to curb underage drinking, including issuing those under the age of 21 a vertical format license that makes it easier to identify individuals under the legal drinking age. It would be a simple matter to include a slip of paper with driver license renewals to notify residents of the penalties for providing alcohol to minors. Once all drivers had been notified, the notifications could be limited to those who were just turning 21, helping to reduce the costs of distributing the information.

**Response:** Mailed license renewals are processed automatically in bulk, and it would be expensive and time-consuming to sort out those going to 21-year-olds. The increased handling costs would overwhelm any savings from reducing the number of inserts. It would be cheaper simply to send the same information with every renewal. Also, although the bill would not require the information to be provided to individuals renewing State personal ID cards, they are handled in the same manner as license renewals and therefore would receive the same insert. About 10% of all renewals are for State personal ID cards, and the rest are for driver license renewals.

Also, the bill should identify a source of funding to cover the costs of distributing the required information. The Department of State already is operating under very tight budget constraints.

Legislative Analyst: Curtis Walker

### **FISCAL IMPACT**

According to the Department of State, compliance with the bill could require the mailing of a notice with each license renewal for people aged 21 and older. There are approximately 2.3 million such mailings per year and the Department estimates that the cost to include an insert with each mailing is 3.5 cents per envelope, for an estimated annual cost of \$80,500.

Fiscal Analyst: Joe Carrasco

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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.