

MICHIGAN LIQUOR CONTROL CODE OF 1998 (EXCERPT)
Act 58 of 1998

***** 436.1909.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 10, 2017 *****

436.1909.amended Violation of act as misdemeanor or felony; penalties or sanctions; remedies; violation of MCL 436.1203; "person" defined; legislative intent.

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

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

(3) A person who performs an act for which a license is required under this act without first obtaining that license or who sells alcoholic liquor in a county that has prohibited the sale of alcoholic liquor under section 1107 is guilty of a felony punishable by imprisonment for not more than 1 year or by a fine of not more than \$1,000.00, or both.

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

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

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

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

(5) Subject to subsection (6), a person, whether or not a licensee, who sells, delivers, or imports beer or wine in violation of section 203(1) is subject to the following penalties or sanctions:

(a) A person who sells, delivers, or imports beer or wine in violation of section 203(1) in the amount of at least 225,000 milliliters is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

(b) A person who sells, delivers, or imports beer or wine in violation of section 203(1) in the amount of at least 45,000 milliliters but less than 225,000 milliliters is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$2,500.00, or both.

(c) A person who sells, delivers, or imports beer or wine in violation of section 203(1) in the amount of less than 45,000 milliliters is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(6) As used in subsection (5), "person" does not include any of the following:

(a) An air carrier as that term is defined in 49 USC 40102.

(b) A freight forwarder as that term is defined in 49 USC 13102.

(c) A motor carrier as that term is defined in 49 USC 13102.

(7) The remedies under this act are cumulative and independent. The use of 1 remedy by a person does not bar the use of other lawful remedies by the person or the use of a lawful remedy by another person.

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

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998;—Am. 2010, Act 175, Imd. Eff. Sept. 30, 2010;—Am. 2017, Act 87, Eff. Oct. 10, 2017.