

# HOUSE BILL No. 4539

March 28, 2001, Introduced by Reps. Bernero, Murphy, Whitmer, Plakas, Spade and Waters and referred to the Committee on Commerce.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 411t.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 411T. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A  
2 HOTEL OR BED AND BREAKFAST, AND AN EMPLOYEE OF THE HOTEL OR BED  
3 AND BREAKFAST, WHO KNOWINGLY RENTS OR LEASES A HOTEL ROOM OR A  
4 BED AND BREAKFAST ROOM TO A MINOR, OR FAILS TO MAKE DILIGENT  
5 INQUIRY AS TO WHETHER THE INDIVIDUAL IS A MINOR, IS GUILTY OF A  
6 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 6 MONTHS  
7 OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

8        (2) A HOTEL OR BED AND BREAKFAST MAY RENT OR LEASE A HOTEL  
9 ROOM OR A BED AND BREAKFAST ROOM TO A MINOR IF A PARENT OR  
10 GUARDIAN OF THE MINOR DOES EITHER OF THE FOLLOWING:

1 (A) APPEARS IN PERSON AT THE HOTEL OR BED AND BREAKFAST AND  
2 GIVES HIS OR HER VERBAL PERMISSION TO THE HOTEL OR BED AND  
3 BREAKFAST FOR THE MINOR TO RENT OR LEASE THE ROOM.

4 (B) GIVES WRITTEN PERMISSION TO THE HOTEL OR BED AND BREAK-  
5 FAST FOR THE MINOR TO RENT OR LEASE THE ROOM, DELIVERED IN PERSON  
6 BY THE PARENT OR GUARDIAN TO THE HOTEL OR BED AND BREAKFAST OR TO  
7 AN AFFILIATE OF THE HOTEL OR BED AND BREAKFAST.

8 (3) IN AN ACTION FOR A VIOLATION OF THIS SECTION, PROOF THAT  
9 THE DEFENDANT OR THE DEFENDANT'S EMPLOYEE DEMANDED AND WAS SHOWN  
10 A MOTOR VEHICLE OPERATOR'S OR CHAUFFEUR'S LICENSE, A REGISTRATION  
11 CERTIFICATE ISSUED BY THE FEDERAL SELECTIVE SERVICE, OR OTHER  
12 BONA FIDE DOCUMENTARY EVIDENCE OF THE AGE AND IDENTITY OF AN  
13 INDIVIDUAL BEFORE RENTING OR LEASING A HOTEL ROOM OR BED AND  
14 BREAKFAST ROOM TO THE INDIVIDUAL IS A DEFENSE TO AN ACTION  
15 BROUGHT UNDER THIS SECTION.

16 (4) AS USED IN THIS SECTION:

17 (A) "AFFILIATE" MEANS A HOTEL OR BED AND BREAKFAST THAT IS  
18 IN CONTROL OF, IS UNDER THE CONTROL OF, OR IS UNDER COMMON CON-  
19 TROL WITH ANOTHER HOTEL OR BED AND BREAKFAST.

20 (B) "BED AND BREAKFAST" MEANS THAT TERM AS DEFINED IN SEC-  
21 TION 4B OF THE STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION  
22 CODE ACT, 1972 PA 230, MCL 125.1504B.

23 (C) "DILIGENT INQUIRY" MEANS A DILIGENT GOOD FAITH EFFORT TO  
24 DETERMINE THE AGE OF AN INDIVIDUAL, THAT INCLUDES AT LEAST AN  
25 EXAMINATION OF AN OFFICIAL MICHIGAN OPERATOR'S OR CHAUFFEUR'S  
26 LICENSE, AN OFFICIAL MICHIGAN PERSONAL IDENTIFICATION CARD, OR  
27 ANY OTHER BONA FIDE PICTURE IDENTIFICATION THAT ESTABLISHES THE

1 IDENTITY AND AGE OF THE INDIVIDUAL, THE EMANCIPATED STATUS OF A  
2 MINOR, OR BOTH.

3 (D) "HOTEL" MEANS THAT TERM AS DEFINED IN SECTION 1 OF 1913  
4 PA 188, MCL 427.1.

5 (E) "MINOR" MEANS AN INDIVIDUAL UNDER 18 YEARS OF AGE WHO IS  
6 NOT EMANCIPATED UNDER SECTION 4 OF 1968 PA 293, MCL 722.4.