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House Bill 5198 (Substitute S-1 as reported)  
House Bill 5199 (Substitute S-2 as reported)  
Sponsor: Representative Harold Haugh  
House Committee: Transportation  
Senate Committee: Economic Development and Regulatory Reform

## **CONTENT**

House Bill 5198 (S-1) would amend the Michigan Liquor Control Code and House Bill 5199 (S-2) would amend the Michigan Vehicle Code to require the Secretary of State to suspend the driver license of a person convicted of a second or subsequent offense of selling or furnishing alcohol to a minor, if the person were not a retail licensee or a clerk, agent, or employee of a retail licensee.

The Liquor Control Code prohibits the sale or furnishing of alcohol to a minor (a person under 21), and includes various penalties for a violation. A violator who is not a retail licensee or a retail licensee's clerk, agent, or employee is guilty of a misdemeanor punishable by a maximum fine of \$1,000 and up to 60 days' imprisonment for a first offense, or a maximum fine of \$2,500 and up to 90 days' imprisonment for a second or subsequent offense, and may be ordered to perform community service. (Enhanced penalties apply if the minor's subsequent consumption of alcohol is a direct and substantial cause of his or her death or an accidental injury that causes the minor's death.)

House Bill 5198 (S-1) would require the Secretary of State, for a second or subsequent offense, to suspend the operator's or chauffeur's license of a person who was not a retail licensee or retail licensee's clerk, agent, or employee, as provided in Section 319 of the Michigan Vehicle Code. House Bill 5199 (S-2) would add the same requirement to that section.

The bills are tie-barred and would take effect on June 30, 2011.

MCL 436.1701 (H.B. 5198)  
257.319 (H.B. 5199)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bills would generate additional revenue to the State as a result of the Secretary of State's suspending an individual's driver license. Drivers who have their license suspended must pay a \$125 driver license reinstatement fee. The fee is then distributed as follows: Secretary of State (\$50); Michigan Department of Transportation Economic Development Fund (\$35); Drunk Driving Prevention Equipment and Training Fund (\$10); and Drunk Driving Case Flow Assistance Fund (\$30). The amount of additional revenue would depend on the number of convictions for a second or subsequent offense of selling or furnishing alcohol to a minor.

Date Completed: 9-21-10

Fiscal Analyst: Joe Carrasco