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BILL ANALYSIS



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House Bill 5198 (Substitute H-1 as passed by the House)  
House Bill 5199 (Substitute H-1 as passed by the House)  
Sponsor: Representative Harold Haugh  
House Committee: Transportation  
Senate Committee: Economic Development and Regulatory Reform

Date Completed: 9-14-10

### **CONTENT**

**House Bills 5198 (H-1) and 5199 (H-1) would amend the Michigan Liquor Control Code and the Michigan Vehicle Code, respectively, to allow a sentencing court to order a driver license suspension for a person convicted 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 bills are tie-barred.

#### **House Bill 5198 (H-1)**

The Liquor Control Code prohibits the sale or furnishing of alcohol to a minor, and includes various penalties for a violation. (Under the Code, "minor" means a person under 21 years of age.) A person who is not a retail licensee or a retail licensee's clerk, agent, or employee and who violates the prohibition 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. (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, the violation is a felony, punishable by up to 10 years' imprisonment and/or a maximum fine of \$5,000.)

Under the bill, in addition to the current penalties, the sentencing court could order the Secretary of State 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 and who was convicted of violating the prohibition against selling or furnishing alcohol to a minor, as provided in Section 319 of the Michigan Vehicle Code.

#### **House Bill 5199 (H-1)**

The bill would amend Section 319 of the Vehicle Code to allow a court to order the Secretary of State to suspend a person's driver license for 180 days for selling or furnishing alcohol to a minor, if the person were not a retail licensee or a retail licensee's clerk, agent, or employee.

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 as a result of the proposed legislation.

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.