



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 630 (as introduced 10-12-17)  
Sponsor: Senator Rick Jones  
Committee: Judiciary

Date Completed: 10-16-17

**CONTENT**

**The bill would amend the Michigan Vehicle Code to do the following:**

- **Change a reference to a provision of the Michigan Liquor Control Code that prohibits a minor from purchasing, consuming, or possessing liquor to refer instead to provisions making a second or subsequent violation of that prohibition a misdemeanor.**
- **Require the clerk of a court to forward an abstract of the court record to the Secretary of State upon a finding or admission of responsibility (instead of a conviction) for a violation of the Liquor Control Code involving the sale or furnishing of alcohol to a minor or a minor's purchase, consumption, or possession of alcohol.**

The bill would take effect on January 1, 2018.

**Notice of Driver License Sanctions**

Under the Michigan Vehicle Code, if an individual is charged with, or convicted of, a violation of Section 624a (transportation or possession of open alcoholic liquor in motor vehicle), Section 624b (transportation or possession of alcoholic liquor by an individual less than 21 years of age), or Section 703(1) of the Liquor Control Code or a substantially corresponding local ordinance and he or she fails to answer a citation or a notice to appear in court or fails to comply with an order or judgment of the court, the court must immediately give notice by first-class mail that if the individual fails to appear within seven days after the notice is issued, or fails to comply with the court order or judgment within 14 days after the notice is issued, the Secretary of State (SOS) must suspend his or her operator's or chauffeur's license.

The bill would revise the reference to Section 703(1) of the Liquor Control Code to refer instead to Section 703(1)(b) or (c) of the Code. (Please see **BACKGROUND** for information on those offenses.)

Within 28 days after an individual fails to appear in response to a citation issued for, or fails to comply with an order or judgment involving, a State civil infraction, the court must give notice by ordinary mail that if he or she fails to appear or comply with the order or judgment within 14 days after the notice is issued, the court will notify the SOS. Upon receiving notice of that failure, the SOS may not issue or renew the individual's operator's or chauffeur's license until both of the following occur: a) the court informs the SOS that the individual has resolved all outstanding matters regarding each notice or citation; and b) he or she has paid to the court a \$45 driver license clearance fee.

Under the bill, this would apply except for a violation of Section 624a or 624b of the Michigan

Vehicle Code or Section 703(1)(b) or (c) of the Michigan Liquor Code or a substantially corresponding local ordinance that would require the court to provide notice as described above.

### Abstract of Court Record

The Michigan Vehicle Code requires each municipal judge and each clerk of a court of record to keep a full record of every case in which a person is charged with or cited for a violation of the Code or a substantially corresponding local ordinance regulating the operation of vehicles on highways, and with those offenses pertaining to the operation of off-road vehicles (ORVs) or snowmobiles for which points are assessed on a person's driving record (offenses pertaining to the operation of a motor vehicle, ORV, or snowmobile under the influence of alcohol or a controlled substance). The Code also lists a number of other offenses for which the clerk of a court must forward an abstract of the court record to the SOS after an individual's conviction. These include, for example, motor vehicle theft; negligent homicide or manslaughter resulting from the operation of a vehicle; a violation of the Public Health Code involving controlled substances; a violation of motor carrier regulations pertaining to commercial vehicles; and a violation of motor vehicle insurance requirements.

In addition, the clerk of the court must forward an abstract of the court record to the SOS upon an individual's conviction for a violation of Section 701(1) and 703 of the Michigan Liquor Control Code or a substantially corresponding local ordinance. Under the bill, for such a violation, the court clerk would have to forward an abstract of the court record to the SOS upon a finding or admission of responsibility.

MCL 257.321a & 257.732

### **BACKGROUND**

Section 703 of the Michigan Liquor Control Code prohibits a minor from purchasing or attempting to purchase, consuming or attempting to consume, or possessing or attempting to possess alcoholic liquor, or from having any bodily alcohol content, except as otherwise provided. A minor who violates Section 703(1) is guilty of a misdemeanor. The offense is commonly referred to as minor in possession, or MIP.

Effective January 1, 2018, under Section 703(1)(a), a minor who violates Section 703(1) for the first time will be responsible for a State civil violation, punishable by a \$100 fine. Under Section 703(1)(b), if a violation occurs after one prior judgment, the minor will be guilty of a misdemeanor punishable by up to 30 days' imprisonment (if the minor violated a probation order, failed to complete court-ordered treatment, screening, or community service, or failed to pay a fine for a previous conviction), a maximum fine of \$200, or both. Under Section 703(1)(c), if a violation occurs after two or more prior judgments, the minor will be guilty of a misdemeanor punishable by up to 60 days' imprisonment (under the same circumstances listed above), a maximum fine of \$500, or both.

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ryan Bergan

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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.