



**House  
Legislative  
Analysis  
Section**

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**MINORS POSSESSING ALCOHOL**

**House Bill 4722**

**Sponsor: Rep. David Jaye**

**Committee: Regulatory Affairs**

**Complete to 5-1-95**

**A SUMMARY OF HOUSE BILL 4722 AS INTRODUCED 4-25-95**

House Bill 4722 would amend the Michigan Vehicle Code to alter penalties for conduct relating to the possession or transportation of alcohol in a motor vehicle by a person under 21 years of age.

**\*\* A person under 21 years of age would be prohibited from knowingly transporting alcohol in a motor vehicle; violation would be a civil infraction. Exceptions would be provided for those in certain types of employment or those accompanied by a person at least 21 years of age.**

**\*\* The owner of a vehicle used by a minor in the transporting of alcohol could have his or her vehicle impounded for 15 to 30 days if the court found that the person had knowledge of, or gave express or implied consent to, the use of the vehicle for transporting alcohol. Upon a complaint by the arresting officer, the court would issue an order to the vehicle owner, requiring him or her to show cause as to why the vehicle should not be impounded. A vehicle would not be impounded until after a hearing was held, and could not be impounded if the owner was able to show that the vehicle was needed in the direct pursuit of his or her employment or the actual operation of his or her business. During an impoundment, the vehicle would be held at a public or private garage at the expense and risk of the owner. Impoundment of a vehicle could be appealed under provisions governing the taking of appeals from judgements for damages. A lienholder's rights would not be affected under these provisions. A person who knowingly transferred title to a vehicle in order to avoid impoundment would be responsible for a civil infraction.**

**\*\* Upon entry of a civil infraction determination for a person under 21 possessing or transporting alcohol in a motor vehicle, all prior violations of this section would be used by the court in determining periods of license suspension. For one prior offense, an operator's or chauffeur's license would be suspended for 90 to 180 days; for two or more prior offenses, for 180 days to one year. Restricted licenses could be granted by the court after 30 and 60 days, respectively, of the suspension period. This suspension would be in addition to any other suspension of the person's license. An appeal to circuit court would stay the suspension pending the outcome of the appeal. For a person who did not possess a driver's license, the secretary of state would deny an application for a license for the applicable suspension period.**

**\*\* Within 48 hours of determining that an alleged violator was less than 18 years of age, a law enforcement agency would have to notify the minor's parent or legal guardian.**

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**\*\* Under current law, failure to answer a citation or a notice to appear in court for violations under the Michigan Vehicle Code does not result in points being added to a person's license. The bill would extend this provision to violations of the provision of the Michigan Liquor Control Act (MCL 436.33b, amended by Public Act 447 of 1994) that establishes penalties for the purchase, possession, or consumption of alcohol by a person under 21 years of age.**

**\*\* A person cited for or determined to be responsible for an underage drinking violation under section 33b of the Michigan Liquor Control Act would have his or her driver's license suspended if he or she first failed to answer a citation or a notice to appear in court or failed to comply with an order or judgment of the court and then failed to respond to a subsequent notice from the court giving the person seven days to appear or fourteen days to comply.**

**\*\* The bill would also delete a provision stipulating that the license reinstatement fee for violations under a section of the Michigan Vehicle Code that provides for the mandatory suspension of a license upon conviction of certain crimes be divided between the Department of State and the underage drinking case information management fund. (The \$125 fee for reinstating a license lost for other offenses would, as now, be divided between the department and two funds related to anti-drunk driving activities or the drug case information management fund.)**

The bill would take effect April 1, 1995.

MCL 257.320 et. al.