



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 5550 (as reported without amendment)
Sponsor: Representative James Ryan
House Committee: Judiciary and Civil Rights
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Liquor Control Act to establish a maximum civil fine of \$100 for the State civil infraction of refusal by a person less than 21 years of age to submit to a preliminary chemical breath test analysis. The violation currently is designated as a State civil infraction, but the Act is silent on the question of a fine.

In addition, the bill would delete a requirement, rendered unenforceable by Public Act 122 of 1995, that 50% of fines collected for a minor's illegal purchase, consumption, or possession of alcohol be deposited with the State Treasurer for deposit in the General Fund to the credit of the Department of Public Health for substance abuse prevention, treatment, and rehabilitation. (Public Act 122 changed those sanctions from civil fines to criminal fines. Since Article VIII, Section 9 of the State Constitution requires penal fines to be used exclusively for the support of public libraries, the Liquor Control Act's requirement that the fines be used for substance abuse prevention, treatment, and rehabilitation is in conflict with the Constitutional requirement.)

MCL 436.33b

Legislative Analyst: P. Affholter

FISCAL IMPACT

The provisions of the bill that would strike the requirement that 50% of the revenue collected from fines imposed on underage drinkers be credited to the Department of Public Health (DPH) would have no fiscal impact. A previously enacted amendment to this Act (Public Act 122 of 1995) converted these fines from civil to penal fines; thus, per Article VIII, Section 9 of the State Constitution, the \$80,000 previously allocated annually to the DPH, will be dedicated to libraries.

The provisions of the bill that would impose a fine of up to \$100 on persons under 21, who do not consent to a breathalyzer, would result in an indeterminate increase in revenue that would be dedicated to libraries. The amount of revenue would depend on the number of violations and the level of the fine imposed. Guidelines issued by the State Court Administrator's Office for a similar violation by adults recommend a \$54 fine.

Date Completed: 3-19-96

Fiscal Analyst: P. Graham

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