

HOUSE BILL No. 4416

March 1, 2005, Introduced by Reps. Stahl, Nofs, Hummel, Shaffer, Gosselin, Accavitti, Taub, Elsenheimer, Van Regenmorter, Spade, Sheen, Lipsey, Robertson, Schuitmaker, Casperson, Moolenaar, Walker, Pearce and Lemmons, III and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled
"Michigan liquor control code of 1998,"
(MCL 436.1101 to 436.2303) by adding sections 709 and 711.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 709. (1) AN INDIVIDUAL HAVING A VERTICAL OR PORTRAIT
2 OPERATOR'S OR CHAUFFEUR'S LICENSE AS DESCRIBED IN SECTION 310(17)
3 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.310, OR A
4 VERTICAL OR PORTRAIT STATE OF MICHIGAN IDENTIFICATION CARD
5 DESCRIBED IN SECTION 2 OF 1972 PA 222, MCL 28.292, SHALL NOT
6 PURCHASE OR ATTEMPT TO PURCHASE ALCOHOLIC LIQUOR AT RETAIL.

7 (2) THIS SECTION DOES NOT PREVENT AN INDIVIDUAL HAVING A
8 VERTICAL OR PORTRAIT OPERATOR'S OR CHAUFFEUR'S LICENSE AS DESCRIBED

1 IN SECTION 310(17) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
2 257.310, OR A VERTICAL OR PORTRAIT STATE OF MICHIGAN IDENTIFICATION
3 CARD DESCRIBED IN SECTION 2 OF 1972 PA 222, MCL 28.292, FROM
4 CONSUMING ALCOHOLIC LIQUOR IF NOT OTHERWISE PROHIBITED BY THIS ACT,
5 BY LAW, OR BY ORDER OF A COURT OF COMPETENT JURISDICTION.

6 (3) AN INDIVIDUAL FOUND GUILTY OF VIOLATING THIS SECTION IS
7 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
8 THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH, AND IS
9 SUBJECT TO SECTION 310 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
10 MCL 257.310.

11 SEC. 711. (1) AS USED IN THIS SECTION:

12 (A) "DISALLOWED PURCHASER" MEANS AN INDIVIDUAL WITH A VERTICAL
13 OR PORTRAIT OPERATOR'S OR CHAUFFEUR'S LICENSE AS DESCRIBED IN
14 SECTION 310(17) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
15 257.310, OR A VERTICAL OR PORTRAIT STATE OF MICHIGAN IDENTIFICATION
16 CARD DESCRIBED IN SECTION 2 OF 1972 PA 222, MCL 28.292.

17 (B) "PROPER IDENTIFICATION" MEANS A VALID MICHIGAN OPERATOR'S
18 OR CHAUFFEUR'S LICENSE, A VALID STATE OF MICHIGAN IDENTIFICATION
19 CARD ISSUED UNDER 1972 PA 272, MCL 28.291 TO 28.300, OR A VALID
20 IDENTIFICATION CARD OR OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED BY
21 ANOTHER STATE OR COUNTRY.

22 (2) A RETAIL LICENSEE SHALL NOT SELL ALCOHOLIC LIQUOR TO AN
23 INDIVIDUAL UNLESS THE LICENSEE OR THE LICENSEE'S CLERK, AGENT, OR
24 EMPLOYEE REQUESTS AND IS SHOWN PROPER IDENTIFICATION. A SUITABLE
25 SIGN DESCRIBING THE CONTENT OF THIS SECTION AND THE PENALTIES FOR
26 ITS VIOLATION SHALL BE POSTED IN A CONSPICUOUS PLACE IN EACH ROOM
27 WHERE ALCOHOLIC LIQUOR IS SOLD.

1 (3) A RETAIL LICENSEE SHALL NOT KNOWINGLY SELL ALCOHOLIC
2 LIQUOR TO AN INDIVIDUAL WHO, AFTER PRESENTING PROPER
3 IDENTIFICATION, IS DETERMINED BY THE LICENSEE OR THE LICENSEE'S
4 CLERK, AGENT, OR EMPLOYEE TO BE A DISALLOWED PURCHASER.

5 (4) THIS SECTION DOES NOT PREVENT A DISALLOWED PURCHASER FROM
6 CONSUMING ALCOHOLIC LIQUOR IF NOT OTHERWISE PROHIBITED BY THIS ACT,
7 BY LAW, OR BY ORDER OF A COURT OF COMPETENT JURISDICTION.

8 (5) THIS SECTION DOES NOT REQUIRE A RETAIL LICENSEE OR THE
9 LICENSEE'S CLERK, AGENT, OR EMPLOYEE TO PREVENT A DISALLOWED
10 PURCHASER FROM CONSUMING ALCOHOLIC LIQUOR.

11 (6) IN AN ADMINISTRATIVE, CIVIL, OR CRIMINAL ACTION FOR THE
12 VIOLATION OF THIS SECTION, PROOF THAT THE LICENSEE OR THE
13 LICENSEE'S CLERK, AGENT, OR EMPLOYEE DEMANDED AND WAS SHOWN PROPER
14 IDENTIFICATION IS A DEFENSE TO THAT ACTION.

15 Enacting section 1. This amendatory act does not take effect
16 unless all of the following bills of the 93rd Legislature are
17 enacted into law:

18 (a) Senate Bill No.____ or House Bill No. 4417(request no.
19 00080'05 a).

20 (b) Senate Bill No.____ or House Bill No. 4418(request no.
21 00080'05 b).