



Appendix B: Commonwealth of Massachusetts and Town of Wellesley Liquor Laws

M.G.L.c.138, §34c. "Persons under 21 years of age operation of motor vehicles containing alcoholic beverages". §34c. States in part [Whoever, being under 21 years of age and not accompanied by a parent or legal guardian, knowingly possesses, transports or carries on his person, any alcohol or alcoholic beverages, shall be punished by a fine of not more than \$50 for the first offense and not more than \$150 dollars for a second or subsequent offense. A police officer may arrest without a warrant any person who violates this section. A conviction of a violation of this section shall be reported forthwith to the registrar of motor vehicles by the court, and said registrar shall thereupon suspend for a period of ninety days the license of such person to operate a motor vehicle.]

M.G.L.c.138, §34 provides that supplying alcohol to a person under the age of 21 years may be punished by a fine up to \$2,000 or imprisonment in jail for not more than one year or both. (Note: this includes dispensing alcohol at private house parties).

M.G.L.c.90, § 24 "Operating a motor vehicle while under the influence of intoxicants" provides for a loss of license of persons under 21 with an alcohol level of .02. An alcohol level of .08 is considered legally intoxicated. Refusal to submit to a breath test if under 21 years equals a loss of license for no less than three years.

If the person found to have been drinking is under 17 years of age, then the person responsible can be charged with M.G.L.c.119, § 63 (Contributing to the Delinquency of a Minor). Conviction can mean a fine of up to \$500 or jail for not more than 1 year, or both.

M.G.L.c.272, § 53 provides in part [keepers of noisy and disorderly houses may be punished by imprisonment in a jail or house of correction for not more than 6 months, or by a fine of not more than \$200, or by both such fine and imprisonment.]

Possession of False Identification. M.G.L.c.138, § 34A provides that any person who attempts to purchase alcohol, or misrepresents his/her age, or falsifies, or defaces his/her identification offered as proof of age to purchase alcohol faces a fine of \$300 and a 180 day loss of license. (This includes anyone making arrangements to have alcohol purchased for them.)

Note: If a person leaves a resident's home after consuming alcohol, and is injured, or causes another to be injured, or causes property damage, then the home owner, and/or the person who let that party leave the home in that condition, could be held responsible under the criminal laws as well as held liable in a civil action.

Town of Wellesley By-Laws - Article 49. Police Regulations

49.19 Possession and Use of Alcoholic Beverages. No person shall consume an alcoholic beverage as defined by General Law Chapter 138, Section 1, as amended, or possess an opened container of such beverage, within the limits of any park, playground, public building or any public land (but not to include a public way) owned and under the control of the Town of Wellesley except with written permission of the Board of Selectmen, nor shall any person consume an alcoholic beverage, as defined in said Section 1, on any public way or way to which the public has a right of access as invitees or licensees, including a person in a motor vehicle while it is in, on, or upon any public way or any way to which the public has a right of access as aforesaid, within the limits of the Town of Wellesley; and no person shall consume any alcoholic beverages, as previously defined, in, on, or upon any private land or place without the consent of the owner or person in control of such private land or place.

Any person who violates this section may be arrested by a police officer without a warrant.

All alcoholic beverages being used in violation of this sentence may be seized and held until final adjudication of the charge against any such person or person has been made by the court.

Whoever violates the provisions of this section shall be punished by a fine not exceeding fifty (50) dollars for such offense.

This information is also available on the Wellesley College website at <http://www.wellesley.edu/studentlife/aboutus/handbook/campus/laws>