

## STATE ID CARD ACCEPTANCE

### House Bill 4635 as introduced First Analysis (5-8-97)

**Sponsor: Rep. Lyn Bankes**  
**Committee: Commerce**

#### ***THE APPARENT PROBLEM:***

Public Act 222 of 1972 provides for the issuance of the official state personal identification card, which is often obtained and carried by people who do not own a driver's license--such as those who do not wish to or cannot drive, those who lose their driving privileges (for instance, for drunk driving), or perhaps by college students or others who are in Michigan legally from another country. Persons who obtain a state ID card then are able to show identification for various purposes, such as when cashing a check. However, it has recently been pointed out that some retail establishments and financial institutions, for various reasons, do not accept the state ID card for purposes of identification. Some people believe because the state ID card contains the same information included on a driver's license, such as a picture of its holder, his or her birth date, address, and other identifying information, that the act should require people to treat it in the same fashion as a valid driver's license for identification purposes, to encourage businesses to more readily accept it. It has also been suggested that the same penalties should apply to persons who put false information on the state ID card as currently apply to those who do this with a driver's license.

#### ***THE CONTENT OF THE BILL:***

The bill would amend Public Act 222 of 1972, which provides for issuance of the official state personal identification card, to specify that a valid official state personal identification card that was presented by the person to whom it was issued would be considered the same as a valid state of Michigan driver's license when identification was requested. The bill would take effect January 1, 1998.

Currently, someone who falsely represents information on an application for a state ID card is guilty of a misdemeanor. Under the bill, this would be a felony punishable by imprisonment for at least one year but no more than five years, or a fine of not less than \$500 but not more than \$5,000, or both. A second violation would be a felony punishable by two to seven years imprisonment, a fine of \$1,500 to \$7,000, or both. A third or subsequent violation would be a felony

punishable by 5 to 15 years imprisonment, a fine of \$5,000 to \$15,000, or both.

MCL 28.292 and 28.293

#### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill would have an indeterminate fiscal impact on state and local governments. Additional state and/or local costs may be associated with increased prosecutorial activity as a result of changing the law. In addition, local revenues might be expected to increase with the provision subjecting anyone convicted of a violation to certain fines. (5-5-97)

#### ***ARGUMENTS:***

##### ***For:***

Because the official state personal ID card generally contains as much identifying information as an official state driver's license, it should be considered equally valid by anyone to whom it is shown for purposes of identification. Apparently, there are some businesses that choose not to accept this card when a person is asked to show identification, say, for a purchase or to cash a check. The bill not only would require a valid state ID card to be "considered the same" as a valid state driver's license for identification purposes, it also would add stringent penalty provisions to the act specifying that someone caught using a state ID card with false information on it would be guilty of a felony and, depending on the number of times caught and convicted of such behavior, subject to significant jail terms or fines, or both. Thus, state ID card holders could be assured their cards would be accepted for identification purposes most anywhere, while business establishments would have less to fear in accepting them as persons caught and convicted of using fake state ID cards would be subject to the same severe penalties that persons caught using fake driver's licenses currently are subject to. And businesses still could decide not to accept a valid state ID card, just as they currently may refuse to accept a valid driver's license for identification purposes; the bill, however, would make it more difficult for them to categorically refuse accepting the

state ID card--sometimes, for discriminatory reasons--if they customarily accept the driver's license.

***Against:***

It should be noted that sometimes a retailer's refusal to accept state ID cards stems from a legitimate uncertainty as to whether the ID has been tampered with because they see fewer of them and are less certain of the contents than they might be of a drivers' license, rather than out of any desire on the part of the retailer to discriminate against people holding them. As a result, the bill risks penalizing those scrupulous retailers who are unwilling to accept questionable identification. Furthermore, although the bill purports to force retailers who purposefully discriminate against people who have state identification cards instead of driver's licenses to accept state identification cards, it is likely that those retailers will find other ways to continue their discriminatory behavior.

***POSITIONS:***

The Department of State supports the bill. (5-7-97)

The Michigan Retailers Association has not taken a position on the bill at this time. (5-7-97)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.