



Romney Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

STATE ID CARD ACCEPTANCE

House Bill 4635 as enrolled
Public Act 2 of 1998
Second Analysis (4-15-98)

Sponsor: Rep. Lyn Bankes
House Committee: Commerce
Senate Committee: Government Operations

THE APPARENT PROBLEM:

Public Act 222 of 1972 provides for the issuance of the official state personal identification card, which contains the same identification information as is included on a driver's license, such as the holder's picture, date of birth, address, and signature. Usually a state ID is obtained and carried by people who do not have 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 can use it for the purpose of providing identification in various situations, such as when cashing a check. It has been pointed out, however, that despite the fact that state ID cards have been issued for over 25 years now, some retail establishments and financial institutions refuse to accept the state ID card as adequate identification. It has been suggested that in order to encourage the acceptance of the state ID card as valid identification, the act should be amended to require people to treat it in the same fashion as a valid driver's license for identification purposes. 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, except as otherwise provided by law, a valid official state personal identification card presented by the person to whom it was issued would have to be considered the same as a valid state of Michigan driver's license when identification was requested. The bill would take effect July 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. (4-15-98)

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

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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.

Analyst: W. Flory

■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.