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DRIVERS LICENSE & ID CARD FOR MINORS

Senate Bill 924 as passed by the Senate
Sponsor: Sen. Shirley Johnson

Senate Bill 925 as passed by the Senate
Sponsor: Sen. Loren Bennett

First Analysis (5-30-02)
House Committee: Transportation
**Senate Committee: Transportation and
Tourism**

THE APPARENT PROBLEM:

In addition to regulating the sale of alcohol through a system of liquor licenses owned by 15,000 licensees, the Michigan Liquor Control Commission works to reduce the sale of alcohol to minors--to curtail illegal sales on-premise, in bars and restaurants, as well as sales done off-premise, in groceries and party stores. At both sites waiters and clerks sometimes sell alcohol illegally to underage consumers--those less than 21 years old.

To curb illegal sales, the 45 officers of the Liquor Control Commission's enforcement division conduct 3,000 "controlled buys" each year. During "controlled buys," young people who are 19 years of age and have a valid drivers license are hired to buy alcohol illegally, in order to identify the licensees who violate the law. In past years, the "controlled buy" operations have revealed that about 30 percent of the time, a clerk or waiter will sell alcohol to minors unlawfully, although the percentage has declined somewhat in recent years. For example, during the month of February 2002 there were 350 "controlled buys", and 83 of the clerks or waiters--24 percent--sold alcohol illegally to the decoys sent by the enforcement division to attempt an unlawful purchase. In March, a month later, 29 percent of the clerks or waiters sold to the decoy. In contrast, throughout the previous year, 34 percent of clerks and waiters sold to the underage decoys, on average.

Further, the enforcement division notes that among the 30 percent, or roughly 1,000 licensees, who sell illegally during the "sting" operations, fully 75 percent do so *after* asking the 19 year-old for his or her license, checking the age, and seeing, one could assume, the license's bold notation that the license-holder is under 21 years of age. Indeed, during

February 2002, 75 percent of those who sold to decoys looked at the drivers license before selling the alcohol illegally; a month later 81 percent checked the ID before selling to the minor. The enforcement division of the Liquor Control Commission speculates that these clerks or waiters are sometimes intimidated by those making alcohol purchases while underage. More often, they suspect the clerks and waiters are careless and confused--too busy with many customers, or unable to make on-the-spot calculations to ascertain a purchaser's age.

The chairman of the Liquor Control Commission and others believe that an extra effort to make more visible the unlawful purchaser's underage status might help to curb illegal sales. They point out that the 13 states, lead by the State of Virginia, now issue "portrait style" drivers licenses to those not yet 21 years of age, and that in those states the number of unlawful sales to minors has declined. Consequently, legislation has been proposed to amend Michigan's statutes in order to ensure that the secretary of state issues, to those under 21 years of age, an ID or a driver's license that is portrait-style in its design.

THE CONTENT OF THE BILLS:

Senate Bills 924 and 925 would amend Public Act 222 of 1972, which provides for the issuance of state personal identification cards (MCL 28.292), and the Michigan Vehicle Code, which provides for the issuance of a drivers license (MCL 257.310), respectively. The bills would require the secretary of state to publish on minors' cards the dates on which the minors would become 18 years old and 21 years old; and to issue the cards of those under 21 in a

Senate Bills 924 and 925 (5-30-02)

vertical (or portrait) format. In addition, Senate Bill 925 would appropriate to the Department of State, from the State Services Fee Fund, \$1 million for the fiscal year ending September 30, 2003 in order to implement the change in policy. The bills would take effect on October 1, 2002. Further, the bills are tie-barred so that neither could become law unless that other also were enacted.

More specifically, Senate Bills 924 and 925 would require that in the case of a person who was under 18 at the time a state ID card or driver's license was issued, the card or license contain the dates on which the person would become 18 years of age, and also 21 years of age. (In the case of a person who was at least 18 but less than 21 at the time of issuance, the card or license would have to include the date on which the person would become 21 years old.)

The bills also would require that the secretary of state issue an original identification card or driver's license or the first renewal of an existing identification card or license issued to a person under 21 in a vertical (or portrait) format. An original identification card or license or the first renewal of an existing card or license issued to a person 21 years of age or over would have to be horizontal (or landscape) in form.

Currently, if the secretary of state issues an official state personal identification card or a driver's license to a person who at the time of application is 20 and one-half years old, or less, the person's ID card or license must be marked in a manner that clearly indicates that the cardholder or licensee is less than 21. Under the bills, these requirements would continue until July 1, 2003.

Finally, Senate Bill 925 also would remove a provision that currently permits vehicle operators or chauffeurs to renew their group designations or endorsements for a period of four years.

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that according to the Department of State, a change in policy to create a vertical driver's license and personal ID card for people under 21 would result in a one-time cost of \$1 million. This amount would fund the program conversion costs for the contractor who produces Michigan's drivers licenses and ID cards. As of this date, an identical amount of funding from the same fund source and for the same purpose is included in the Senate-passed version of House Bill 5646, which is the fiscal year 2002-2003 general government appropriation bill. The House has not yet concurred

with the Senate-passed version of House Bill 5646. (5-21-02)

ARGUMENTS:

For:

The "taller" card of the underage purchaser would be easy to distinguish from the cards of those over 21, since the licenses of lawful purchasers would continue to be horizontal (or landscape-style) in their design. This change in the design of the driver's license and personal ID card could assist a busy waiter or clerk to reduce illegal sales. The visible sign of their underage status might also discourage underage license holders from attempting to make illegal purchases of alcohol when they are less than 21 years old, and of tobacco when they are under 18 years of age.

Response:

The Michigan drivers license already is stamped in bold letters when a person is under 21 years of age. Nonetheless, during sting operations 30 percent of clerks and waiters ignore that information when they check for identification before selling alcohol to minors. It seems likely a similar percentage of clerks and waiters will ignore a differently designed ID, as well.

Reply:

Although underage alcohol sales will not be eliminated by the re-design of the drivers license and personal ID, they could well be reduced, since according to committee testimony, the "portrait-style" cards are more difficult both to forge, and to alter.

POSITIONS:

The Office of the Secretary of State supports the bills. (5-29-02)

The Michigan Liquor Control Commission supports the bills. (5-29-02)

The Mothers Against Drunk Driving-Michigan State Organization supports the bills. (5-29-02)

The Michigan Licensed Beverage Association supports the bills. (5-29-02)

The Michigan Beer and Wine Wholesalers Association supports the bills. (5-29-02)

The Michigan Restaurant Association supports the bills. (5-29-02)

The Michigan Grocers Association supports the bills.
(5-29-02)

Miller Brewing supports the bills. (5-29-02)

The Michigan Association of Police Organizations
support the bills. (5-29-02)

Analyst: J. Hunault

■ 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.