

Legislative Analysis



LIQUOR PURCHASES: ALLOW USE OF MILITARY I.D.

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House Bill 6395 with House committee amendment

Sponsor: Rep. Rick Jones

Committee: Regulatory Reform

First Analysis (11-20-06)

BRIEF SUMMARY: The bill would allow the use of a military I.D. as an acceptable form of identification to verify a person's age for the purpose of purchasing alcohol.

FISCAL IMPACT: The bill would have no fiscal impact on the State of Michigan or its local units of government.

THE APPARENT PROBLEM:

Selling or furnishing alcohol to a minor can result in criminal and/or administrative sanctions to liquor licensees and their employees. An establishment may even have its liquor license revoked for repeat violations. Liquor statutes require licensees and their employees to conduct a "diligent inquiry" to determine a person's age before serving him or her alcohol. A "diligent inquiry" is defined by the liquor laws to mean a good faith effort to determine if a person is a minor, which includes examination of a Michigan driver's license or ID card or any other bona fide picture identification from which the person's age and identity can be established.

Reportedly, some soldiers on leave from Iraq and Afghanistan have been denied service in bars around the state because they did not have a valid state driver's license to verify their identification and age, even though they did have their military ID cards, which contain two photos, name, date of birth, social security number, and other identifying information. Apparently, establishments selling alcohol have been reluctant to honor military identification cards because employees have not been trained in how to tell a valid military ID from a fake one. Some feel that the problem could be resolved by specifically including a military ID in the list of acceptable forms of identification within the definition of "diligent inquiry".

THE CONTENT OF THE BILL:

Under the Michigan Liquor Control Code, an individual is guilty of a misdemeanor for knowingly selling or furnishing alcohol to a minor, or failing to make diligent inquiry as to whether the person is a minor. In addition, a liquor licensee or his or her agent, clerk, or employee may also be subject to administrative sanctions. "Diligent inquiry" is defined as a diligent good faith effort to determine the age of a person, which includes at least an examination of an official Michigan operator's or chauffeur's license, an official

Michigan state ID card, or any other bona fide picture identification which establishes the identity and age of the person.

House Bill 6395 would add to the list of acceptable identification **a military identification card**.

The code also allows, as an affirmative defense to an action for furnishing alcohol to a minor, proof that the defendant (or an agent or employee) demanded and was shown, before furnishing alcoholic liquor to a minor, a driver's license or chauffeur's license, a Selective Service certificate (draft card), or other bona fide documentary evidence of the age and identity of that person. The bill would add to this list **a military identification card** and would delete the reference to the Selective Service certificate.

MCL 436.1701

ARGUMENTS:

For:

The Liquor Control Code allows any bona fide photo identification that establishes a person's identity and age to be used in lieu of a driver's license or state ID. A military ID card, which contains more information than a driver's license, should more than meet that requirement. Yet, news reports have chronicled the difficulties faced by some servicemen and servicewomen when going to bars and restaurants while home on leave or just after their deployment ended. Apparently, because many wait staff are unfamiliar with military IDs, they have been reluctant or unwilling to accept such identification as proof of age. Not only are these soldiers then denied service, they also are turned away from establishments that require a person to be 21 or older for admittance. In many of these cases, the soldier's driver's license or state ID expired during his or her overseas deployment. They should not be denied service just because the license has not yet been renewed (if home on leave, there may be insufficient time to renew the license). House Bill 6395 would address the problem by specifically stating that examination of a military ID would satisfy the requirement that a liquor licensee or employee make a diligent inquiry as to the patron's age and identification.

Against:

Employees of liquor establishments generally are trained in how to spot a fake driver's license or state ID card, but are unfamiliar with military IDs. In light of the severe penalties, both criminal and administrative, that licensees and their employees face if charged with serving alcohol to minors, some establishments have been advised by their attorneys to be extremely diligent in checking IDs, and even to require a second form of ID. This is why some establishments are leery of accepting only military IDs. Though military IDs are sophisticated and include computer chips and magnetic strips, counterfeiters are also gaining in sophistication and may be able to replicate authentic-looking, albeit bogus, military IDs.

POSITIONS:

The Michigan Licensed Beverage Association supports the bill. (11-14-06)

The Michigan Liquor Control Commission is neutral on the bill. (11-14-06)

The Michigan Restaurant Association is neutral on the bill. (11-14-06)

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