

## 2007 ASSEMBLY BILL 246

April 10, 2007 – Introduced by Representatives SHERIDAN, MUSSER, ALBERS, BERCEAU, BOYLE, HAHN, KAUFERT, MONTGOMERY, MURSAU, NASS, SINICKI and VRUWINK, cosponsored by Senators BRESKE, DARLING, GROTHMAN, LEHMAN, MILLER and PLALE. Referred to Committee on State Affairs.

1     **AN ACT** *to renumber and amend* 125.085 (1); *to amend* 125.085 (2) and 134.63  
2           (3) (c); and *to create* 125.085 (1) (d) and (e) of the statutes; **relating to:**  
3           identification for purposes related to the purchase of alcohol beverages.

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### *Analysis by the Legislative Reference Bureau*

Under current law, with certain exceptions, a person who has not reached the legal drinking age of 21 years (underage person), and who is not accompanied by his or her parent, guardian, or spouse who has reached the legal drinking age, may not legally purchase, possess, or consume alcohol beverages and may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued. Also, no person (including a licensee or permittee) may procure for, sell, dispense, or give away alcohol beverages to an underage person who is not accompanied by his or her parent, guardian, or spouse who has reached the legal drinking age.

Also under current law, an “official identification card,” recognized in this state for purposes related to alcohol beverages, is limited to a valid driver’s license issued by the Department of Transportation (DOT) that contains the person’s photograph, an identification card issued by DOT (which must contain the person’s photograph), or a certain identification card issued through the Department of Administration before January 1, 1990. However, no provision of current law requires a person to present, or a seller of alcohol beverages to examine, an “official identification card” in connection with the purchase and sale of alcohol beverages or with the entry of the person onto a licensed premises. Current law imposes penalties for sales of alcohol

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beverages to underage persons and for allowing underage persons to be present on licensed premises and allows alcohol beverages sellers to assert a defense in underage violation prosecutions based upon various factors, including a person's representation supported by documentation that the person was not underage. Current law also specifies that, in place of an "official identification card," "documentary proof of age" may be substituted (but does not define "documentary proof").

This bill expands the definition of "official identification card" to include a valid military identification card that contains the person's photograph and date of birth and a valid U.S. passport. The bill also specifies that an alcohol beverages licensee or permittee may require a person to present an official identification card, documentary proof of age, an operator's license issued by another jurisdiction, or any other form of identification or proof of age acceptable to the licensee or permittee before providing alcohol beverages to the person or allowing the person to enter the premises for which the license or permit has been issued. The bill specifies that a licensee or permittee is not required to accept any form of identification that does not appear to be valid or authentic or appears altered.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 125.085 (1) of the statutes is renumbered 125.085 (1) (intro.) and  
2 amended to read:

3           125.085 **(1)** DEFINITION. (intro.) In this section, "official identification card"  
4 means ~~a~~ any of the following:

5           (a) A valid operator's license issued under ch. 343 that contains the photograph  
6 of the holder; ~~an~~

7           (b) An identification card issued under s. 343.50 ~~or an~~.

8           (c) An identification card issued under s. 125.08, 1987 stats.

9           **SECTION 2.** 125.085 (1) (d) and (e) of the statutes are created to read:

10           125.085 **(1)** (d) A valid military identification card issued to a member of the  
11 U.S. armed forces, or forces incorporated as part of the U.S. armed forces, that  
12 contains the person's photograph and date of birth.

13           (e) A valid U.S. passport.

