

DON'T FAKE THE ID CHECKING: The challenge of checking ID's properly

Elizabeth Trendowski, Robson Forensic

“May I see your ID please?” is the first question every liquor license establishment should require of their staff. Twenty-one is the legal age to purchase alcohol in every state in the U.S. While there are debates going on currently regarding lowering the drinking age, the legal age remains twenty-one to purchase alcohol.

A person must show a valid ID to purchase alcohol. As a threshold matter, a valid ID is a non-expired ID. Valid IDs to purchase alcohol are issued by the state or federal government. These include drivers licenses, passports, green cards, state issued ID's military ID and possibly gun permits. The liquor licensee should check with their state for the specific IDs allowable to purchase alcohol.

The licensee should also understand that sales to minors may be punishable by their state alcohol beverage commission with their liquor license suspended and possibly revoked. These are regulatory examples of what happens when a licensee sells alcohol to a minor. There are also civil and criminal actions when an intoxicated minor causes injuries to themselves or others.

Selling alcohol to a minor who then causes first or third party injuries can result in unlimited awards to plaintiffs. The injuries are generally severe, many times fatal. Juries simply do not tolerate liquor permittees selling alcohol to minors. The attitude of “well, we did it when we were kids” doesn't hold water anymore.

Responsible alcohol service programs are available in every state. Several states have created their own safe alcohol service program and require that liquor permittee and their staff become certified. Others may require certification of a state approved rather than state-designed program. Some are mandatory for the liquor servers to be certified, others have incentives for reduced violations fees if the staff is trained.

Reasonable efforts on the part of the server or seller are an important part of the training. Proper ID checking guidelines are critical to reasonable efforts.

The use of fake IDs is a widespread problem. It is common for youths under the legal drinking age to obtain fake IDs from the internet. These IDs are quite realistic in appearance. Holograms, state seals and other embedded codes are available for a price through the internet for that realistic looking ID.

What is the age an establishment should require to check an ID? If someone looks to be under 30 years of age? 40? 50? How about none of the above?

Take the choice away from the person checking the ID. Check everyone's ID if they are purchasing alcohol. The legal date of birth should be posted every day for the employees. That way – they don't have to subtract the dates every time someone walks in the door.

Best practices and standard of care issues are scrutinized by experts and insurance companies when a minor uses a fake ID to purchase alcohol. If an incident arises, the clerk, bouncer or bartender is questioned about how they went about checking an ID. Looking at the ID and checking the date of birth does NOT mean reasonable effort. Reasonable efforts means asking questions of patrons when they walk into the establishment to purchase alcohol.

Below are guidelines and questions to ask patrons when checking their IDs. These are taken from various national certification programs best practices and reasonable efforts. It is important to look for reactions and demeanor, not just documentation.

Sample questions and points to keep in mind:

1. Ask: “May I see your ID please?”
2. Make sure the patron takes the ID out of his/her wallet.
3. While the person is taking the ID out of the wallet, take note of the height, weight, hair color, body size of the person. Match it up with the picture on the ID.
4. Check the expiration date. If it is expired, it is not a valid ID.
5. If the age of the person on the ID states the person is under thirty, then ask the following questions:
 - ❖ “How old are you?” The reason this is important for the person asking is to watch the patron’s body language. If the patron is using a fake ID, then this person anticipates that certain questions will be asked. They anticipate that “what is your date of birth?” question will be asked and not “how old are you?”
 - ❖ “What year did you graduate from high school?” You don’t need to know, but they should and then watch their body language.
 - ❖ “Who was president of the United States when you graduated from high school?” This question usually leaves the patron scratching their head. The thing is – if it’s a real ID, the patron is comfortable in his/her own skin and will say something like “I have no idea.” If the person is using a fake ID than, they are not comfortable in their own skin because they’re doing something illegal. They look nervous and they try to answer the question.
6. Don’t be distracted by the conversation with the customer.
7. Check to see if the birth date has been altered.
8. Check the date the ID was issued. The issue date is usually in 4-year increments.
9. If a customer is using a license from another state, compare the license to a representative license from that state. These booklets are available from AB distributors.
10. Always hold the ID in your hand and feel for any unusual raised surfaces
11. Look at the ID under a bright light for glue lines or pin-holes where bleach may have been injected. See if the format of the card looks correct
12. Check the size, thickness and edges of the ID; ragged edges may indicate tampering.

13. If the word “duplicate” is stamped on the license, someone else may have the original. Ask for another form of ID.
14. Check the back of the ID. On some state licenses, if the numbers have been changed in the front, the true numbers will be shown on the back.
15. If you are unsure, ask for another form of ID or for personal information, such as an address, birth date, age, middle initial, and zodiac sign. If the customer doesn’t provide another ID, politely refuse to sell the alcohol.
16. Many states issue vertical licenses to driver’s under 21 years. Check to see if your state is one of them.

There are ID scanners that take a picture of the license and check the validity. Some of the ID scanners take a picture of the patron presenting the ID as well. They are somewhat costly, but generally much less than a fine, several days closing or the cost of litigation for selling alcohol to a minor.

Lastly, every liquor premise must have an age verification form. This is a document in which the patron fills out and signs, acknowledging that the ID is really valid and they are signing to verify it.

Checking IDs properly is part of a reasonable effort on the part of the liquor establishment. The standard of care in the industry is to check IDs carefully and correctly. The only way to do that is through appropriate training and certification.

Elizabeth Trendowski is a Dram Shop Expert with Robson Forensic. She is an Adjunct Professor of Bar & Beverage Management at the University of New Haven. She was the creator and author of S.M.A.R.T. (Servers & Managers Alcohol Responsibility Training) Programs. She may be reached at 800.813.6736. This information provided is general and educational and not legal advice. For additional information, please visit www.hospitalitylawyer.com.