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Vermont Liquor Control and Photo Identification Law

The current law governing the purchase of alcoholic beverages, under Vermont Statute, Title VII, Chapter 19, Section 602, states:

A person shall exhibit a liquor control identification card, a Vermont photographic operator's license, a Vermont photographic nondriver identification card, a United States military identification card, or a valid passport upon demand of a licensee, or of an employee of a licensee, or of a law enforcement officer, and on the failure of a person to produce and exhibit a liquor control identification card, a Vermont photographic operator's license, a Vermont photographic non driver identification card, a United States military identification card, or a valid passport upon demand of a licensee the licensee shall be entitled to refuse to sell the person any alcoholic beverage. Sale or furnishing of any alcoholic beverages by a licensee to a person exhibiting a liquor control identification card, a Vermont photographic operator's license, a Vermont photographic nondriver identification card, a United States military identification card, or a valid passport bearing the photograph and signature of the person shall be prima facie evidence of such licensee's compliance with the law prohibiting the sale or furnishing of alcoholic beverages to minors.

An amendment was proposed by Representative Marron of Stowe on 1/30/98 in the Vermont House of Representatives relating to the above law :

Sec. 1. 7 V.S.A. § 602 is amended to read:

§ 602.—EXHIBITION OF CARD

A person shall exhibit a liquor control identification card, a [Vermont] valid photographic operator's license issued by Vermont or any other state or foreign jurisdiction, a Vermont photographic nondriver identification card, a United States military identification card, or a valid passport upon demand of a licensee, or of an employee of a licensee, or of a law enforcement officer, and on the failure of a person to produce and exhibit a liquor control identification card, a [Vermont] valid photographic operator's license issued by Vermont or any other state or foreign jurisdiction, a Vermont photographic nondriver identification card, a United States military identification card, or a valid passport upon demand of a licensee the licensee shall be entitled to refuse to sell the person any alcoholic beverage. Sale or furnishing

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According to Sandy Gascon, the administrative assistant at the Vermont Department of Liquor Control, the Vermont Legislature first required a photographic Liquor Control Adult Identification Card in 1963. In 1989, Title 7, Section 602 was expanded to include the Vermont Photographic Operator's License and valid passport. In 1995, this section was expanded further to include a photographic non-driver's identification and US Military Identification Card. She went on to say that this law does not prohibit acceptance of out-of-state identification. It merely provides licensed retailers the ability to deny sales if they feel that the out-of-state identification is not valid. However, a closer look at the statute does not make this abundantly clear. Many liquor retailers in Vermont interpret this law to mean that they can not accept any out-of-state identification cards. The Vermont Department of

Liquor Control post consumer notices in all stores that sell alcoholic beverages which inform the customer that the only valid forms of identification are those outlined in the above Title 7, Chapter 19, Section 602.

Additionally, a photographic non-driver identification card may not be issued from Vermont to a person with a driver's license from another state. A liquor control identification card takes at least two weeks to obtain, which is inconvenient for most tourists to the area.

Similar legislation pertaining to this issue was passed in the state of Washington, according to the Washington Chief of Liquor and Tobacco Enforcement Gary Gilbert. Current law in Washington allows for the following as proper forms of identification:

1. Liquor control authority card of identification of any state, or province of Canada.
2. Driver's license, instruction permit, or identification card of any state, or province of Canada, or "identocard" issued by the Washington State Department of Licensing pursuant to RCW 46.20.117.
3. United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents.
4. Passport.
5. Merchant Marine identification card issued by the United States Coast Guard.

The board may adopt such regulations as it deems proper covering the acceptance of such cards of identification.¹

Gilbert relayed that a more limited statutory list of acceptable forms of identification, similar to that of Vermont's, previously existed. However, since the list has been extended in recent years, he feels that the state of Washington is more "customer-friendly". He commented that the law now caters more to the tourist population in Washington state, important for the large tourist economy that exists there.

A survey of a various states found that no other state had a provision that allowed for the refusal of out-of-state driver's licenses for the purchase of liquor. The states sampled were Alaska, California, Colorado, Florida, Illinois, Louisiana, New Hampshire, Ohio, Utah, Virginia, Washington, and Wyoming.

¹<http://www.wa.gov/liq/info/enforcementQA.htm> "Checking Identification"

Completed by Group #2

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