



Department of Commerce

Division of Liquor Control

John R. Kasich, Governor
Jacqueline T. Williams, Director

TO: All Contract Liquor Agencies and Liquor Permit Holders
FROM: James V. Canepa, Superintendent
DATE: July 11, 2018
RE: Changes to Ohio Driver Licenses

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Recently, the Ohio Department of Public Safety, Bureau of Motor Vehicles (BMV), changed their process for issuance and renewal of driver licenses and state identification cards. The Division of Liquor Control (Division) has received inquiries from Contract Liquor Agents (Agents) and liquor permit holders questioning how the new documents should be utilized in the event that the retailer wants to use them as a form of identification to prevent underage sales.

The BMV determines and regulates the forms or types of Ohio licenses or identification cards. Additionally, the Department of Public Safety's Ohio Investigative Unit (OIU) and local law enforcement have jurisdiction to enforce the underage sales provisions of the Ohio Revised Code. The Ohio Liquor Control Commission rules on any administrative citations, and the local courts have authority over any criminal charges. The Division has no jurisdiction over any of these issues.

Despite this, the Division has received numerous calls regarding the new BMV process. To aid Agents and permit holders, the Division is providing the following information:

Effective July 2, 2018, a person who goes to their local BMV to renew their driver license or identification card will receive their expired card back, but it will be perforated in the top left corner. They will also receive an Interim Documentation form, which has all their driver license or identification card information on it including a black and white picture and their signature, which will expire in 45 days. Use of both the expired, perforated card and the Interim Documentation form will serve as the customer's driver license or state identification card until the customer receives the permanent card in the mail, approximately 10 days later.

Customers receiving a new or replacement driver license or identification card will be issued only the Interim Documentation form, which will serve as their driver license or identification card until they receive the permanent one in the mail.

It is the responsibility of the permit holder to prevent underage sales. As a result, most retail permit holders have a practice and policy in place to confirm age to avoid underage sales. As has always occurred, when the customer is unable to provide appropriate identification to confirm age, the retailer is free to deny the sale.

With regard to using a driver's license to confirm age, the best practice would be to check both documents together (paper and "punched"). If an underage sale violation occurs, the BMV documentation will qualify for purposes of using the affirmative defense under current law. The Division believes that Agents and permit holders should act responsibly, but again, they are responsible for preventing any underage sales violation.

If an underage sale violation occurs, the BMV documentation (expired, perforated card and Interim Documentation form for a renewed license or Interim Documentation form alone for a new or lost card) will qualify for purposes of the affirmative defense under Revised Code 4301.639, provided the Agent or permit holder followed the provisions of that statute. That statute states:

(A) No permit holder, agent or employee of a permit holder, or any other person may be found guilty of a violation of any section of this chapter or any rule of the liquor control commission in which age is an element of the offense, if the liquor control commission or any court of record finds all of the following:

(1) That the person buying, at the time of so doing, exhibited to the permit holder, the agent or employee of the permit holder, or the other person a driver's or commercial driver's license, an identification card as defined in section [4301.61](#) of the Revised Code, a military identification card issued by the United States department of defense, or a United States or foreign passport, that displays a picture of the individual for whom the license, card, or passport was issued and shows that the person buying was then at least twenty-one years of age, if the person was buying beer as defined in section [4301.01](#) of the Revised Code or intoxicating liquor, or that the person was then at least eighteen years of age, if the person was buying any low-alcohol beverage;

(2) That the permit holder, the agent or employee of the permit holder, or the other person made a bona fide effort to ascertain the true age of the person buying by checking the identification presented, at the time of the purchase, to ascertain that the description on the identification compared with the appearance of the buyer and that the identification presented had not been altered in any way;

(3) That the permit holder, the agent or employee of the permit holder, or the other person had reason to believe that the person buying was of legal age.

For legal advice regarding your business policies and procedures, the Division recommends that Agents and permit holders consult their private attorneys. As previously stated, the Division has no jurisdiction over these matters.

For more information, the following link from the BMV explains the new process:  
<http://www.bmv.ohio.gov/NEWDL-ID/new-card-compare.aspx>.