



2022 South Dakota Legislature

House Bill 1147

Introduced by: **Representative Bordeaux**

1 **An Act to provide a penalty for businesses that do not accept tribal identification**
 2 **cards as a valid form of identification.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 1-54-7 be AMENDED:**

5 **1-54-7.** A tribal identification card is a valid form of identification for all purposes
 6 relating to commerce, including for all purposes relating to banks or financial institutions
 7 for which a South Dakota nondriver identification card or a South Dakota driver license
 8 may be used. ~~Furthermore, tribal~~ Tribal identification cards ~~shall~~ must be accepted as valid
 9 forms of identification for the purpose of cashing checks wherever checks may be cashed
 10 and for purposes where the age of the person needs to be verified. For purposes of this
 11 section and §§ 22-40-9, 22-40-18, and 34-46-1, the term, tribal identification card,
 12 means an unexpired identification card issued by a South Dakota tribal government of a
 13 tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior,
 14 that contains the legal name, date of birth, signature, and picture of the enrolled tribal
 15 member. Reasonable reliance upon a tribal identification card as proof of age of the
 16 purchaser or the recipient of an age-restricted product is a complete defense to any action
 17 brought against a person for the sale or distribution of a product that is subject to state
 18 or federal age-related purchase and possession restrictions. This section does not modify
 19 any provision of the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives
 20 regulations concerning permissible forms of identification for use in the purchase of
 21 firearms.

22 The secretary of the Department of Tribal Relations may impose a civil penalty
 23 against a person that does not accept a tribal identification card as a valid form of
 24 identification under this section. The amount of the civil penalty is:

- 25 (1) Five hundred dollars for the first offense; and
 26 (2) One thousand dollars for any subsequent offense.

- 1 Any civil penalty collected pursuant to this section must be deposited into the state
- 2 general fund. The Secretary of State may suspend the business license of any person that
- 3 is assessed three or more civil penalties under this section for up to thirty days.