

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

543Q0641

## HOUSE BILL NO. 1296

Introduced by: Representatives Fargen, Blake, Burg, Dennert, Elliott, Engels, Feickert, Feinstein, Frerichs, Gibson, Hunhoff (Bernie), Iron Cloud III, Killer, Kirschman, Lange, Lederman, Lucas, Moser, Nygaard, Olson (Betty), Schlekeway, Schrempp, Solberg, Sorenson, Street, Thompson, and Vanderlinde and Senators Bradford, Bartling, Maher, Merchant, Olson (Russell), and Peterson

1 FOR AN ACT ENTITLED, An Act to authorize the use of tribal identification cards as the  
2 equivalent of certain state-issued documents for identification purposes.

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

4 Section 1. A tribal identification card is a valid form of identification for all purposes for  
5 which a South Dakota nondriver identification card or a South Dakota driver license may be  
6 used. For purposes of this Act, the term, tribal identification card, means an unexpired  
7 identification card issued by a South Dakota tribal government of a tribe recognized by the  
8 Bureau of Indian Affairs, United States Department of the Interior, that contains the legal name,  
9 date of birth, signature, and picture of the enrolled tribal member.

10 Section 2. No person may:

11 (1) Possess any cancelled, fictitious, fraudulently altered or fraudulently obtained tribal  
12 identification card;

13 (2) Lend the person's identification card to any other person or knowingly permit its use



1 by another;

2 (3) Display or represent a tribal identification card not issued to the person as being the  
3 person's card;

4 (4) Photograph, duplicate or in any way reproduce a tribal identification card or facsimile  
5 thereof in such a manner that it could be mistaken for a valid identification card;

6 (5) Use a tribal identification card that was obtained by false swearing, fraud, or false  
7 statement of any kind or in any form.

8 A violation of this section is a Class 2 misdemeanor.

9 Section 3. That § 22-40-9 be amended to read as follows:

10 22-40-9. For the purposes of §§ 22-40-8 to 22-40-10, inclusive, identifying information  
11 includes:

12 (1) Birth certificate or passport information;

13 (2) Driver's license numbers or tribal identification card information;

14 (3) Social security or other taxpayer identification numbers;

15 (4) Checking account numbers;

16 (5) Savings account numbers;

17 (6) Credit card numbers;

18 (7) Debit card numbers;

19 (8) Personal identification numbers, passwords, or challenge questions;

20 (9) User names or identifications;

21 (10) Biometric data; or

22 (11) Any other numbers, documents, or information which can be used to access another  
23 person's financial resources.

24 Section 4. That § 32-5-3 be amended to read as follows:

1       32-5-3. The application required by § 32-5-2 shall also state the name of each owner along  
2 with the owner's South Dakota driver license number, tribal identification card number, or social  
3 security number, or, if a business, the federal employer identification number, of the motor  
4 vehicle, the owner's residence post office address or the owner's business address, including  
5 county, and if in a first or second class municipality, the street number.

6       Section 5. That § 34-46-1 be amended to read as follows:

7       34-46-1. Terms used in this chapter mean:

- 8       (1) "Proof of age," a driver's license, nondriver identification card, tribal identification  
9       card, or other generally accepted means of identification that contains a picture of the  
10       individual and appears on its face to be valid;
- 11       (2) "Sample," tobacco products distributed to members of the general public at no cost  
12       for purposes of promoting the product;
- 13       (3) "Sampling," the distribution of samples to members of the general public in a public  
14       place;
- 15       (4) "Tobacco product," any item made of tobacco intended for human consumption,  
16       including cigarettes, cigars, pipe tobacco, and smokeless tobacco.

17       Section 6. That § 41-6-63 be amended to read as follows:

18       41-6-63. A licensee shall at any time upon request of any person exhibit the licensee's  
19 license or other form of license authorization issued by the Department of Game, Fish and Parks  
20 pursuant to Titles 41 and 42. During the required license exhibition and upon request by a  
21 conservation officer or other law enforcement officer, a licensee who is sixteen years of age or  
22 older who holds the other form of license authorization, shall exhibit and provide for inspection  
23 a driver's license, a state-issued identification card, a tribal identification card, or another form  
24 of valid identification for the purpose of verifying the identity of the licensee. Failure to exhibit

- 1 the licensee's license or other form of license authorization required by this section is a Class
- 2 2 misdemeanor.