



STATE OF ARIZONA
DEPARTMENT OF LIQUOR LICENSES AND CONTROL

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INDUSTRY GUIDANCE: ADOT RELEASE OF NEW MOBILE ID APP

The Arizona Department of Transportation (ADOT) has announced the release of its new MobileID App, which is “a voluntary, secure, digitized version of your ADOT MVD-issued driver license or ID card that you carry in an app on your smartphone.” Information about the app, including answers to frequently asked questions, is available at mobileid.az.gov. According to ADOT, public entities and private business may use the app to verify a person’s identity or age in lieu of checking a physical copy of a person’s driver’s license. This can be done by viewing the digitized ID on the app, or by scanning the ID’s bar code when it is displayed on the app.

The Arizona Department of Liquor Licenses and Control (DLLC) has received inquiries regarding whether the Mobile ID app is an acceptable form of identification for the purpose of verifying that a person is of legal drinking age. The purpose of this advisory is to provide helpful information to the industry. This advisory does not constitute an official DLLC statement of law or policy and does not constitute legal advice. Persons who are interested in using the app should visit the ADOT Mobile ID page for more information and consult with independent legal counsel regarding best practices to comply with applicable DLLC laws and rules related to age verification.

Age verification requirements are found primarily in A.R.S. § 4-241(A). Licensees who question or have reason to question that a person is of legal drinking age must do all of the following:

1. Demand identification from the person;
2. Examine the identification to determine that it reasonably appears to be a valid, unaltered identification;
3. Examine the photo graph in the identification and determine that the person presenting the identification for verification reasonably appears to be the person in the identification; and
4. Determine that the person is of legal drinking age.

Under A.R.S. § 4-241(K), an unexpired driver’s license that ADOT has issued is an acceptable “written instrument” to use to verify a person’s age. Nothing in A.R.S. § 4-241(A) expressly requires that licensees conduct age-verification procedures using only a physical—rather than a digitized—version of a written

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identification instrument. According to ADOT, however, its Mobile ID app is the *only* mobile-phone based ID that is verifiable against ADOT records.

In addition to checking ID when A.R.S. § 4-241 requires it, licensees may also choose to make a record of the procedures it used to verify a customer's age. Under A.R.S. § 4-241(H), licensees may choose from a number of methods to record that they have verified a person's age.

Licensees who choose to conduct age verification using the ADOT Mobile ID app should choose the method that best suits their needs and that enables the DLLC or other law enforcement agencies to verify that the licensee actually implemented the procedures for any given customer. Under A.R.S. § 4-241 subsections (B) through (G), retaining an appropriate record of the procedures used to verify a person's age may provide a defense to violations related to age-verification and underage service, and failing to retain such a record may create a presumption that the licensee failed to properly verify a customer's age. No law requires licensees to accept ADOT's Mobile ID app, and ADOT currently recommends that consumers carry their physical ID given the app's novelty. It is up to each licensee to determine the best methods of complying with Title IV and helping to prevent underage drinking.