

Module 2 – Part 4.3

Minors and Alcohol Sales

This module focuses on preventing illegal alcohol sales to minors. This module will take 25 minutes to complete

A close-up, shallow depth-of-field photograph of a silver fountain pen resting on a white document. The pen's nib is visible, and the background is blurred, showing hints of other documents and a green plant.

Codes and Rules



Sec. 109.61 – Use of Certain Electronically Readable Information (Texas Alcoholic Beverage Code)

(a) A person may access electronically readable information on a driver's license, commercial driver's license, or identification certificate for the purpose of complying with this code or a rule of the commission, including for the purpose of preventing the person from committing an offense under this code.

(b) A person may not retain information accessed under this section unless the commission by rule requires the information to be retained. The person may not retain the information longer than the commission requires

Codes and Rules



Sec. 109.61 – Continued

(b-1) Information retained may be printed to hard copy with a time and date confirmation from the transaction scan device or transferred to an electronic encrypted data storage or electronic record. After printing or transferring data, the transaction scan device may clear the scanned information from the device or any memory in the device. The commission by rule may set further requirements for the retention of information under this subsection.

(c) Information accessed under this section may not be marketed in any manner.

Codes and Rules



Sec. 109.61 – Continued

(d) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

(e) It is an affirmative defense to prosecution under this code, for an offense having as an element the age of a person, that:

(1) a transaction scan device identified the license or certificate of the purchaser as valid and that the person is over 21, and the defendant accessed the information and relied on the results in good faith; or

Codes and Rules



Sec. 109.61 – Continued

(2) if the defendant is the owner of a store in which alcoholic beverages are sold at retail, the offense occurs in connection with a sale by an employee of the owner, and the owner had provided the employee with:

(A) a transaction scan device in working condition;

(B) adequate training in the use of the transaction scan device; and

(C) the defendant did not directly or indirectly encourage the employee to violate the law.

A close-up, shallow depth-of-field photograph of a fountain pen resting on a piece of paper. The pen is dark-colored with a silver-colored nib. The background is blurred, showing more of the paper and some indistinct colors.

Codes and Rules



Sec. 109.61 – Continued

(f) The defense offered in Subsection (e) does not apply in actions to cancel, deny, or suspend the license or permit, except as provided by rules adopted by the commission under Section 5.31.

(g) In this section, “transaction scan device” includes an electronic age verification system authorized by commission rule operated in conjunction with a point of sale terminal that scans the purchaser’s driver’s license or identification certificate upon enrollment, associates the purchaser’s personal identifying information as defined by Section 521.002(1)(C), Business & Commerce Code, with the purchaser’s license or identification certificate information, and is capable of allowing a seller to verify a purchaser’s age solely by accessing the data and information.

What It Means & Key Points



The use of electronic scanning devices is legal, but it does not replace looking at the identification and matching the appearance of the person presenting it to the picture on the identification.



Use the information on the card, such as the photo and physical description, to validate that the identification belongs to the person presenting it.



Codes and Rules



Sec. 521.456 – Delivery or Manufacture of Counterfeit Instrument (Texas Transportation Code)

(a) A person commits an offense if the person possesses with the intent to sell, distribute, or deliver a forged or counterfeit instrument that is not printed, manufactured, or made by or under the direction of, or issued, sold, or circulated by or under the direction of, a person, board, agency, or authority authorized to do so under this chapter or under the laws of the United States, another state, or a Canadian province. An offense under this subsection is a Class A misdemeanor.

Codes and Rules



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Codes and Rules



Sec. 521.456 – Continued

(c) A person commits an offense if the person possesses with the intent to use, circulate, or pass a forged or counterfeit instrument that is not printed, manufactured, or made by or under the direction of, or issued, sold, or circulated by or under the direction of, a person, board, agency, or authority authorized to do so under this chapter or under the laws of the United States, another state, or a Canadian province. An offense under this subsection is a Class C misdemeanor.

(d) For purposes of this section, "instrument" means a driver's license, driver's license form, personal identification certificate, stamp, permit, license, official signature, certificate, evidence of fee payment, or any other instrument.

What It Means & Key Points



It is a Class C misdemeanor to possess with the intent to use, circulate, or pass a forged or counterfeit Texas Driver's License or Identification Card.



Private citizens are not legally authorized to confiscate an ID.



Codes and Rules



Sec. 521.451 – General Violation (Texas Transportation Code)

(a) Except as provided by Section 521.452, a person may not:

(1) display, cause or permit to be displayed, or have in the person's possession a driver's license or certificate that the person knows is fictitious or has been altered;

(2) lend the person's driver's license or certificate to another person or knowingly permit another person to use the person's driver's license or certificate;

(3) display or represent as the person's own a driver's license or certificate not issued to the person;

Codes and Rules



Sec. 521.451 – Continued

(4) possess more than one currently valid driver's license or more than one currently valid certificate; or

(5) in an application for an original, renewal, or duplicate driver's license or certificate:

(A) provide a false name, false address, or a counterfeit document; or

(B) knowingly make a false statement, conceal a material fact, or otherwise commit fraud.

(b) An offense under this section is a Class A misdemeanor.

Codes and Rules



Sec. 521.451 – Continued

(c) If conduct that constitutes an offense under Subsection (a) also constitutes an offense under Section 106.07, Alcoholic Beverage Code, the actor may be prosecuted only under Section 106.07, Alcoholic Beverage Code.

What It Means & Key Points



It is a Class A misdemeanor to possess a fake or altered ID, to lend or let another person use your driver's license or ID, or to use another person's drivers license or ID.

It is a Class A misdemeanor to possess more than one valid driver's license or ID.

It is a Class A misdemeanor to provide false information when applying for a driver's license or ID.



How to Watch for Fake IDs

Watch for the following warning signs to identify fake IDs:

- Fuzzy printing on any numbers or letters or red eyes in the photo
- Bumpy surfaces around the picture, birth date, height, or weight
- The words “this is not a valid ID”, “for amusement purposes only” or “Not a Government Document”
- An ID marked as a “duplicate” might indicate that the original license holder requested a second license for someone else

If you suspect the ID to be forged, you can ask about details like middle initials, address, and zip code. You can also ask for a second or even third form of ID. Questions that are answered with a hesitating response can mean a forgery.

NOTE: Even if an ID is a fake or does not belong to the person presenting it, you are not legally authorized to confiscate an ID.

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