South Dakota Tribal ID

Department Mission

The Department of Tribal Relations exists to recognize the nine sovereign tribes who share our geographical borders as distinct political entities, to support their self-governance efforts, and to work with and consult their chosen leaders in a cooperative government to government relationship in order to improve the quality of life for all South Dakota citizens; to identify and aid in securing and coordinating federal, state, and local resources to help solve problems, increase partnerships between state and tribal agencies, and to serve as an advocate for Native American people.

Message from the Secretary

Dear Friends,

As of July 1, 2011, South Dakota law requires that valid tribal IDs must be treated EQUAL to a South Dakota-issued state ID or Driver's License for identification for banking, check cashing, and for age verification when purchasing tobacco products. Tribal IDs are not required to be accepted as a valid form of identification for writing checks, and businesses may still refuse to cash a check for other reasons (i.e. check amount is too high).

The following information has been compiled to assist the understanding of this new law and how it applies. I would like to extend my appreciation to the Tribal Enrollment offices of the nine respective tribes, the South Dakota Indian Business Alliance, the South Dakota Retailers Association, and the South Dakota Bankers Association, for your invaluable contributions during the preparation of these materials.

Sincerely,

Steve R. Emery

SD Department of Tribal Relations

IT'S THE LAW...

The following is the text of the legislation approved by the South Dakota Legislature regarding the use of Tribal IDs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
Section 1. A tribal identification card is a valid form of identification for all purposes relating to banks or financial institutions for which a South Dakota nondriver identification card or a South Dakota driver license may be used. Furthermore, tribal identification cards shall be accepted as valid forms of identification for the purpose of cashing checks wherever checks may be cashed. For purposes of this Act, the term, tribal identification card, means an unexpired identification card issued by a South Dakota tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the legal name, date of birth, signature, and picture of the enrolled tribal member.

Section 2. No person may:

(1) Possess any cancelled, fictitious, fraudulently altered, or fraudulently obtained tribal identification card;
(2) Lend the person's tribal identification card to any other person or knowingly permit its use by another;
(3) Display or represent a tribal identification card not issued to the person as being the person's card;
(4) Photograph, duplicate, or in any way reproduce a tribal identification card or facsimile thereof in such a manner that it could be mistaken for a valid identification card;
(5) Use a tribal identification card that was obtained by false swearing, fraud, or false statement of any kind or in any form.

A violation of this section is a Class 2 misdemeanor.

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

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

(1) Birth certificate or passport information;
(2) Driver's license numbers <u>or tribal identification card information</u>;
(3) Social security or other taxpayer identification numbers;
(4) Checking account numbers;
(5) Savings account numbers;
(6) Credit card numbers;
(7) Debit card numbers;
(8) Personal identification numbers, passwords, or challenge questions;
(9) User names or identifications;
(10) Biometric data; or
(11) Any other numbers, documents, or information which can be used to access another person's financial resources.

Section 4. That § 34-46-1 be amended to read as follows:

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

(1) "Proof of age," a driver's license, nondriver identification card, tribal identification card, or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid;

(2) "Sample," tobacco products distributed to members of the general public at no cost for purposes of promoting the product;

(3) "Sampling," the distribution of samples to members of the general public in a public place;

(4) "Self-service display," a display that contains cigarettes or smokeless tobacco, or both, and is located in an area openly accessible to the merchant's consumers, and from which such consumers can readily access cigarettes or smokeless tobacco, or both, without the assistance of the merchant or an employee or agent of the merchant. A display case that holds tobacco products behind locked doors does not constitute a self-service display;

(5) "Tobacco product," any item made of tobacco intended for human consumption, including cigarettes, cigars, pipe tobacco, and smokeless tobacco;

(6) "Tobacco specialty store," a business that derives at least seventy-five percent of its revenue from the sale of tobacco products.

After being approved by the South Dakota Legislature, the Tribal ID Law was added to the South Dakota Codified Law.

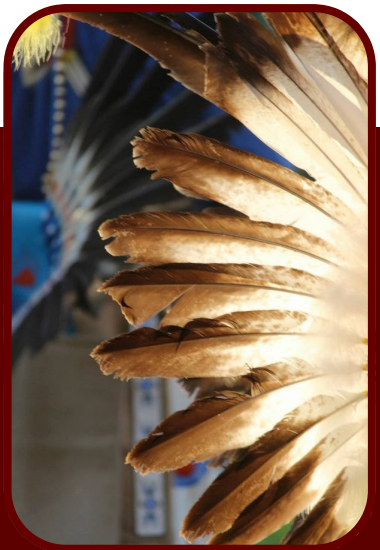
A tribal identification card is a valid form of identification for all purposes relating to banks or financial institutions for which a South Dakota non-driver identification card or a South Dakota driver license may be used. Furthermore, tribal identification cards shall be accepted as valid forms of identification for the purpose of cashing checks wherever checks may be cashed. For purposes of this section and §§ 22-40-9, 22-40-18, and 34-46-1, the term, tribal identification card, means an unexpired identification card issued by a South Dakota tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the legal name, date of birth, signature, and picture of the enrolled tribal member.

Frequently Asked Questions

As a retailer, am I REQUIRED to accept tribal identification for proof of age under South Dakota law?
There is no South Dakota law that requires retailers to accept any specific forms of ID for purposes of verifying age, including driver's licenses. The statute simply states that a tribal ID is "a valid form of identification for all purposes relating to banks or financial institutions for which a South Dakota nondriver identification card or a South Dakota driver's license may be used."

If a tribal ID card does not have a given expiration date?
Identification issued by the Cheyenne River Sioux, Flandreau Santee Sioux, Oglala Sioux, Rosebud Sioux, and Standing Rock Sioux Tribes include an expiration date. The absence of an expiration date does not invalidate the card and is not an explicit element required by the Tribal ID legislation. If for this reason, or any other reason, you are concerned that a tribal ID is authentic, please feel free to contact the tribal enrollment office to clarify.

Does the new law state that tribal identification is satisfactory for all instances?
Not necessarily; the new law states that a tribal ID is "a valid form of identification for all purposes relating to banks or financial institutions for which a South Dakota nondriver identification card or a South Dakota driver license may be used." If a South Dakota nondriver identification card or a South Dakota driver license is not sufficient for a specific purpose, neither is tribal identification.



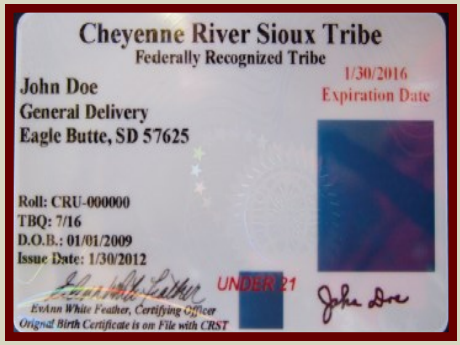
If I am a retailer, am I liable for selling tobacco to someone who uses a fraudulent tribal ID?
If someone uses a tribal ID to purchase tobacco and the ID turns out to be fraudulent, a retailer is NOT liable. Under South Dakota Codified Law 34-46-5 "reasonable reliance upon proof of age of the purchaser or the recipient of a tobacco product is a complete defense to any action brought against a person for the sale or distribution of a tobacco product to a person under the age of eighteen."

What is a legal ID required to have?
A valid tribal ID is required to have a legal name, date of birth, signature, and picture of the card carrier. If a tribal ID does not have all four of these elements, it is NOT valid identification under the new statute (see language on page 2). Purposefully producing fraudulent IDs is a misdemeanor under State law.

What do I do if a retailer refuses to accept my tribal ID for no other purpose that than it is issued by a tribe?
If you feel that your tribal ID was wrongly rejected by a retailer, please let us know about it. Consult page 6 of this handbook to determine how to best continue and what information to include in your report.

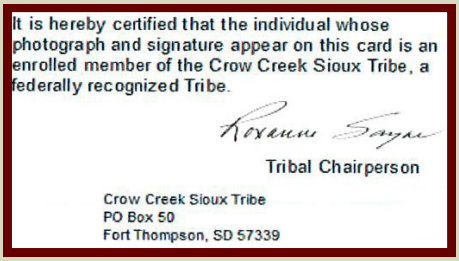
TRIBAL IDENTIFICATION CARDS

The following are examples of identification cards issued by the nine tribes that share South Dakota's borders and the contact information for the offices that issue the cards. If you have any questions about obtaining a card or enrollment status, please contact the pertinent tribal office.



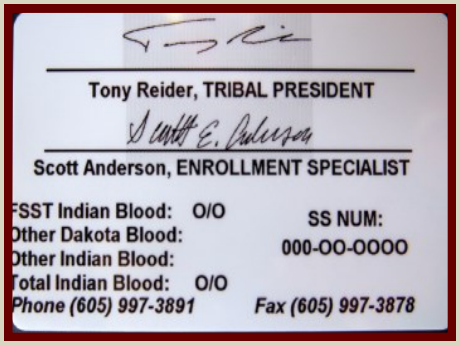
Cheyenne River Sioux Tribe Tribal Enrollment Office

P.O. Box 325
Eagle Butte, SD 57625
Phone: 605.964.6612/6613
Fax: 605.964.6614



Crow Creek Sioux Tribe Tribal Enrollment Office

P.O. Box 139
Fort Thompson, SD 57339
Phone: 605.245.2315
Fax: 605.245.2343



Flandreau Santee Sioux Tribe Enrollment Office

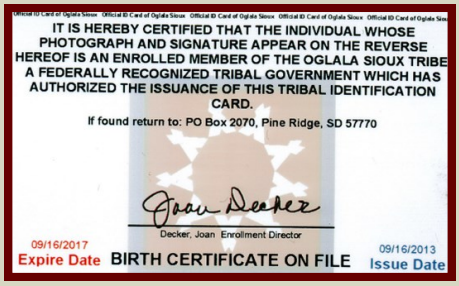
P.O. Box 283
Flandreau, SD 57028
Phone: 605.997.5055
Fax: 605.997.3878

Lower Brule Sioux Tribe Tribal Enrollment Office

P.O. Box 187
Lower Brule, SD 57548
Phone: 605.473.5548
Fax: 605.473.5606

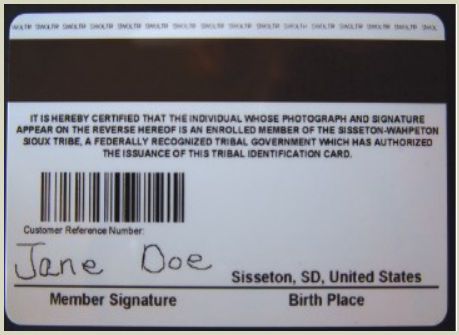
Oglala Sioux Tribe Tribal Enrollment Office

P.O. Box 325
Pine Ridge, SD 57770
Phone: 605.867.1321
Fax: 605.867.2901



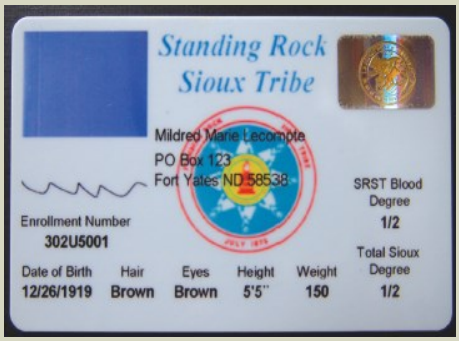
Rosebud Sioux Tribe Tribal Enrollment Office

P.O. Box 335
Rosebud, SD 57570
Phone: 605.747.2381
Fax: 605.747.4020



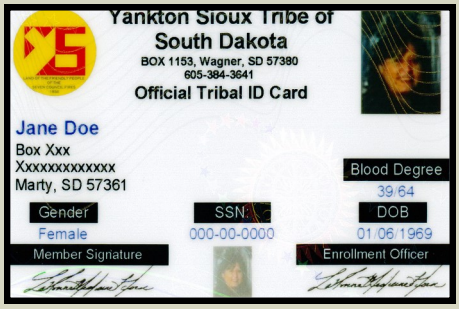
Sisseton Wahpeton Oyate Tribal Enrollment Office

P.O. Box 509
Agency Village, SD 57562
Phone: 605.698.3911
Extension 29
Fax: 605.698.3708



Standing Rock Sioux Tribe Tribal Enrollment Office

P.O. Box E
Fort Yates, ND 58538
Phone: 701.854.7522
Fax: 701.854.2082



Yankton Sioux Tribe Tribal Enrollment Office

P.O. Box 1153
Wagner, SD 57380
Phone: 605.384.3641
Extension 268
Fax: 605.384.3936

Please note that not all example tribal identification cards provided for this publication include a picture. A valid tribal ID is required to have a legal name, date of birth, signature, and picture of the card carrier. If a tribal ID does not have all four of these elements, it is NOT valid identification under the new statute.

How do I file a complaint?

If you feel that your identification card has been unfairly rejected, it is important that you report the incident. Unless it is reported, nothing can be done to ensure the Tribal ID law is being followed.

You can report an incident in three ways:

1) Report the incident in writing and send to: SD Department of Tribal Relations
   Attn: Tribal ID
   302 East Dakota
   Pierre, SD 57501
3) Report the incident 24/7 by phone at 605.773.5973, OR
4) Report the incident to our website, http://www.sdtribalrelations.com/contact.aspx.

When reporting an incident,
please include the following information:

- Your name,
- Phone number and address where you can be reached,
- Location of the incident (business name and city),
- Name of the person who declined your ID (if known),
- Date of the incident, and
- The reason given for not accepting your ID.

Contact Us!

SD Dept. of Tribal Relations
302 East Dakota Avenue
Pierre, South Dakota 57501
Phone: 605.773.5975
Fax: 605.773.6592
Website: http://sdtribalrelations.com/