
A BILL FOR AN ACT

RELATING TO PERSONAL INFORMATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 487J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§487J- Unlawful use of Hawaii identification card or
5 driver's license. (a) No business may scan the machine-
6 readable zone of an individual's Hawaii identity card or
7 driver's license, except for the following purposes:

8 (1) To verify authenticity of the identification card or
9 driver's license or to verify the identity of the
10 individual if the individual pays for goods or
11 services with a method other than cash, returns an
12 item, or requests a refund or an exchange;

13 (2) To verify the individual's age when providing age-
14 restricted goods or services to the individual if
15 there is a reasonable doubt of the individual having
16 reached eighteen years of age or older;

17 (3) To prevent fraud or other criminal activity if the
18 individual returns an item or requests a refund or an



1 exchange and the business uses a fraud prevention
2 service company or system. Information collected by
3 scanning an individual's Hawaii identity card or
4 driver's license pursuant to this subsection shall be
5 limited to the following information from the
6 individual:

- 7 (A) Name;
- 8 (B) Address;
- 9 (C) Date of Birth; and
- 10 (D) Driver's license number or identity card number;

11 (4) To establish or maintain a contractual relationship.
12 Information collected by scanning the individual's
13 Hawaii identity card or driver's license pursuant to
14 this subsection shall be limited to the following
15 information from the individual:

- 16 (A) Name;
- 17 (B) Address;
- 18 (C) Date of birth; and
- 19 (D) Driver's license number or identity card number;

20 (5) To record, retain, or transmit information as required
21 by state or federal law;



1 (6) To transmit information to a consumer reporting
2 agency, financial institution, or debt collector to be
3 used as permitted by the federal Fair Credit Reporting
4 Act, Gramm-Leach-Bliley Act, or the Fair Debt
5 Collection Practices Act; and

6 (7) To record, retain, or transmit information by a
7 covered entity governed by the medical privacy and
8 security rules issued by the federal Department of
9 Health and Human Services, Parts 160 and 164 of the
10 Code of Federal Regulations, established pursuant to
11 the Health Insurance Portability and Availability Act
12 of 1996.

13 (b) No business shall retain any information obtained
14 pursuant to subsection (a), except as permitted in subsections
15 (a) (3) through (7).

16 (c) No business shall sell or disseminate to a third party
17 any information obtained under this section for any purpose,
18 including marketing, advertising, or promotional activities,
19 except as permitted in subsections (a) (3) through (7).

20 (d) A business covered under this section shall make
21 reasonable efforts, through systems testing and other means, to
22 ensure that the requirements of this chapter are met.



1 (e) Any waiver of a provision of this section is contrary
2 to public policy and is void and unenforceable.

3 (f) For purposes of this section:

4 "Consumer reporting agency" shall have the same meaning as
5 in the federal Fair Credit Reporting Act, title 15 United States
6 Code section 1681a(f).

7 "Covered entity" shall have the same meaning as in the
8 security rules issued by the federal Department of Health and
9 Human Services, Parts 160 and 164 of the Code of Federal
10 Regulations, established pursuant to the Health Insurance
11 Portability and Availability Act of 1996.

12 "Debt collector" shall have the same meaning as in the
13 federal Fair Debt Collection Practices Act, title 15 United
14 States Code section 1692a.

15 "Financial institution" shall have the same meaning as in
16 the federal Gramm-Leach-Bliley Act, title 15 United States Code
17 section 6809."

18 SECTION 2. Section 487J-1, Hawaii Revised Statutes, is
19 amended by adding a new definition to be appropriately inserted
20 and to read as follows:

21 "Scan" or "scanning" means to access the machine-readable
22 zone of an individual's Hawaii identity card or driver's license



1 with an electronic device capable of deciphering, in an
2 electronically readable format, information electronically
3 encoded on an individual's Hawaii identity card or driver's
4 license."

5 SECTION 3. Chapter 487J, Hawaii Revised Statutes, is
6 amended by amending its title to read as follows:

7 "CHAPTER 487J
8 ~~[SOCIAL SECURITY NUMBER]~~ PERSONAL INFORMATION PROTECTION"

9 SECTION 4. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on January 7, 2059.



Report Title:

Personal Information; Unlawful Use of Hawaii Identity Card or
Driver's License

Description:

Allows the scanning and retention of personal information
contained in a Hawaii identity card or driver's license for
limited purposes only. Effective January 7, 2059. (SB2419 HD3)

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*

