
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 identification 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 identification 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 identification card
11 number;

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

17 (A) Name;

18 (B) Address;

19 (C) Date of birth; and

20 (D) Driver's license number or identification card
21 number;



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

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

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

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

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



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

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

6 (f) For purposes of this section:

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

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

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

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



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

4 "Scan" or "scanning" means to access the machine-readable
5 zone of an individual's Hawaii identification card or driver's
6 license with an electronic device capable of deciphering, in an
7 electronically readable format, information electronically
8 encoded on an individual's Hawaii identification card or
9 driver's license."

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

12 **"CHAPTER 487J**

13 **[SOCIAL SECURITY NUMBER] PERSONAL INFORMATION PROTECTION"**

14 SECTION 4. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.



Report Title:

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

Description:

Allows the scanning and retention of personal information
contained in a Hawaii identification card or driver's license
for limited purposes only. (CD1)

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not legislation or evidence of legislative intent.*

