Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith HB702 HD1 SD2, without my approval and with the statement of objections relating to the measure.

HB702 HD1 SD2 RELATING TO SATELLITE NAVIGATION TECHNOLOGY.

Sincerely,

David Y. Ige
Governor, State of Hawai'i
STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 702

Honorable Members
Thirtieth Legislature
State of Hawai‘i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai‘i, I am returning herewith, without my approval, House Bill No. 702, entitled "A Bill for an Act Relating to Satellite Navigation Technology."

The purpose of this bill is to prohibit the sale or offering for sale of location data that is recorded or collected by a satellite navigation technology-equipped device without the explicit consent of the individual who is the primary user of the device.

This bill is objectionable because it attempts to regulate a complex national industry without sufficient and appropriate wording to ensure consistent compliance and enforcement. The lack of clarity in this bill as currently drafted will lead to ambiguity, confusion, and unintended consequences should it become law.

During the interim, the administration will work with the legislature through the task force created in “House Concurrent Resolution 225, Convening a Task Force to Examine and Recommend Laws and Regulations to Update Privacy Law” to provide recommendations to the legislature to ensure that appropriate legislation can be introduced next session to address this important issue.

For the foregoing reasons, I am returning House Bill No. 702 without my approval.

Respectfully,

DAVID Y. IGE
Governor of Hawai‘i
A BILL FOR AN ACT

RELATING TO SATELLITE NAVIGATION TECHNOLOGY.

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

SECTION 1. The legislature finds that technology is rapidly evolving, often faster than society is aware. One increasingly widespread technology application is the use of satellite navigation technology, such as the global positioning system, to pinpoint a location. Many types of satellite navigation systems are used worldwide, including the BeiDou navigation satellite system, Galileo navigation satellite system, and GLONASS navigation satellite system. Satellite navigation technology is widely used in devices such as smartphones, tablets, personal computers, vehicles, and smartwatches.

The legislature further finds that three in every four people in the United States have a smartphone, which are usually equipped with satellite navigation technology. Certain companies have been found to record, collect, and preserve data containing the location of devices equipped with this technology. When location data is collected from a smartphone
or other device that people tend to keep on or near their person, the location data essentially becomes a permanent record of a person's movement and daily life.

The legislature further finds that in recent years, companies that record, collect, and preserve location data have sold this location data, often without the knowledge or consent of the person who is the primary user of the satellite navigation technology-equipped device. The legislature acknowledges that the sale or offering for sale of location data, which is essentially a permanent record of a person's movement and daily life, without the person's knowledge or consent, is an unfair and deceptive practice.

Accordingly, the purpose of this Act is to prohibit the sale or offering for sale of location data collected using satellite navigation technology without the explicit consent of the individual who has primary custody of the satellite navigation technology-equipped device.

SECTION 2. Chapter 481B, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:
§481B—Sale of location data recorded or collected by satellite navigation technology-equipped devices; prohibited.

(a) No person shall sell or offer for sale location data that is recorded or collected by a satellite navigation technology-equipped device without the explicit consent of the individual who is the primary user of the satellite navigation technology-equipped device.

(b) As used in this section, "satellite navigation technology" means technology that uses communication between electronic receivers and satellites to determine geolocation and time information, including but not limited to the global positioning system.

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2019.

APPROVED this day of , 2019

GOVERNOR OF THE STATE OF HAWAII
HB No. 702, HD 1, SD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.

Scott K. Saiki
Speaker
House of Representatives

Brian L. Takeshita
Chief Clerk
House of Representatives
THE SENATE OF THE STATE OF HAWAI‘I

Date: April 9, 2019
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the
Senate of the Thirtieth Legislature of the State of Hawai‘i, Regular Session of 2019.

[Signature]
President of the Senate

[Signature]
Clerk of the Senate