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.
Report Title:
Satellite Navigation Technology; Unfair and Deceptive Practices; Location Data

Description:
Prohibits the sale or offering for sale of location data collected using satellite navigation technology without the explicit consent of the individual who is the primary user of the satellite navigation technology-equipped device. (SD2)

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