
A BILL FOR AN ACT

RELATING TO IDENTITY THEFT.

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

1 SECTION 1. Chapter 481B, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:
4 **"PART . CONFIDENTIALITY OF WIRELESS SERVICE RECORDS**
5 **§481B- Definitions.** For purposes of this part:
6 "Personal information" means information associated with a
7 wireless customer that is a name, an address, a telephone
8 number, an electronic mail address, a driver's license number, a
9 social security number, an employer, a place of employment,
10 information related to employment, an employee identification
11 number, a mother's maiden name, an identifying number of a
12 wireless service account, any record of calls made or received
13 via the wireless service connection, a password used for
14 accessing information, or any other name, number, or code that
15 is used, alone or in conjunction with other information, to
16 confirm the identity of the wireless customer.
17 "Reseller" means a person or entity that purchases
18 commercial mobile radio service from a wireless provider for the



1 purpose of reselling commercial mobile radio service to end-
2 users.

3 "Wireless customer" means a commercial mobile radio service
4 customer.

5 "Wireless provider" means a person or entity that is
6 authorized by the Federal Communications Commission to provide
7 facilities-based commercial mobile radio service within the
8 State.

9 "Wireless service" means commercial mobile radio service
10 under sections 3(27) and 332(d) of the Federal
11 Telecommunications Act of 1996, 47 U.S.C. 151 et seq., and the
12 Omnibus Budget Reconciliation Act of 1993, P.L. 103-66, August
13 10, 1993, 107 Stat. 312.

14 "Wireless service connection" means each active wireless
15 telephone number assigned to a commercial mobile radio service
16 customer, including end-users of resellers whose place of
17 primary use is within the State.

18 **§481B- Personal information of wireless account holder**
19 **confidential.** All information generated, received, or kept by a
20 wireless provider or reseller pertaining to any wireless service
21 connection that contains any personal information of the
22 wireless customer shall be confidential.



1 **§481B- Pretexting prohibited.** No person shall represent
2 themselves to be a wireless customer for the purpose of
3 obtaining personal information of that customer from a wireless
4 service provider if the person is not that customer or not
5 legally authorized to obtain the information on behalf of that
6 customer.

7 **§481B- Sale and purchase of wireless account information**
8 **prohibited.** (a) No wireless provider, or officer, employee, or
9 contractor thereof, shall offer to sell or give away, and no
10 person or entity shall purchase or accept, any personal
11 information of a wireless customer without the express written
12 consent of that customer.

13 (b) This section shall not prohibit a wireless provider
14 from making personal information available, without the
15 permission of the wireless customer, to a third party pursuant
16 to a contract, if the contract contains language requiring the
17 third party to bind through contract each of its subcontractors
18 by including language prohibiting the divulging of any personal
19 information for any purpose by the subcontractors, except to
20 fulfill and service orders pursuant to the contract between the
21 wireless provider and the authorized third party.



1 (c) This section shall not prohibit the transmittal of any
2 personal information to or from a "consumer reporting agency",
3 as that term is defined in the Fair Credit Reporting Act, or a
4 "debt collector", as that term is defined in the Fair Debt
5 Collection Practices Act, Public Law No. 95-109.

6 (d) This section shall not prohibit a wireless provider
7 from sharing personal information of a wireless customer with a
8 subsidiary or the parent corporation of the wireless provider or
9 to another subsidiary of the common parent corporation.

10 **§481B- Remedies.** (a) Violation of this section is a
11 misdemeanor.

12 (b) The attorney general may prosecute a violation of this
13 part or bring an injunctive action to enforce it, or both.

14 (c) Nothing in this section shall prohibit a wireless
15 customer from bringing an action for damages or injunctive
16 relief for a violation of this part."

17 SECTION 2. If any provision of this Act, or the
18 application thereof to any person or circumstance is held
19 invalid, the invalidity does not affect other provisions or
20 applications of the Act, which can be given effect without the
21 invalid provision or application, and to this end the provisions
22 of this Act are severable.

1 SECTION 3. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Michael J. Nguyen

~~_____~~

Tony Wate

~~_____~~

~~_____~~

Dahman Marumoh



HB 2841

Report Title:

Identity Theft; Cellular Phones

Description:

Prohibits posing as the holder of a cellular phone service account to obtain calling records. Prohibits sale or purchase of such records.

