



GOV. MSG. NO. 1294

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

June 28, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

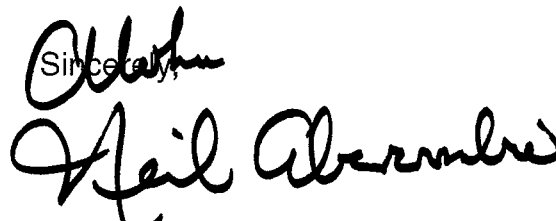
The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on June 28, 2012, the following bill was signed into law:

SB2419 SD2 HD3 CD1

RELATING TO PERSONAL INFORMATION.  
**Act 191 (12)**

Sincerely,  


NEIL ABERCROMBIE  
Governor, State of Hawaii

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# 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

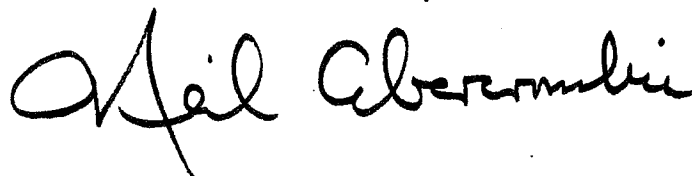
13 [~~SOCIAL SECURITY NUMBER~~] PERSONAL INFORMATION PROTECTION"

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.

APPROVED this 28 day of JUN, 2012



GOVERNOR OF THE STATE OF HAWAII