
A BILL FOR AN ACT

RELATING TO PERSONAL INFORMATION.

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

1 SECTION 1. The legislature finds that third parties,
2 including hotels, liquor establishments, and retail stores often
3 scan driver's licenses and identification cards to determine
4 identity and age. Some of these third parties retain the
5 scanned personal information for other purposes. Law-
6 enforcement officers scan driver's licenses to retrieve data and
7 to issue electronic citations. Third parties, with the
8 exception of use by law-enforcement officers for solely official
9 purposes, should not be allowed to retain personally
10 identifiable information stored in the machine-readable zone of
11 a scanned driver's license or identification card without the
12 express consent of the holder of the driver's license or
13 identification card. The Department of Homeland Security
14 concurs that states should adopt a law limiting retention of
15 personally identifiable information scanned from driver's
16 license and identification cards.



1 SECTION 2. Chapter 846, Hawaii Revised Statutes, is
2 amended by adding a new section to part II to be appropriately
3 designated and to read as follows:

4 **"§846- Unlawful use of certificate of identification.**

5 No person shall scan and retain personally identifiable
6 information stored in the machine-readable zone of an
7 individual's certificate of identification, without the express
8 consent of the holder of the certificate of identification,
9 unless the use is by law-enforcement officers for solely
10 official purposes."

11 SECTION 3. Section 286-131, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§286-131 Unlawful use of driver's license.** No person
14 shall:

- 15 (1) Display or permit to be displayed or have in the
16 person's possession any canceled, revoked, suspended,
17 fictitious, or fraudulently altered driver's license;
- 18 (2) Lend the person's driver's license to any other person
19 or knowingly permit the use thereof by another;
- 20 (3) Display or represent as one's own any driver's license
21 not issued to the person;




- 1 (4) Fail or refuse to surrender to the examiner of
- 2 drivers, upon the examiner's lawful demand, any
- 3 driver's license that has been suspended, revoked, or
- 4 canceled;
- 5 (5) Use a false or fictitious name in any application for
- 6 a driver's license or knowingly make a false statement
- 7 or knowingly conceal a material fact, or otherwise
- 8 commit a fraud in any such application;
- 9 (6) Use or have in the person's possession any
- 10 reproduction, imitation, or facsimile of any driver's
- 11 license or any identification with the appearance of a
- 12 driver's license; or
- 13 (7) Scan and retain personally identifiable information
- 14 stored in the machine-readable zone of a driver's
- 15 license, without the express consent of the holder of
- 16 the driver's license, unless the use is by law-
- 17 enforcement officers for solely official purposes."

18 SECTION 4. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.

20 INTRODUCED BY:

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 HB HMS 2011-4760


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H.B. NO. 1850

Report Title:

Driver's License; State Identification Card; Data; Unlawful Use

Description:

Prohibits the scanning and retention of personally identifiable information stored in the machine-readable zone of the Hawaii driver's license and identification card without the express consent of the holder of the driver's license or identification card unless the use is by law-enforcement officers for solely official purposes.

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