

---

---

# 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 certificate of  
7 identification or driver's license, except for the following  
8 purposes:

- 9           (1) To verify the identity of the individual who possesses  
10           the Hawaii certificate of identification or driver's  
11           license if the individual pays for goods or services  
12           with a method other than cash, returns an item, or  
13           requests a refund;  
14           (2) To verify the individual's age when providing age-  
15           restricted goods or services to the individual if  
16           there is any reasonable doubt of the individual's  
17           having reached twenty-one years of age;



- 1        (3) To prevent fraud or other criminal activity if the  
2        individual returns an item or requests a refund and  
3        the business uses a fraud prevention service company  
4        or system;
- 5        (4) To establish or maintain a contract between the  
6        business and the individual; provided that the  
7        information collected by scanning the individual's  
8        Hawaii certificate of identification or driver's  
9        license for the establishment or maintenance of a  
10       contract shall be limited to the individual's:
- 11       (A) Name;  
12       (B) Address;  
13       (C) Date of birth; and  
14       (D) Driver's license number or certificate of  
15       identification number;
- 16       (5) To record, retain, or transmit information as required  
17       by state or federal law; and
- 18       (6) To transmit information to a consumer reporting  
19       agency, financial institution, or debt collector for  
20       the purpose of approving, processing, or collecting  
21       negotiable instruments, electronic funds transfers, or  
22       other methods of payments.



1       (b) No business shall retain any information obtained  
2 pursuant to subsection (a), except as provided in subsections  
3 (a)(4) through (6). No business shall store, sell, or  
4 disseminate any information obtained under this section for any  
5 purpose, including marketing, advertising, or promotional  
6 activities.

7       (c) Any business, except a consumer reporting agency, debt  
8 collector, or financial institution, that obtains information by  
9 scanning the machine-readable zone of an individual's  
10 certificate of identification or driver's license pursuant to  
11 subsection (a), shall purge or delete any information so  
12 obtained no later than five days after it is obtained.

13       (d) A business subject to this section shall make  
14 reasonable efforts, through systems testing and other means, to  
15 ensure that the requirements of this chapter are met.

16       (e) Any contract or agreement that purports to be a waiver  
17 of any provision of this section is contrary to public policy  
18 and is void and unenforceable.

19       (f) For purposes of this section:

20       "Consumer reporting agency" shall have the same meaning as  
21 in the federal Fair Credit Reporting Act, title 15 United States  
22 Code section 1681a(f).



1 "Debt collector" shall have the same meaning as in the  
2 federal Fair Debt Collection Practices Act, title 15 United  
3 States Code section 1692a.

4 "Financial institution" shall have the same meaning as in  
5 the federal Gramm-Leach-Bliley Act, title 15 United States Code  
6 section 6809."

7 SECTION 2. Section 487J-1, Hawaii Revised Statutes, is  
8 amended by adding a new definition to be appropriately inserted  
9 and to read as follows:

10 "Scan" means to access the machine-readable zone of an  
11 individual's Hawaii certificate of identification or driver's  
12 license with an electronic device capable of deciphering, in an  
13 electronically readable format, information electronically  
14 encoded on an individual's Hawaii certificate of identification  
15 or driver's license."

16 SECTION 3. Chapter 487J, Hawaii Revised Statutes, is  
17 amended by amending its title to read as follows:

18 **"CHAPTER 487J**

19 **[SOCIAL SECURITY NUMBER] PERSONAL INFORMATION PROTECTION"**

20 SECTION 4. This Act does not affect rights and duties that  
21 matured, penalties that were incurred, and proceedings that were  
22 begun before its effective date.



1           SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 6. This Act shall take effect on January 7, 2059.



**Report Title:**

Personal Information; Unlawful Use of Certificate of  
Identification or Driver's License

**Description:**

Allows the scanning and retention of personal information  
contained in a state identification card or driver's license for  
limited purposes only. Effective January 7, 2059. (HB2309 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

