

JAN 20 2012

A BILL FOR AN ACT

RELATING TO PERSONAL IDENTIFICATION INFORMATION.

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

1 SECTION 1. The legislature finds that driver's licenses
2 and state certificates of identification contain information
3 that can be accessed by third parties, including hotels, liquor,
4 and retail establishments that scan driver's licenses and
5 certificates of identification for verification of
6 identification and age. Law enforcement officials scan driver's
7 licenses for information retrieval purposes in the course of
8 issuing electronic citations. Unfortunately, the information
9 obtained could also be scanned, retained, and used for
10 illegitimate purposes.

11 The Department of Homeland Security urges states to adopt a
12 law to limit the retention of personally identifiable
13 information scanned from driver's licenses and state
14 certificates of identification.

15 The purpose of this Act is to prohibit personally
16 identifiable information obtained from driver's licenses and
17 state certificates of identification from being scanned and



1 retained without the express permission of the holder of the
2 driver's license or certificate of identification.

3 SECTION 2. Section 286-131, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§286-131 Unlawful use of license.** No person shall:

- 6 (1) Display or permit to be displayed or have in the
7 person's possession any canceled, revoked, suspended,
8 fictitious, or fraudulently altered driver's license;
- 9 (2) Lend the person's driver's license to any other person
10 or knowingly permit the use thereof by another;
- 11 (3) Display or represent as one's own any driver's license
12 not issued to the person;
- 13 (4) Fail or refuse to surrender to the examiner of
14 drivers, upon the examiner's lawful demand, any
15 driver's license that has been suspended, revoked, or
16 canceled;
- 17 (5) Use a false or fictitious name in any application for
18 a driver's license or knowingly make a false statement
19 or knowingly conceal a material fact, or otherwise
20 commit a fraud in any such application; [~~or~~]
- 21 (6) Use or have in the person's possession any
22 reproduction, imitation, or facsimile of any driver's



1 license or any identification with the appearance of a
2 driver's license[-]; or

3 (7) Electronically scan and retain personally identifiable
4 information stored in the machine readable zone of a
5 driver's license, without the express consent of the
6 holder of the driver's license."

7 SECTION 3. Section 846-28, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) The department of the attorney general shall require,
10 collect, secure, make, and maintain a record of the following
11 items of information with respect to each applicant for
12 registration:

13 (1) The name of the person applying to be registered
14 (hereinafter called the "registrant" or "applicant"),
15 the street and number or address of the applicant's
16 place of permanent residence, and the applicant's
17 residence and business telephone numbers, if any;

18 (2) The applicant's occupation and any pertinent data
19 relating thereto;

20 (3) The applicant's racial extraction;

21 (4) The applicant's citizenship;

22 (5) The date and place of the applicant's birth;



- 1 (6) The applicant's personal description, including sex,
2 height, weight, hair, eyes, complexion, build, scars,
3 and marks;
- 4 (7) The applicant's right and left index fingerprints or,
5 if the applicant has no right index finger or left
6 index finger, other identifying imprint as specified
7 by rules of the department; provided that this
8 requirement shall not apply to minors until they reach
9 the age of three years;
- 10 (8) The name, relationship, and address of the nearest
11 relative or other person to be notified in case of
12 sickness, accident, death, emergency, or need of the
13 applicant, if such notification is desired;
- 14 (9) The social security number of the applicant; and
- 15 (10) A frontal photograph of the applicant's full face[-];
16 provided that the electronic scanning and retention of
17 personally identifiable information stored in the machine
18 readable zone of the certificate of identification, without the
19 express consent of the holder of the certificate of
20 identification, shall be prohibited."

21 SECTION 4. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



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

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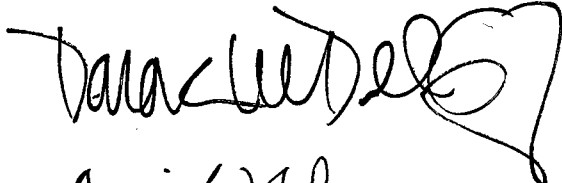
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S.B. NO. 2333

Report Title:

Driver's Licenses; State Identification Certificates

Description:

Prohibits the scanning and retention of personally identifiable information obtained from driver's licenses and state certificates of identification.

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