
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 authenticity of the identification card or
10 driver's license or to verify the identity of the
11 individual if the individual pays for goods or
12 services with a method other than cash, returns an
13 item, or requests a refund or an exchange;
14 (2) To verify the individual's age when providing age-
15 restricted goods or services to the individual if
16 there is a reasonable doubt of the individual having
17 reached eighteen years of age or older;



1 (3) To prevent fraud or other criminal activity if the
2 individual returns an item or requests a refund or an
3 exchange and the business uses a fraud prevention
4 service company or system. Information collected by
5 scanning an individual's Hawaii identification card or
6 driver's license pursuant to this subsection shall be
7 limited to the following information from the
8 individual:

9 (A) Name;

10 (B) Address;

11 (C) Date of Birth; and

12 (D) Driver's license number or certificate of
13 identification number;

14 (4) To establish or maintain a contractual relationship.
15 Information collected by scanning the individual's
16 Hawaii certificate of identification or driver's
17 license pursuant to this subsection shall be limited
18 to the following information from the individual:

19 (A) Name;

20 (B) Address;

21 (C) Date of birth; and



1 (D) Driver's license number or certificate of
2 identification number;

3 (5) To record, retain, or transmit information as required
4 by state or federal law;

5 (6) To transmit information to a consumer reporting
6 agency, financial institution, or debt collector to be
7 used as permitted by the federal Fair Credit Reporting
8 Act, Gramm-Leach-Bliley Act, or the Fair Debt
9 Collection Practices Act; and

10 (7) To record, retain or transmit information by a covered
11 entity governed by the medical privacy and security
12 rules issued by the federal Department of Health and
13 Human Services, Parts 160 and 164 of the Code of
14 Federal Regulations, established pursuant to the
15 Health Insurance Portability and Availability Act of
16 1996.

17 (b) No business shall retain or store any information
18 obtained pursuant to subsection (a), except as provided in
19 subsections (a) (3) through (7).

20 (c) No business shall store, sell, or disseminate to a
21 third party any information obtained under this section for any

1 purpose, including marketing, advertising, or promotional
2 activities.

3 (d) A business covered under this section shall make
4 reasonable efforts, through systems testing and other means, to
5 ensure that the requirements of this chapter are met.

6 (e) Any waiver of a provision of this section is contrary
7 to public policy and is void and unenforceable.

8 (f) For purposes of this section:

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

12 "Covered entity" shall have the same meaning as in the
13 security rules issued by the federal Department of Health and
14 Human Services, Parts 160 and 164 of the Code of Federal
15 Regulations, established pursuant to the Health Insurance
16 Portability and Availability Act of 1996.

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

20 "Financial institution" shall have the same meaning as in
21 the federal Gramm-Leach-Bliley Act, title 15 United States Code
22 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 certificate of identification or
6 driver's license with an electronic device capable of
7 deciphering, in an electronically readable format, information
8 electronically encoded on an individual's Hawaii certificate of
9 identification or 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 on January 7, 2059.



Report Title:

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

Description:

Allows the scanning and retention of personal information
contained in a Hawaii identification card or driver's license
for limited purposes only. Effective January 7, 2059. (SB2419
HD2)

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

