

Honolulu, Hawaii

FEB 02 2012

RE: S.B. No. 2333  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Transportation and International Affairs,  
to which was referred S.B. No. 2333 entitled:

"A BILL FOR AN ACT RELATING TO PERSONAL IDENTIFICATION  
INFORMATION, "

begs leave to report as follows:

The purpose and intent of this measure is to prohibit personally identifiable information obtained from driver's licenses and state certificates of identification from being scanned and retained without the express permission of the holder of the driver's license or certificate of identification.

Your Committee received testimony in support of this measure from the State Department of Transportation, Honolulu Licensing Administrator, and the American Civil Liberties Union of Hawaii. Comments on this measure were received from Consumer Data Industry Association and one individual.

Your Committee believes that driver's licenses and identification cards containing personally identifiable information must be protected by government agencies and their agents with the utmost care.

Your Committee finds that many private businesses have adopted a practice of scanning bar codes on customer's driver's licenses for all manner of purchases. For example, bar code scanning may be required by company policy for purchases of alcohol and other age-related transactions. This bar code



scanning practice raises serious privacy concerns inasmuch as Hawaii driver's license bar codes contain significant personal information, including name, address, date of birth, hair, eye color, height, weight, gender, license expiration date, organ donor status, driver's license number, and fingerprint.

Your Committee further finds that the Department of Homeland Security urges states to adopt a law regulating electronically scanning and retaining personally identifiable information stored in the machine readable zone of driver's licenses.

Your Committee has amended this measure by:

- (1) Substituting its contents with S.B. No. 2419 (2012), a substantially similar measure that amends chapter 487R, Hawaii Revised Statutes, to:
  - (A) Go further in protecting the right of privacy by prohibiting the scanning of the machine-readable zone of an individual's certificate of identification or driver's license, with certain exceptions, making no allowance for consent of the holder of the certificate or license; and
  - (B) Make a violation of the prohibition a misdemeanor, punishable by a fine of up to \$2,000 or imprisonment of up to one year, or both, where each violation is a separate offense; and
- (2) Changing the title of chapter 487R, Hawaii Revised Statutes, "Destruction of personal information records", to reflect the provisions relating to unlawful use of personal information records added to that chapter by this measure.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2333, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2333, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on  
behalf of the members of the  
Committee on Transportation and  
International Affairs,

*J. Kalani English*

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J. KALANI ENGLISH, Chair



