



**LATE**

NEIL ABERCROMBIE  
GOVERNOR

SHAN S. TSUTSUI  
LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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KEALI'I S. LOPEZ  
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

PRESENTATION OF THE  
OFFICE OF CONSUMER PROTECTION  
TO THE HOUSE COMMITTEE ON JUDICIARY  
THE TWENTY-SEVENTH LEGISLATURE  
REGULAR SESSION OF 2013  
THURSDAY, FEBRUARY 28, 2013  
3:00 P.M.

TESTIMONY ON HOUSE BILL NO. 1287  
RELATING TO PERSONAL INFORMATION.

TO THE HONORABLE KARL RHOADS, CHAIR,  
AND TO THE HONORABLE SHARON E. HAR, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("DCCA"), Office of Consumer Protection ("OCP") appreciates the opportunity to appear today and testify on House Bill No. 1287, Relating to Personal Information. My name is Bruce B. Kim and I am the Executive Director of OCP.

**OCP opposes H.B. 1287.** The bill repeals existing statutory language in HRS § 487J-6(a)(2) requiring that "reasonable doubt" exist before a merchant may scan a customer's driver's license or Hawaii identification card "to verify the individual's age when providing age-restricted goods or services to the individual where there is

reasonable doubt of the individual having reached eighteen years of age or older”.

In response to concerns that information on a person’s Hawaii identification card or driver’s license could be a source of identity theft with “lasting negative repercussions on the life of the person whose identity is stolen”, the legislature adopted Act 191 last year. House Journal (2012), Conf. Committee Report No. 6-12, SB2419, SD2, HD3, CD1, at 1605. Act 191 created a new section in HRS Chap. 487J, Personal Information Protection, making it unlawful to scan the machine-readable zone of an individual’s Hawaii identification card or driver’s license and to use or retain any information obtained from the scan except in very limited circumstances listed in the statute. Prior to the adoption of Act 191 there were no restrictions whatsoever on the scanning of a person’s Hawaii identification card or driver’s license or the retention and dissemination of information obtained during such a scan.

According to the legislative history, the intent of Act 191 was to strike a careful balance between permitting responsible entities to lawfully use an individual’s personal identification information while protecting the privacy interests of individuals.

The purpose of this measure is to protect personal information while providing reasonable access in certain circumstances by allowing the scanning of personal information contained in a Hawaii identification card or driver’s license for limited purposes only.

Privacy concerns arise whenever a business scans the machine-readable zone of an individual’s certificate of identification or driver’s license. By scanning the machine-readable zone of a driver’s license, the business obtains significant personal information, including name, address, date of birth, hair color, eye color, height, weight,

gender, license expiration date, organ donor status, driver's license number, fingerprint, medical information and driver's classification code. The concerns are that a business could retain this information in a computer or other storage device and sell or disseminate such information to third-parties for marketing, advertising, promotional activities or other purposes without the knowledge or consent of the customer. The information obtained through the scan would also be susceptible to identity theft or other illegal purposes by unscrupulous employees.

Any exception to Act 191's general rule banning the unauthorized use or dissemination of personal identification numbers must be limited in nature and scope in the interest of a person's constitutional right to privacy. Act 191 accomplished that by clearly limiting the circumstances in which scanning can occur. OCP is concerned that the bill as drafted reverses the protections agreed to in Act 191 by giving certain businesses unfettered authority to scan every personal identification card or driver's license no matter what the age of the cardholder. The "reasonable doubt" standard sets a common sense limit while prohibiting unrestricted scanning of a person's identification card or driver's license. This reasonable limitation reduces the potential for identity theft and protects a customer's right to privacy while affording businesses the leeway to conduct scanning in situations where the age of the customer is at issue.

As reflected in the extensive legislative history to Act 191, the law was the product of considerable work and compromise between the legislature and various stakeholders affected by the measure. Those stakeholders included OCP, the Hawaii

Testimony on House Bill No. 1287  
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ACLU, the Dept. of Customer Services of the City and County of Honolulu, AT&T, Verizon, the Retail Merchants of Hawaii, the Retail Equation, and the Consumer Data Industry Association.

The bill would weaken not strengthen the protections agreed to last session by striking reasonable limits on the scanning of Hawaii identification cards and driver's licenses established by Act 191.

Thank you for allowing me to testify on House Bill No. 1287. I would be happy to answer any questions the committee may have.

William P. Kenoi  
*Mayor*

Walter K.M. Lau  
*Managing Director*



Gerald A. Takase  
*Director*

## County of Hawai'i

### Department of Liquor Control

Hilo Lagoon Centre, 101 Aupuni Street, Unit 230, Hilo, Hawai'i 96720-4261  
(808) 961-8218 • Fax (808) 961-8684

February 21, 2013

Honorable Karl Rhoads, Chair  
Honorable Sharon E. Har, Vice-Chair  
House Committee on Judiciary  
Hawai'i State Capitol  
415 S. Beretania Street  
Honolulu, Hawai'i 96813

Dear Chair Rhoads, Vice-Chair Har and Committee Members:

Re: Support of HB 1287 Relating to Personal Information

We support HB 1287 relating to personal information, which was referred to your Committee on Judiciary.

HB 1287 will help prevent the sale of liquor to minors by deleting the requirement that a business have a reasonable doubt that a customer is less than 18 years old before being able to scan the customer's identification or driver's license to verify the customer's age as is currently required under Section 487J-6(a)(2), Hawai'i Revised Statutes, as amended (HRS), which we feel was an oversight when the legislation was originally passed.

We require our licensees to check identification to prevent the sale of intoxicating liquor to minors. While, Section 487J-6(a)(2) created an exemption for age-restricted goods and services, the proviso of restricting it, where there is a reasonable doubt of the individual having reached the age of 18 years of age or older, has created some interpretation problems for licensees and whether they have the right to use their business equipment to scan for ages. Even with the efforts currently afforded to Hawai'i Driver's Licenses and Hawai'i State Identification Cards with the vertical formats and listing of the 18<sup>th</sup> and 21<sup>st</sup> birthdates to prevent calculation errors in our compliance checks, we still find unacceptable numbers of licensees still selling to minors.

Honorable Karl Rhoads, Chair  
Honorable Sharon E. Har, Vice-Chair  
House Committee on Judiciary  
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February 21, 2013

Businesses selling liquor, cigarettes or other age-restricted products should be allowed to scan the identification of all customers for the purpose of verifying age. Requiring a business to have a "reasonable doubt" imposes a vague standard that will only hamper the efforts to prevent the sale of liquor and cigarettes to minors by preventing business from applying uniform standards to age verification. In addition, the 18 year old threshold makes no sense when applied to the sale of liquor, which by law is restricted to 21 year olds and older.

Many of the licensees have gone through the time and expense of acquiring systems that will not only scan IDs to verify age and authenticate these IDs, but will lock their cash registers to prevent an underage sale from being made. Because of Section 487J-6, HRS, they are being thwarted from using this technology to help them curb this problem. A reasonable balance between using personal information and protecting personal information needs to be struck and the modifications proposed in HB 1287 should strike that balance.

Please support the efforts by businesses to prevent the sale of liquor and cigarettes to minors by passing HB 1287.

Sincerely,



GERALD TAKASE  
Director

GT:de

LIQUOR COMMISSION  
**CITY AND COUNTY OF HONOLULU**

711 KAPIOLANI BOULEVARD, SUITE 600 • HONOLULU, HAWAII 96813-5249  
PHONE: (808) 768-7300 or (808) 768-7355 • FAX: (808) 768-7311  
E-mail address: liquor@honolulu.gov • INTERNET: www.honolulu.gov/liq

KIRK CALDWELL  
MAYOR



February 27, 2013

Representative Karl Rhoads, Chair  
Representative Sharon E. Har, Vice Chair  
Committee on Judiciary

**Hearing:** Thursday, February 28, 2013  
3:00 p.m.; Room 325

**Position:** Supporting HB 1287 Relating to Personal Information

The Liquor Commission, City and County of Honolulu ("Commission"), supports HB 1287.

HB 1287 will help prevent the sale of liquor to minors by deleting the requirement that a business have a reasonable doubt that a customer is less than 18 years old before being able to scan the customer's identification or driver's license to verify the customer's age.

Within the City and County of Honolulu based upon data obtained through the use of decoy operations there is a failure rate of 25% to 28% by licensees in selling alcohol to customers under the age of 21 years. This with the use of the Hawai'i Driver's Licenses and Hawai'i State Identification Cards with the vertical formats and listing of the 18<sup>th</sup> and 21<sup>st</sup> birthdates. We still see numerous occasions where despite the forgoing "red flags" errors are made on alcohol sold to persons under the age of 21 years. The above mentioned failure rate is unacceptable.

Furthermore, with the proliferation of fake or bogus identification cards through the internet, scanning as opposed to visual inspection will be a more effective method for detecting fakes. It is important to note that the quality of fake or bogus identification cards make visual detection very difficult to all but those who are highly trained in spotting the flaws in said identification cards.

Businesses selling liquor, cigarettes or other age-restricted products should be allowed to scan the identification of all customers for the purpose of verifying age. Requiring a business to have a "reasonable doubt" imposes a vague standard that will only hamper the efforts to prevent the sale of liquor and cigarettes to minors by preventing businesses from applying uniform standards to age verification. In addition, the 18 year old threshold makes no sense when applied to the sale of liquor, which by law is restricted to 21 year olds and older.

Please support the efforts by businesses to prevent the sale of liquor and cigarettes to minors by passing HB 1287.

Thank you for the opportunity to testify on this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Greg I. Nishioka", is written over a circular stamp or seal.

Greg I. Nishioka, Administrator  
Liquor Commission

MICHAEL S. YAMAGUCHI  
CHAIRMAN

IRIS R. OKAWA  
VICE CHAIR

WESLEY F. FONG  
COMMISSIONER

JOSEPH V. O'DONNELL  
COMMISSIONER

JOSEPH M. MAGALDI, JR.  
COMMISSIONER

GREG I. NISHIOKA  
ADMINISTRATOR

ANNA C. HIRAI  
ASST. ADMINISTRATOR



**SEVEN-ELEVEN HAWAII, INC.**  
7-ELEVEN Stores

February 27, 2013

Honorable Karl Rhoads, Chair  
Honorable Sharon E. Har, Vice-Chair  
Committee on Judiciary  
House of Representatives  
State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: Testimony in Support of House Bill No. 1287, relating to personal information

Dear Chair Rhoads, Vice-Chair Har and Committee Members:

Seven-Eleven Hawaii, Inc. respectfully submits this testimony in strong support of House Bill No. 1287 relating to personal information, which is being heard by your Committee on Judiciary on February 28, 2013, at 3:00 p.m.

The purpose of HB 1287 is to delete the requirement in section 487J-6(a)(2), Hawaii Revised Statutes, that a business have a reasonable doubt that a customer is 18 years old before being able to scan the customer's Hawaii identification card or driver's license for the purpose of verifying the customer's age when purchasing age-restricted products, such as alcoholic beverages.

We support HB 1287 because the existing requirement is unworkable and would hinder the ability of business to effectively enforce the restrictions on the sale of alcohol and tobacco products.

As an initial matter, please keep in mind that a business which scans a customer's identification card or driver license for the purpose of verifying age for the purchase of age-restricted products may *not* store or retain any data from the scan, nor sell such data to any third party. Thus, the scan is solely for the purpose of verifying the age of the customer.

The existing requirement is inappropriate on its face for the sale of alcoholic beverages, for which the required age is 21 years. Under HRS section 487J-6(a)(2), as currently drafted, if a clerk has a reasonable doubt that a customer is over 18 but under 21 years of age, the clerk would be barred from scanning the customer's identification card or driver's license. Plainly, this makes no sense.

In addition, we note that Senate Bill No. 442, Senate Draft 1, relating to intoxicating liquor, would lower the *mens rea* requirement for illegal sales to minor from "knowingly" to "recklessly." The Senate Committee on Public Safety, Intergovernmental and Military Affairs' report on SB 442, SD 1 notes:

Your Committee finds that the consumption of liquor by minors continues to be a significant public health issue. The goal of this measure is to ensure that those selling, serving, delivering, or giving intoxicating liquor verify the date of birth of the person receiving the intoxicating liquor, resulting in increased compliance with liquor laws. This measure lowers the standard of care expected



Honorable Karl Rhoads, Chair  
Honorable Sharon E. Har, Vice-Chair  
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from licensees when serving liquor to those of questionable age, from that of knowingly to recklessly, which eases the burden of proof in prosecuting this offense.

Stand. Com. Rep. No. 222 (underscoring added).

Even in the case of sales of tobacco, FDA regulations require retailers to verify the age of purchasers 26 years and younger. *See* 21 Code of Federal Regulations § 1140.14.

Second, imposing a “reasonable doubt” standard regarding age is inherently unworkable. As a retailer with stores in many locations and diverse customer populations, we know first-hand how difficult it is to try to guess the age of customers. We also know through experience that selective requests for identification can sometimes lead to confrontational situations. To address these concerns our policy, prior to HRS section 487J-6(a)(2) becoming effective, was to require universal identification checks. We would prefer to err on the side of caution in order to prevent the sale of alcohol to under-aged minors. While this may cause some inconvenience to older customers, we believe that the public policy goal and legal obligation to not sell alcohol to minor far outweighs that inconvenience. However, universal identification checks are prohibited under HRS section 487J-6(a)(2), forcing us to rely upon the inherently less reliable age assessments made by our clerks. This undermines our efforts to enforce the age-restrictions on the sale of tobacco and, especially, alcoholic beverages.

Third, scanning, as opposed to visible inspection by a clerk, of an identification or driver’s license, is an effective method for distinguishing fake or bogus identification cards or driver’s licenses. As noted in the attached two articles, fake identification cards are readily available and are used by minors to purchase alcohol, with some tragic results. As one of the attached articles states:

Authorities say part of the problem is the phony i.d’s are being made better than ever. Many of them are made in China and shipped to people in the United States. They say it’s very tough to distinguish a real i.d. from a fake one, unless the business has a special scanner.

The inability to scan would make it more likely that minors can successfully use fake identification cards and driver’s licenses to purchase age restricted products.

The annual cost of underage drinking in the State of Hawaii has been estimated by the Underage Drinking Enforcement Training Center to be over \$300 million in 2010. In addition to the monetary cost is incalculable pain and suffering. *See* <http://www.udetc.org/factsheets/HI.pdf> and <http://www.udetc.org/StateInformation.asp?selectstate=HI#uc>. A copy of the UDETC’s factsheet on costs to Hawaii is attached.

We ask that the Legislature support efforts to prevent the sale of age restricted products, such as tobacco and alcoholic beverages to under-aged customers. We take this obligation very seriously

Honorable Karl Rhoads, Chair  
Honorable Sharon E. Har, Vice-Chair  
Committee on Judiciary  
February 27, 2013  
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and we hope that the Legislature will support the efforts of all businesses to rigorously enforce the law in this area.

Thank you for your consideration of our testimony.

Sincerely,

SEVEN-ELEVEN HAWAII, INC.

By   
Blake Yokotake  
Human Resources Manager

Encls.

# Underage Drinking in Hawaii

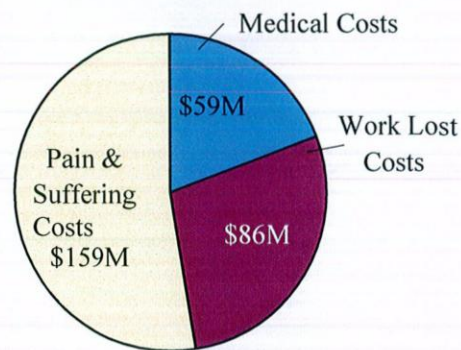
## The Facts

Tragic health, social, and economic problems result from the use of alcohol by youth. Underage drinking is a causal factor in a host of serious problems, including homicide, suicide, traumatic injury, drowning, burns, violent and property crime, high risk sex, fetal alcohol syndrome, alcohol poisoning, and need for treatment for alcohol abuse and dependence.

### *Problems and Costs Associated with Underage Drinking in Hawaii*

Underage drinking cost the citizens of Hawaii \$0.3 billion in 2010. These costs include medical care, work loss, and pain and suffering associated with the multiple problems resulting from the use of alcohol by youth.<sup>1</sup> This translates to a cost of \$2,702 per year for each youth in the State or \$4.27 per drink consumed underage. Excluding pain and suffering from these costs, the direct costs of underage drinking incurred through medical care and loss of work cost Hawaii \$145 million each year or \$2.04 per drink. In contrast, a drink in Hawaii retails for \$1.91.

**Costs of Underage Drinking  
Hawaii, 2010 \$**



**Total: \$0.3 billion**

**Costs of Underage Drinking by Problem, Hawaii, 2010 \$**

Problem	Total Costs (in millions)
Youth Violence	\$109.3
Youth Traffic Crashes	\$69.9
High-Risk Sex, Ages 14-20	\$19.3
Youth Property Crime	\$28.0
Youth Injury	\$23.1
Poisonings and Psychoses	\$2.9
FAS Among Mothers Age 15-20	\$8.6
Youth Alcohol Treatment	\$42.6
<b>Total</b>	<b>\$303.8</b>

Youth violence (homicide, suicide, aggravated assault) and traffic crashes attributable to alcohol use by underage youth in Hawaii represent the largest costs for the State. However, a host of other problems contribute substantially to the overall cost. Among teen mothers, fetal alcohol syndrome (FAS) alone costs Hawaii \$9 million.

Young people who begin drinking before age 15 are four times more likely to develop alcohol dependence

and are two and a half times more likely to become abusers of alcohol than those who begin drinking at age 21.<sup>2</sup> In 2009, 954 youth 12- 20 years old were admitted for alcohol treatment in Hawaii, accounting for 37% of all treatment admissions for alcohol abuse in the state.<sup>3</sup>

## ***Alcohol Consumption by Youth in Hawaii***

Underage drinking is widespread in Hawaii. Approximately 46,000 underage customers in Hawaii drink each year. In 2009, Hawaii students in grades 9-12 reported:<sup>4</sup>

- 68.6% had at least one drink of alcohol on one or more days during their life.
- 28.6% had their first drink of alcohol, other than a few sips, before age 13.
- 37.8% had at least one drink of alcohol on one or more occasion in the past 30 days.
- 22.4% had five or more drinks of alcohol in a row (binge drinking) in the past 30 days.
- 7.9% had at least one drink of alcohol on school property in the past 30 days.

In 2009, underage customers consumed 6.5% of all alcohol sold in Hawaii, totaling \$136 million in sales (in 2010 dollars). These sales provided profits of \$67 million to the alcohol industry.<sup>1</sup> Ranking states based on the percentage of alcohol consumed underage, with 1 the highest, Hawaii ranked number 45. This percentage is affected by both adult and youth drinking levels.

Annual sales of alcohol consumed by youth in Hawaii averaged \$2,950 per underage customer. Underage customers were heavier consumers than adults. They drank an average of 4.3 drinks per day; in contrast, legal customers consumed only 1.8.

## ***Harm Associated with Underage Drinking in Hawaii***

Underage drinking in Hawaii leads to substantial harm due to traffic crashes, violent crime, property crime, unintentional injury, and risky sex.

- During 2009, an estimated 15 traffic fatalities and 214 nonfatal traffic injuries were attributable to driving after underage drinking.
- In 2009, an estimated 3 homicides; 2,900 nonfatal violent crimes such as rape, robbery and assault; and 9,200 property crimes including burglary, larceny, and car theft were attributable to underage drinking.
- In 2007, an estimated 3 alcohol involved fatal burns, drownings, and suicides were attributable to underage drinking.
- In 2009, an estimated 146 teen pregnancies and 3,138 teens having risky sex were attributable to underage drinking.

For comparison with other states, in US rather than state prices, the harm from underage drinking per youth in Hawaii averages \$884. Such comparisons require caution. In part, they may reflect differences in crime and crash rates, problem-reporting to police, and co-occurring drug use.

Produced by the Pacific Institute for Research and Evaluation (PIRE) with funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), September 2011.

<sup>1</sup> Levy, D.T., Miller, T.R., & Cox, K.C. (2003). Underage drinking: societal costs and seller profits. Working Paper. Calverton, MD: PIRE.

<sup>2</sup> Grant, B.F., & Dawson, D.A. (1997). Age at onset of alcohol use and its association with DSM-IV alcohol abuse and dependence: Results from the National Longitudinal Alcohol Epidemiologic Survey. *Journal of Substance Abuse* 9: 103-110.

<sup>3</sup> Office of Applied Studies, Substance Abuse and Mental Health Services Administration. Treatment Episode Data Set. (2011). *Substance Abuse Treatment by Primary Substance of Abuse, According to Sex, Age, Race, and Ethnicity, 2009*. Available [On-line]: <http://www.icpsr.umich.edu/icpsrweb/SAMHDA/studies/30462>.

<sup>4</sup> Center for Disease Control (CDC). (2011). Youth Risk Behavior Surveillance System (YRBSS). Available [On-line]: <http://apps.nccd.cdc.gov/youthonline/App/Default.aspx>.

## **New generation of fake IDs flinging open doors to underage drinking**

*By Ashley Halsey III The Washington Post The Denver Post*

*Posted:*

DenverPost.com

WASHINGTON — When the fleeing motorcycle hit the curb, scraped past a utility pole and hurled 20-year-old Craig Eney to his death, a bogus South Carolina driver's license was in the hip pocket of his jeans.

He spent the final hours of his life using that phony license to buy shots for buddies at two Annapolis, Md., bars — places so popular among underage drinkers that bouncers are stationed outside to check everyone's ID.

Yet scores of young people flash fake licenses and waltz into the bar.

The days when faking driver's licenses was a cottage industry — often practiced by computer geeks in dorm rooms with laminating machines — have given way to far more sophisticated and prolific practitioners who operate outside the reach of the law.

In an era when terrorism and illegal immigration have transformed driver's licenses into sophisticated mini-documents festooned with holograms and bar codes, beating the system has never been easier. Just wire money to "the Chinese guy."

"He's like some sort of genius in China," said a 19-year-old for whom Eney bought shots that night. "Every kid in Annapolis has one of his licenses."

The "Chinese guy" — whose e-mail address is passed around on college campuses and among high school kids — is actually a Chinese company that mails thousands of fake driver's licenses to the U.S.

To the naked eye — even the practiced eye of most bartenders and cops — the counterfeits look perfect. The photo and physical description are real. So is the signature. The holograms are exact copies, and even the bar code can pass unsophisticated scans.

"We're seeing these false IDs being generated from the same source out of China," said Steven Williams, chief executive of Intellicheck, which supplies detection equipment to federal agencies, law enforcement and businesses.

The IDs have shown up in various states, each carrying a mysterious hidden tip-off in the bar code that points directly to the same Chinese company.

More than just the rage among underage drinkers, the top-flight bogus licenses are a hot item among practitioners of credit-card fraud. But it is among those too young to drink legally that these forgeries take their greatest toll.

Every day between Memorial Day and Labor Day, an average of 16 people ages 20 or younger die on the nation's highways, according to the National Transportation Safety Board. Forty-one percent of 20-year-olds who die in accidents have been drinking.

As Craig Eney prepared to leave the Acme Bar and Grill on Main Street in Annapolis on June 16, his drinking buddies said they thought he was too drunk to ride the bike. But that didn't stop Kelcey Silva, 19, who police say didn't even know Eney. She was sitting on the back of the blue Yamaha when police caught up with it a few minutes later. Silva also died in the accident.

## How it works

The shoe box that arrived in the mail from China contained a cheap pair of shoes. "We thought the Chinese guy had ripped us off," said the 19-year-old who shared shots with Eney the night he died.

Until then, the deal had gone smoothly. She made first contact through an e-mail address supplied by an acquaintance. A reply laid out the details. "It was \$300 if you just wanted one" license, she said. "It was \$200 (each) for two and \$75 (each) if you wanted more than 20."

Photos, names, signatures and physical descriptions were e-mailed to the address. Money was collected from friends and wired to an address in China specified in the e-mail.

"You can pick from a list of about 10 states," she said.

The shoe box with postmarks from China arrived in a matter of days. After initial consternation, she flipped over one of the shoes and ripped open the sole. Out tumbled 22 visually perfect driver's licenses.

This spring, federal authorities in Chicago intercepted thousands of fake licenses hidden in jewelry boxes and shoes shipped from China. Border Patrol officials, who made the seizure in Chicago, are cracking down on phony licenses, but the IDs usually come disguised in individually addressed packages, making the task difficult.

Driver's licenses took on a new significance in the aftermath of Sept. 11, 2001, when it was discovered that the hijackers carried several that had been fraudulently obtained.

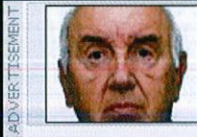
The "Chinese guy" operation has been linked to a company called PARTiTek in Nanjing, China. When the bar code on the back of the phony licenses is scanned, at the very end of the readout appears "by PARTiTek."

PARTiTek said the bar code is the company's but that it doesn't produce the licenses.

Five weeks after the accident, a bouncer checked driver's licenses outside the Acme Bar and Grill with a new handheld scanner. It was put to the test when a young woman handed him a Maryland license; it looked genuine but was flagged as bogus three times by the scanner.

"I can't let you in," he said, handing the license back.

Moving up the street, she flipped out her cellphone. "I can't get in," she told a friend inside the bar. "It didn't scan."



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### Cops go undercover to bust underage drinkers at bars



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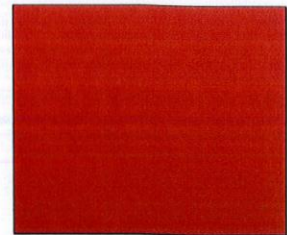
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### CELEBRITY FEATURES



Swift: I don't chase boys  
LeAnn Rimes gets bangs  
Faith Hill's new braces  
Watson defends Stewart's affair  
Shirley MacLaine tell-all



CHARLESTON, SC (WCSC) - It's not part of the college curriculum, but for many underage college students, it's an extra curricular activity.

They drink at bars in downtown Charleston.

This past weekend, undercover cops busted several students at bars, including O'Malley's Bar and Grille and La Hacienda restaurant on King Street.

We found the lists of arrests on the Charleston City Police department's Police to Citizen web page.

Bar owners are taking notice.

"As long as it's a forbidden fruit, it's gonna happen, so I think it's always gonna happen," said Kevin Young, a bartender at A.C.'s Bar and Grill on King Street.



### CONNECT WITH US!

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A.C.'s is working with the College of Charleston to warn and convince underage college kids about the consequences of drinking.

[Follow Us on Twitter](#)

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A poster in the front window of the business warns about using fake i.d.'s, spells out fines and other potential problems for kids who drink.

[Download our Apps](#)

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Young said for some students, the poster makes them think twice.

"Deterrent, I think it does, I do. I think it does. I think people see it and view it as something okay."

Authorities say part of the problem is the phony i.d.'s are being made better than ever. Many of them are made in China and shipped to people in the United States.

They say it's very tough to distinguish a real i.d. from a fake one, unless the business has a special scanner.

We asked some college students what they think about the underage drinking enforcement.

"It's kind of just sick. They go out there in the bars. They use their fake i.d.'s and it's a heavy ticket too," said College of Charleston senior Trevor Provost.

"Nerve wracking," said freshman John Catalano, who admitted he once had a fake i.d.

A Charleston City Police undercover officer said one big concern he has about underage drinkers is that some get so impaired, they become victims of robberies and other crimes.

The offense of minor in possession of beer or alcohol carries a maximum fine of \$262 dollars in Charleston Municipal Court. Violators also may have their drivers license suspended.

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**WE RECOMMEND**

- Photo of 'newborn' 13-year-old boy goes viral
- Grad student sues, says C-plus cost her \$1.3M
- Former pop star named Maryknoll Vice Principal
- Former UH kicker arrested for soliciting a minor for sex
- Grace Lee returning to Hawaii News Now Sunrise in March

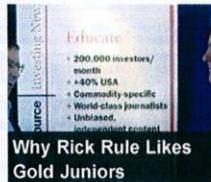
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[?]


- Lottery Winner's Widow Didn't Alert Authorities (*National Memo*)
- If You Have Gmail... You Must Have This (*Los Angeles Times*)
- Dear Owner: Please Sell (*The New York Times*)
- How to Get Others to See the Great Job You are Doing (*Cobalt*)
- Why Did I Lose My Rankings in Google? (*Wallaroo Media*)

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by Taboola



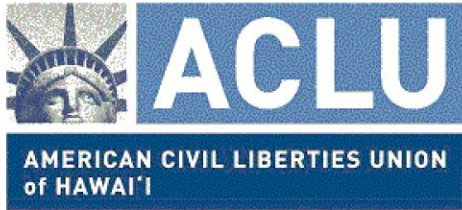
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Committee: Committee on Judiciary  
Hearing Date/Time: Thursday, February 28, 2013, 3:00 p.m.  
Place: Room 325  
Re: Testimony of the ACLU of Hawaii in opposition to H.B. 1287, Relating to Personal Information

Dear Chair Rhoads and Members of the Committee on Judiciary:

The ACLU of Hawaii writes in opposition to H.B. 1287, which seeks to add an exception to the law limiting when a private business may scan a driver's license barcode.

H.B. 1287 is inappropriate, unnecessary and gives businesses unfettered access to government-issued identification barcodes for age-related transactions. Businesses concerned about fraud can refuse to serve the customer (as is the current practice) or seek the barcode information under the exceptions allowed by law.

Driver's license scanning by private businesses is a huge problem – it constitutes a permissionless, unnecessary seizure of our private information. The scanning practice raises serious privacy concerns: Hawaii driver's licenses contain bar codes with significant personal information, including name, address, date of birth, hair color, eye color, height, weight, gender, license expiration date, organ donor status, driver's license number, fingerprint, medical indicators and driver classification code. As more personal information is amassed in more databases, the likelihood increases that the information will be misused or stolen and lead to identity theft. Individuals can't protect the accuracy or distribution of their personal information when it is held by others.

Prior to 2012, Hawaii had no law protecting the information on our driver's license from being misused until the ACLU of Hawaii and the state Department of Commerce and Consumer Affairs succeeded last year in getting Act 191 passed to limit private businesses' ability to scan the barcode on driver's licenses.

Act 191 already includes many exceptions to the limits and H.B. 1287 seeks to add another exception – namely, to allow any private business to swipe driver's license barcodes to verify age (regardless of the reasonableness of doing so). This would effectively allow any private

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
Honolulu, Hawaii'i 96801  
T: 808-522-5900  
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[www.acluhawaii.org](http://www.acluhawaii.org)

Hon. Rep. Rhoads, Chair, JUD Committee  
and Members Thereof  
February 28, 2013  
Page 2 of 2

business to scan the license of anyone who sought to buy an age-restricted purchase, including alcohol, Nicorette gum, mature video games, compressed air and cold medicines, among others.

While we understand that private businesses don't want to sell age-restricted products to minors, that goal should not be obtained at the expense of our privacy and at the risk of identity theft. Our current law appropriately balances those concerns.

Sincerely,

Laurie A. Temple  
Staff Attorney and Legislative Program Director  
ACLU of Hawaii

*The ACLU has been the nation's guardian of liberty since 1925 and the ACLU of Hawaii since 1965. The ACLU works daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the United States and Hawaii. The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy. The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society's most vulnerable members are denied, everyone's rights are imperiled.*

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## HAWAII FOOD INDUSTRY ASSOCIATION (HFIA)

1050 Bishop St. PMB 235

Honolulu, HI 96813

Fax : 808-791-0702

Telephone : 808-533-1292

DATE: Thursday, February 28, 2013  
TIME: 3:00 p.m.  
PLACE: Conference Room 325  
State Capitol  
415 South Beretania Street

TO:  
COMMITTEE ON JUDICIARY  
Rep. Karl Rhoads, Chair  
Rep. Sharon E. Har, Vice Chair

FROM: Hawaii Food Industry Association - Lauren Zirbel, Executive Director

RE: HB 1287 RELATING TO PERSONAL INFORMATION

Position: Strong Support.

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers and distributors of food and beverage related products in the State of Hawaii.

HFIA supports this measure.

SB 1351 will help prevent the sale of liquor to minors by deleting the requirement that a business have a reasonable doubt that a customer is less than 18 years old before being able to scan the customer's identification or driver's license to verify the customer's age.

Businesses selling liquor, cigarettes or other age-restricted products should be allowed to scan the identification of all customers for the purpose of verifying age. Requiring a business to have a "reasonable doubt" imposes a vague standard that will only hamper the efforts to prevent the sale of liquor and cigarettes to minors by preventing business from applying uniform standards to age verification. In addition, the 18 year old threshold makes no sense when applied to the sale of liquor, which by law is restricted to 21 year olds and older.

Please support the efforts by business to prevent the sale of liquor and cigarettes to minors by passing SB 1351.

Thank you for the opportunity to provide this testimony.



February 28, 2013

To: Representative Karl Rhoads, Chair — House Committee on Judiciary;  
Rep. Sharon Har, Vice Chair and members of the Committee

From: Arkie Koehl — Co-chair, Public Policy Committee - MADD Hawaii

Re: House Bill 1287 – Relating to Personal Information

---

I am Arkie Koehl, offering testimony on behalf of the Hawaii members of Mothers Against Drunk Driving in support of House Bill 1287, which allows for the scanning of identification cards to verify age when providing age-restricted goods or services regardless of reasonable doubt of the person's age. MADD has long been involved in legislation and educational programs relating to underage drinking. We are vitally concerned with issues of access to alcohol.

Having read the opposing testimonies submitted on the companion Senate Bill (SB 1351), we feel that the value of scanning, by eliminating much error and guesswork from the age verification process, outweighs the danger of data abuse, for which serious criminal penalties already exist.

As an aside, we would ask whether the language of the bill requires “carding” and scanning by everyone attempting to purchase “age restricted goods or services,” or whether even an inexperienced retail clerk can be excused from demanding ID from someone visibly closer to 80 than 18.

We encourage the committee to pass House Bill 1287.

Thank you for this opportunity to testify.

**LATE**

Testimony in Support of HB 1287 – Relating to Personal Information  
February 28, 2013

TO: Committee on Judiciary  
Rep. Karl Rhoads, Chair  
Rep. Sharon Har, Vice Chair

FR: Alan Shinn, Executive Director  
Coalition for a Drug-Free Hawaii  
1130 N. Nimitz Hwy, Suite A-259  
Honolulu, HI 96817  
(808) 545-3228 x29

Please accept this testimony in support of HB 1287 – *Relating to Personal Information*, which allows for the scanning of identification cards to verify age when providing age-restricted goods or services regardless of reasonable doubt of the person's age.

This amended bill clarifies under what circumstances vendors may scan state identification cards or driver's licenses, without violating privacy. It is especially useful when verifying an individual's age when selling age-restricted goods such as tobacco products and alcohol.

According to prevention science, restricting access to alcohol and tobacco for youth under the age of 18 years for tobacco and young adults under the age of 21 years for alcohol also influences use. With more access there is a corresponding increase in substance use.

HB 1287 would be considered an environmental prevention approach to decreasing or preventing the use of tobacco and alcohol for our youth and young adults by tightening up and clarifying existing laws.

Thank you for the opportunity to provide testimony,

**HB1287**

Submitted on: 2/26/2013

Testimony for JUD on Feb 28, 2013 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Macey	Individual	Oppose	No

Comments: Strongly oppose due to privacy unless all after section (1) (a) are stricken.

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**HB1287**

Submitted on: 2/26/2013

Testimony for JUD on Feb 28, 2013 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pamela Williams	Individual	Oppose	No

Comments:

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**LATE**

**HB1324**

Submitted on: 2/28/2013

Testimony for JUD on Feb 28, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victoria Markham-Pukini	Individual	Support	No

Comments: I am a strong supporter of this Bill. Some moped operators don't know how to properly drive their mopeds. Even at a young age many are irresponsible. Providing them with safety courses should help with the outcome of less accidents regarding mopeds. Charging fines when they "supe" up their mopeds may make it harder for them to tweak the moped. This will prevent a lot in the long run.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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