

JAN 24 2013

A BILL FOR AN ACT

RELATING TO PERSONAL INFORMATION.

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

1 SECTION 1. The purpose of this Act is to clarify when a
2 business may scan the machine-readable zone of an individual's
3 Hawaii identification card or driver's license.

4 SECTION 2. Section 487J-6, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) No business may scan the machine-readable zone of an
7 individual's Hawaii identification card or driver's license,
8 except for the following 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 identification card
13 number;
- 14 (4) To establish or maintain a contractual relationship.
15 Information collected by scanning the individual's
16 Hawaii identification card or driver's license
17 pursuant to this subsection shall be limited to the
18 following information from the individual:
- 19 (A) Name;
 - 20 (B) Address;
 - 21 (C) Date of birth; and



1 (D) Driver's license number or identification card
2 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
11 covered entity governed by the medical privacy and
12 security rules issued by the federal Department of
13 Health and Human Services, Parts 160 and 164 of the
14 Code of Federal Regulations, established pursuant to
15 the Health Insurance Portability and Availability Act
16 of 1996."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken.

19 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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S.B. NO. 1351

Report Title:

Personal Information Protection; Unlawful Use of Hawaii
Identification Card or Drivers' License

Description:

Clarifies when a business may scan the machine-readable zone of
an individual's Hawaii identification card or driver's license.

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not legislation or evidence of legislative intent.*

