

ACT 195

H.B. NO. 1287

A Bill for an Act Relating to Personal Information.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 487J-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) No business may scan the machine-readable zone of an individual’s Hawaii identification card or driver’s license, except for the following purposes:

- (1) To verify authenticity of the identification card or driver’s license or to verify the identity of the individual if the individual pays for

goods or services with a method other than cash, returns an item, or requests a refund or an exchange;

- (2) To verify the individual's age when providing age-restricted goods or services to the individual if ~~[there is]~~ the business has a reasonable doubt of the individual having reached ~~[eighteen years of age or older;]~~ the minimum age required for purchasing the age-restricted goods or services;
- (3) To prevent fraud or other criminal activity if the individual returns an item or requests a refund or an exchange and the business uses a fraud prevention service company or system. Information collected by scanning an individual's Hawaii identification card or driver's license pursuant to this subsection shall be limited to the following information from the individual:
 - (A) Name;
 - (B) Address;
 - (C) Date of birth; and
 - (D) Driver's license number or identification card number;
- (4) To establish or maintain a contractual relationship. Information collected by scanning the individual's Hawaii identification card or driver's license pursuant to this subsection shall be limited to the following information from the individual:
 - (A) Name;
 - (B) Address;
 - (C) Date of birth; and
 - (D) Driver's license number or identification card number;
- (5) To record, retain, or transmit information as required by state or federal law;
- (6) To transmit information to a consumer reporting agency, financial institution, or debt collector to be used as permitted by the federal Fair Credit Reporting Act, Gramm-Leach-Bliley Act, or the Fair Debt Collection Practices Act; and
- (7) To record, retain, or transmit information by a covered entity governed by the medical privacy and security rules issued by the federal Department of Health and Human Services, Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the Health Insurance Portability and ~~[Availability]~~ Accountability Act of 1996."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval; provided that on July 31, 2014, this Act shall be repealed and section 487J-6(a), Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act.

(Approved June 25, 2013.)