

HOUSE No. 3691

By Mr. Marzilli of Arlington, petition of J. James Marzilli, Jr., and others relative to the scanning of drivers' licenses by businesses. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

PETITION OF:

J. James Marzilli, Jr.
Brian A. Joyce
Robert M. Koczera
David Paul Linsky
Byron Rushing
Patricia D. Jehlen

Antonio F. D. Cabral
Dianne Wilkerson
Michael E. Festa
Philip Travis
Alice Hanlon Peisch
Thomas J. O'Brien

In the Year Two Thousand and Five.

AN ACT PROTECTING AN INDIVIDUAL'S PERSONAL INFORMATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 66A of the General Laws as
2 appearing in the 2002 Official Edition is hereby amended by
3 inserting after the 10th paragraph the following paragraph:

4 "Scanning device," a computerized system used by businesses
5 to scan an individual's driver's licenses.

1 SECTION 2. Chapter 66A of the General Laws as appearing in
2 the 2002 Official Edition is hereby amended by inserting after
3 Section 2 the following section:—

4 Section 2A. A business shall comply with the following provi-
5 sions when using a scanning device.

6 A business shall only use a scanning device in the following
7 ways:

8 (a) to scan an individual's driver's license to obtain the individ-
9 ual's age;

10 (b) to scan an individual's driver's license to verify that the
11 proper granting authority has lawfully issued the driver's license;

12 (c) to store only the individual's name and birth date, for a lim-
13 ited time, to prove that the business verified the individual's age.

14 A business shall not use a scanning device for any reason other
15 than the reasons laid out in this section. Particularly, a business
16 shall not use a scanning device for the following reasons:

17 (a) storing an individual's personal data, obtained from an indi-
18 vidual's driver's license, in order to create a database of informa-
19 tion;

20 (b) storing an individual's personal data, obtained from an indi-
21 vidual's driver's license, to use for secondary purposes including,
22 but not limited to, market research, advertisement, and profit
23 made by selling the information to a third party.

24 Section 2B. An individual shall have the following rights:

25 (a) an individual who finds that a business stored the individu-
26 al's personal data gathered from scanning the individual's driver's
27 license, other than for the reasons in the appropriate uses section,
28 may bring a private right of action against that business;

29 (b) an individual may report violations of this Act to the
30 Attorney General of the Commonwealth of Massachusetts.

31 Section 2C. The Attorney General of the Commonwealth of
32 Massachusetts:

33 (a) shall develop appropriate criminal sanctions to be imposed
34 on a business that violates the provisions of this Act;

35 (b) may initiate a criminal proceeding against a business that
36 violates the provisions of this Act.