

# House Bill 2371

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Consumer Protection for American Civil Liberties Union)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Restricts situations in which private entities may read or store information that is electronically retrieved from individual's driver license, driver permit or identification card.

## A BILL FOR AN ACT

1  
2 Relating to privacy of identification documents.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. The Legislative Assembly finds that:**

5 (1) **Oregon recognizes the importance of protecting the confidentiality and privacy of an**  
6 **individual's personal information contained in driver licenses, driver permits and identifica-**  
7 **tion cards.**

8 (2) **Machine-readable features found on driver licenses, driver permits and identification**  
9 **cards are intended to facilitate verification of age or identity, not to facilitate collection of**  
10 **personal information about individuals nor to facilitate the creation of private databases of**  
11 **transactional information associated with those individuals.**

12 (3) **Easy access to the information found on driver licenses, driver permits and identifi-**  
13 **cation cards facilitates the crime of identity theft, which is a major concern in Oregon.**

14 **SECTION 2. (1) As used in this section:**

15 (a) **"Driver license" means a license or permit issued by this state or any other juris-**  
16 **isdiction as evidence of a grant of driving privileges.**

17 (b) **"Electronically" means technology having electrical, digital, magnetic, wireless, op-**  
18 **tical, electromagnetic or similar capabilities.**

19 (c) **"Identification card" means the card issued under ORS 807.400 or a comparable pro-**  
20 **vision in another state.**

21 (d) **"Personal information" means an individual's name, address, date of birth, photo-**  
22 **graph, fingerprint, biometric data, driver license or identification card number or any other**  
23 **unique personal identifier or number.**

24 (e) **"Private entity" means any nongovernmental entity, such as a corporation, partner-**  
25 **ship, company, nonprofit organization or other legal entity or any natural person.**

26 (2) **A private entity may electronically read an individual's driver license or identification**  
27 **card only for the following reasons:**

28 (a) **To verify the authenticity of a document or to verify the identity of the individual if**  
29 **the individual pays for a good or service with a method other than cash, returns an item or**  
30 **requests a refund; or**

31 (b) **To verify the individual's age when providing an age-restricted good, service or dis-**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **count.**

2 (3) Except as otherwise permitted in subsection (4) of this section, if a private entity  
3 electronically reads a driver license or identification card, the private entity may not store,  
4 sell or share personal information collected from the driver license or identification card  
5 without written consent from the individual.

6 (4) A private entity may store or share the personal information collected from a driver  
7 license or identification card if the individual pays with a method other than cash, but only  
8 for the purposes of preventing fraud by pursuing legal remedies against or recovering on a  
9 debt or security interest against the individual. Any personal information collected from a  
10 driver license or identification card must be destroyed within 30 days of collecting the in-  
11 formation.

12 (5) Except as provided in subsection (2) of this section, a private entity may not deny an  
13 individual a good or service if the individual chooses either not to allow the private entity  
14 to electronically read the individual's driver license or identification card or not to allow the  
15 private entity to store or share the individual's personal information. Any waiver of a pro-  
16 vision of this section is contrary to public policy and is void and unenforceable.

17 (6) A governmental entity may electronically read an individual's driver license or iden-  
18 tification card only if:

19 (a) The individual knowingly makes the driver license or identification card available to  
20 the governmental entity;

21 (b) The governmental entity lawfully seizes the driver license or identification card; or

22 (c) The governmental entity is providing emergency assistance to an individual who is  
23 unconscious or otherwise unable to make the driver license or identification card available.

24 (7) In addition to any other remedy provided by law, an individual whose personal infor-  
25 mation is read, stored, shared, sold or otherwise used in violation of this section may bring  
26 an action to recover actual damages or \$1,000, whichever is greater, and to obtain equitable  
27 relief, if equitable relief is available. A court shall award a prevailing plaintiff reasonable  
28 costs and attorney fees. If a court finds that a violation of this section was willful or know-  
29 ing, the court may increase the amount of the award to no more than three times the  
30 amount otherwise available.

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