

SB 311 - AS AMENDED BY THE SENATE

03/17/2022 1068s

2022 SESSION

22-3034

05/08

SENATE BILL **311**

AN ACT relative to access to drivers' license information for healthcare and motor vehicle related business purposes.

SPONSORS: Sen. Carson, Dist 14; Sen. Watters, Dist 4; Rep. M. Pearson, Rock. 34; Rep. Pantelakos, Rock. 25

COMMITTEE: Transportation

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AMENDED ANALYSIS

This bill permits motor vehicle related businesses and health care providers to obtain personal information from driver's licenses or nondriver's identification cards with the consent of the license holder, provided that the businesses meet certain restrictions regarding the collection, retention, and use of such information.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to access to drivers' license information for healthcare and motor vehicle related business purposes.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Drivers' Licenses; Prohibitions; Retention of Driver's License Information; When Permitted.

2 Amend RSA 263:12, X to read as follows:

3 X. Knowingly scan, record, retain, or store, in any electronic form or format, personal  
4 information, as defined in RSA 260:14, obtained from any license, unless authorized by the  
5 department.

6 (a) Nothing in this paragraph shall prohibit a person from transferring, in non-  
7 electronic form or format, personal information contained on the face of a license to another person,  
8 provided that the consent of the license holder is obtained if the transfer is not to a law enforcement  
9 agency.

10 (b) Notwithstanding any other provision of law, any person selling alcohol or tobacco  
11 who uses due diligence in checking identification to prevent unauthorized sales and purchases of  
12 alcohol and tobacco shall not be held responsible for the acceptance of fraudulent identification.  
13 Where due diligence is exercised on the part of the seller, the unauthorized purchaser shall be liable  
14 for any penalty or fine resulting from the unauthorized sale.

15 (c) This paragraph shall not prohibit the scanning, recording, retaining, or storing of  
16 such information in electronic form collected with the license holder's consent as part of a sale of  
17 merchandise to a pawnbroker or other secondhand dealer, and submission of such information to law  
18 enforcement databases for the sole purpose of identifying sellers of stolen merchandise. The  
19 pawnbroker or secondhand dealer shall not retain the scanned information in electronic form  
20 transmitted to a law enforcement database, unless required by local regulation, and shall not furnish  
21 the information to anyone except a law enforcement officer. The pawnbroker or secondhand dealer  
22 may maintain in a log or other document the name and address of the person whose license was  
23 scanned along with a description of the items the individual sold, pawned, or purchased, and shall  
24 allow such log or document to be examined by a law enforcement official upon request.

25 (d) ***Nothing in this paragraph shall prohibit the scanning, photocopying,***  
26 ***recording, retaining, or storing of the image obtained from any driver's license or***  
27 ***nondriver's identification card collected with the driver's license or nondriver's***  
28 ***identification card holder's consent for motor vehicle related business purposes, provided***  
29 ***that:***

1           (1) *Such practice and uses are expressly disclosed to the holder of the*  
2 *driver's license or nondriver's identification card;*

3           (2) *The motor vehicle related business shall retain the image of the driver's*  
4 *license or nondriver's identification card in a secure manner and shall not include the*  
5 *retained image in the customer's business record;*

6           (3) *The holder may request the removal of the driver's license or nondriver's*  
7 *license identification card image from the motor vehicle related business's system at any*  
8 *time; however refusal by the motor vehicle related business to remove the image is*  
9 *acceptable should an active investigation or legal action concerning the holder be*  
10 *underway; and*

11           (4) *The motor vehicle related business shall not sell, rent, transfer, or make*  
12 *the image available to another person or entity for the same or for any other use unless*  
13 *necessary to finalize the business transaction.*

14           (e) *Nothing in this paragraph shall prohibit the scanning, photocopying,*  
15 *recording, retaining, or storing of the image obtained from any driver's license or*  
16 *nondriver's identification card collected with the driver's license or nondriver's*  
17 *identification card holder's consent for healthcare business purposes, provided that:*

18           (1) *Such practice and uses are expressly disclosed to the holder of the*  
19 *driver's license or nondriver's identification card prior to obtaining consent;*

20           (2) *There is no consequence to the holder who declines to provide such*  
21 *consent;*

22           (3) *Consent is obtained on a form signed or acknowledged by the holder;*

23           (4) *The healthcare provider shall retain the image of the driver's license or*  
24 *nondriver's identification card in a secure manner and shall not include the retained*  
25 *image in the patient's legal medical record;*

26           (5) *The holder may request the removal of the driver's license or nondriver's*  
27 *license identification card image from the healthcare provider's system at any time;*  
28 *however refusal by the healthcare provider to remove the image is acceptable should an*  
29 *active investigation or legal action concerning the holder be underway; and*

30           (6) *The healthcare provider shall not sell, rent, transfer, or make the*  
31 *information available to another person or entity for the same or for any other use.*

32           2 Effective Date. This act shall take effect upon its passage.