

SB 257-FN - AS INTRODUCED

2023 SESSION

23-0936

02/04

SENATE BILL ***257-FN***

AN ACT relative to access to drivers' license information for legitimate business purposes.

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

COMMITTEE: Transportation

ANALYSIS

This bill permits 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.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to access to drivers' license information for legitimate business purposes.

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

1 1 Drivers' Licenses; Prohibitions. Amend RSA 263:12, X to read as follows:

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

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

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

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

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

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

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

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

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

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

9 (6) *The health care provider shall not sell, rent, transfer, or make the*
10 *information available to another person or entity for the same or for any other use.*

11 2 Effective Date. This act shall take effect upon its passage.

SB 257-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to access to drivers' license information for legitimate business purposes.

FISCAL IMPACT: ☐ State ☐ County ☐ Local ☒ None

METHODOLOGY:

The Department of Safety states this bill, as introduced, will have no impact on state, county, or local revenue or expenditures.

AGENCIES CONTACTED:

Department of Safety