

HB 1273-FN - AS INTRODUCED

2024 SESSION

24-2060

11/10

HOUSE BILL ***1273-FN***

AN ACT relative to the protection of personal information in driver licenses.

SPONSORS: Rep. Ulery, Hills. 13

COMMITTEE: Transportation

ANALYSIS

This bill adds restrictions on the use of personal information from driver licenses.

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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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Four

AN ACT relative to the protection of personal information in driver licenses.

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

1 1 Motor Vehicle Records; Definition of Motor Vehicle Records. Amend RSA 260:14, I(a) to read
2 as follows:

3 (a) "Motor vehicle records" means all applications, reports required by law, registrations,
4 histories, certificates, and licenses issued or revoked by the department relative to motor vehicles
5 and the information, including personal information, **or Real ID status**, contained in them.

6 2 Motor Vehicle Records; Definition of Personal Information. Amend RSA 260:14, I(c) to read as
7 follows:

8 (c) "Personal information" means information in motor vehicle records that identifies a
9 person, including a person's photograph or computerized image, **date of birth**, social security
10 number, driver identification number, name, address (but not the 5-digit zip code), telephone
11 number, and medical or disability information.

12 3 New Paragraph; Access to Driver License Information By a Private Business. Amend RSA
13 260:14 by inserting after paragraph III-d the following new paragraph:

14 III-e.(a) A private business may inspect a driver license to verify the identity of a person
15 involved in a banking or other financial transaction, but shall not electronically capture, retain, copy
16 or place on or in a consumer file any personal information from the driver license. No personal
17 information derived from the inspection of the driver license shall be shared with any governmental
18 or other entity without judicial order.

19 (b) Any entity currently possessing records of any personal information derived from a
20 private business sharing driver license information shall destroy such records. The business shall
21 notify the owner of that personal information that such a record was possessed and destroyed, and
22 affirm under penalty of perjury that the information was not shared with a third party.

23 (c) Any private business that shares personal information from a driver license, or
24 facilitates the loss or compromise of such information due to a breach of security at or connected to
25 such business, shall pay a penalty of \$10,000 to the individual whose information was shared, lost or
26 compromised for the cost of any identity theft resolution, as well as any cost incurred to enforce such
27 payment.

28 4 New Paragraph; Consumer Protection Act; Cause of Action. Amend RSA 260:14 by inserting
29 after paragraph XVI the following new paragraph:

30 XVII. An individual may, in addition to the penalties prescribed above, pursue a consumer
31 protection act case under RSA 358-A against any entity requesting a copy of a driver licenses, driver

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1 license number, or other information from the driver license. The attorney general shall bring such
2 case on behalf of the petitioner.

3 5 New Paragraph; Exceptions. Amend RSA 260:14 by inserting after paragraph XVI the
4 following new paragraph:

5 XVI-a. Nothing in this chapter shall prevent a duly sworn New Hampshire notary public,
6 real estate commissioner, bail commissioner, clerk of court, or justice of the peace from retaining a
7 copy of a driver license as a form of identification and official record keeping.

8 6 Effective Date. This act shall take effect January 1, 2025.

**HB 1273-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the protection of personal information in driver licenses.

FISCAL IMPACT: ☒ State ☒ County ☒ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

This bill will have no impact on the Department of Safety, Division of Motor Vehicles revenue or expenditures.

AGENCIES CONTACTED:

Department of Safety, Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association