



SPONSOR: Sen. Pettyjohn & Sen. Hansen & Rep. Brady &
Rep. Wilson

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 255

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO SCANNING INFORMATION FROM DRIVER'S LICENSE OR IDENTIFICATION CARD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Add new Section to Title 6 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1207C. Limitations on the use of information scanned from driver's license or identification card.

1. No merchant may scan the machine readable zone of a Department of Motor Vehicles issued identification card or driver's license, except for the following purposes:

a. To verify authenticity of the identification card or driver's license or to verify the identity of the individual if the individual pays for the goods or services with a method other than cash, returns an item, or requests a refund or exchange;

b. To verify the individual's age when providing age-restricted goods or services to the individual;

c. To prevent fraud or other criminal activity if the individual returns an item or requests a refund or an exchange and the merchant uses a fraud prevention service company or system. Information collected by scanning an individual's identification card or driver's license pursuant to this subsection shall be limited to the individual's name, address, date of birth, and driver's license number or identification number;

d. To comply with a requirement imposed on the merchant by state or federal law;

e. To provide to a check services company regulated by the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.) that receives information obtained from an individual's identification card or driver's license to administer or enforce a transaction or to prevent fraud or other criminal activity; or

f. To complete a transaction permitted under the Gramm-Leach-Bliley Act, (15 U.S.C. § 6801 et seq.) or the federal Fair Credit Reporting Act, (15 U.S.C. § 1681 et seq.) or the "Fair Debt Collection Practices Act," (15 U.S.C. § 1692 et seq.).

2. No merchant shall retain any information obtained from a scan of the machine-readable zone of an individual's identification card or driver's license except as provided in subsections 1(c), 1(d), 1(e), 1(f).

23 3. No merchant shall sell or disseminate to a third party any information obtained from a scan of the machine-
24 readable zone of an individual's identification card or driver's license for any marketing, advertising, or promotional
25 purpose. This subsection shall not prohibit a merchant from disseminating to a third party any such information for a
26 purpose described in subsections 1(c), 1(d), 1(e), 1(f).

27 4. Any waiver of a provision of this section is contrary to public policy and is void and unenforceable.

28 5. Any person who violates the provisions of this act shall be subject to a civil penalty of \$2,500 for a first
29 violation and \$5,000 for any subsequent violations.

SYNOPSIS

This bill prohibits the use and dissemination of information obtained from the machine readable zone of a driver's license or id card with limited exceptions. This bill seeks to protect members of the public at large from having their personal information used for purposes other than those enumerated in this bill. Various states have taken similar action to protect the personal information of citizens. This legislation is modeled after legislation that was passed in Virginia.

Author: Senator Pettyjohn