

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 208

HOUSE BILL 2291

AN ACT

AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 34; RELATING
TO RETAILER USE OF IDENTIFICATION INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding
3 chapter 34, to read:

4 CHAPTER 34

5 RETAILER USE OF IDENTIFICATION INFORMATION

6 ARTICLE 1. GENERAL PROVISIONS

7 44-7701. Retention of customer information; age verification;
8 transmission to third parties prohibited;
9 enforcement; civil penalties

10 A. A RETAILER MAY RETAIN AND USE INFORMATION FROM A CUSTOMER'S DRIVER
11 LICENSE OR OTHER STATE ISSUED IDENTIFICATION ONLY FOR THE PURPOSE OF
12 VERIFYING THE CUSTOMER'S AGE, FOR THE PURPOSE OF ESTABLISHING A CUSTOMER'S
13 IDENTITY, FOR THE PURPOSE OF CONFIRMING THAT THE CUSTOMER IS PROPERLY
14 LICENSED TO OPERATE A MOTOR VEHICLE, RECREATIONAL VEHICLE, TRUCK OR
15 MOTORCYCLE ON PUBLIC ROADS OR FOR THE PURPOSE OF DISCLOSING THE INFORMATION
16 TO ANY OF THE FOLLOWING:

- 17 1. THE DEPARTMENT OF TRANSPORTATION.
- 18 2. A PERSON LICENSED PURSUANT TO TITLE 20.
- 19 3. A NOTARY PUBLIC PURSUANT TO SECTION 41-319.
- 20 4. A BUSINESS FOR THE PURPOSE OF ANY OF THE FOLLOWING:

21 (a) VERIFYING A CHECK AT THE POINT OF SALE FOR THE PURCHASE OF A GOOD
22 OR SERVICE BY CHECK.

23 (b) EVALUATING CREDIT WORTHINESS.

24 (c) DETECTING OR REDUCING THE RISK OF FRAUD, ABUSE, IDENTITY THEFT OR
25 OTHER CRIMES.

26 (d) CONDUCTING ACCOUNT COLLECTION ACTIVITIES.

27 (e) CONFIRMING THAT THE CUSTOMER HAS MET THE MOTOR VEHICLE FINANCIAL
28 RESPONSIBILITY REQUIREMENTS PURSUANT TO SECTION 28-4135.

29 5. FINANCIAL INSTITUTIONS, IF PERMITTED BY FEDERAL LAW.

30 B. EXCEPT AS PROVIDED IN THIS SECTION, THE RETAILER SHALL NOT TRANSMIT
31 THE INFORMATION TO A THIRD PARTY FOR ANY PURPOSE, EXCEPT THAT A RETAILER MAY
32 DISCLOSE THE INFORMATION TO A LAW ENFORCEMENT AGENCY FOR THE PURPOSES OF A
33 LAW ENFORCEMENT INVESTIGATION.

34 C. THIS SECTION DOES NOT PROHIBIT THE USE OF THE INFORMATION IN A
35 COURT PROCEEDING OR ADMINISTRATIVE PROCEEDING.

36 D. THIS SECTION MAY BE ENFORCED BY EITHER OF THE FOLLOWING:

37 1. A COUNTY ATTORNEY IN THE COUNTY IN WHICH THE VIOLATION OCCURS. IF
38 A VIOLATION OCCURS BY THE SAME RETAILER IN MULTIPLE COUNTIES, A COUNTY
39 ATTORNEY IN A COUNTY IN WHICH A VIOLATION OF THIS SECTION OCCURRED, AFTER
40 FILING A NOTICE OF INTENT TO ENFORCE THIS SECTION, MAY SEND A COPY OF THE
41 NOTICE TO THE COUNTY ATTORNEY IN EACH COUNTY IN WHICH A VIOLATION OCCURRED
42 AND MAY REQUEST THAT THE ACTIONS BE CONSOLIDATED. A COUNTY ATTORNEY MAY
43 OBTAIN INJUNCTIVE RELIEF AND RECOVER COSTS, ATTORNEY FEES AND THE PENALTIES
44 PRESCRIBED IN SUBSECTION E OF THIS SECTION.

1 2. THE ATTORNEY GENERAL. AN ACT OR PRACTICE IN VIOLATION OF THIS
2 SECTION CONSTITUTES AN UNLAWFUL PRACTICE PURSUANT TO SECTION 44-1522. THE
3 CIVIL PENALTY PRESCRIBED BY SUBSECTION E OF THIS SECTION IS IN LIEU OF THE
4 PENALTY PRESCRIBED BY SECTION 44-1531.

5 E. A CIVIL PENALTY SHALL BE IMPOSED FOR EACH VIOLATION OF SUBSECTION A
6 OF THIS SECTION. THE CIVIL PENALTY SHALL NOT EXCEED:

- 7 1. FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION.
8 2. ONE THOUSAND DOLLARS FOR A SECOND VIOLATION.
9 3. FIVE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT VIOLATION.

~~APPROVED BY THE GOVERNOR MAY 14, 2007.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 14, 2007.~~

Passed the House March 13, 20 07

Passed the Senate April 19, 20 07

by the following vote: 57 Ayes,

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

0 Nays, 3 Not Voting

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20__

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20__

at _____ o'clock _____ M.

Secretary of State

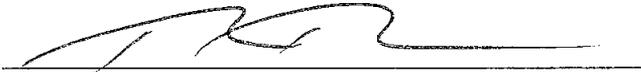
H.B. 2291

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 9, 2007,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting



Speaker of the House



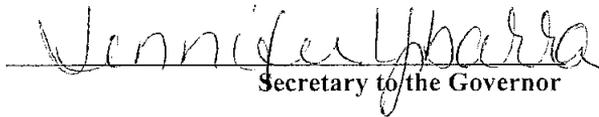
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

9th day of May, 2007,

at 11:13 o'clock a. M.



Secretary to the Governor

Approved this 14 day of

May, 2007,

at 9:55 o'clock A. M.



Governor of Arizona

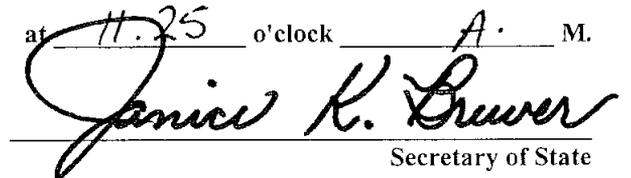
H.B. 2291

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 14 day of May, 2007,

at 11:25 o'clock A. M.



Secretary of State