

[Second Reprint]

**SENATE, No. 1913**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

INTRODUCED MARCH 10, 2016

**Sponsored by:**

**Senator DAWN MARIE ADDIEGO**  
**District 8 (Atlantic, Burlington and Camden)**  
**Senator LINDA R. GREENSTEIN**  
**District 14 (Mercer and Middlesex)**  
**Assemblyman JOSEPH A. LAGANA**  
**District 38 (Bergen and Passaic)**  
**Assemblyman PAUL D. MORIARTY**  
**District 4 (Camden and Gloucester)**  
**Assemblyman RAJ MUKHERJI**  
**District 33 (Hudson)**  
**Assemblywoman JOANN DOWNEY**  
**District 11 (Monmouth)**

**Co-Sponsored by:**

**Senator Beck, Assemblywoman Rodriguez-Gregg, Assemblyman Howarth,**  
**Assemblywoman Pinkin, Assemblymen McKeon and Houghtaling**

**SYNOPSIS**

"Personal Information and Privacy Protection Act"; restricts collection and use of personal information by retail establishments for certain purposes.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on June 8, 2017.



**(Sponsorship Updated As Of: 6/23/2017)**

1 AN ACT concerning the collection of certain personal information  
2 and supplementing Title 56 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the “Personal  
8 Information and Privacy Protection Act.”

9

10 2. a. For the purposes of this section:

11 <sup>2</sup>“Credit” means the right granted by a creditor to a debtor to  
12 defer payment of debt, or to incur debt and defer its payment, or to  
13 purchase property or services and defer payment therefor.<sup>2</sup>

14 “Identification card” means a driver’s license, issued pursuant to  
15 R.S.39:3-10, a probationary license, issued pursuant to section 4 of  
16 P.L.1950, c.127 (C.39:3-13.4), a non-driver photo identification  
17 card, issued pursuant to section 2 of P.L.1980, c.47 (C.39:3-29.3),  
18 or any similar card issued by another state or the District of  
19 Columbia for purposes of identification or permitting its holder to  
20 operate a motor vehicle.

21 “Scan” means to access the barcode or any other machine-  
22 readable section of a person’s identification card with an electronic  
23 device capable of deciphering, in an electronically readable format,  
24 information electronically encoded on the identification card.

25 b. A retail establishment shall scan a person’s identification  
26 card only for the following purposes:

27 (1) to verify the authenticity of the identification card or to  
28 verify the identity of the person if the person pays for goods or  
29 services with a method other than cash, returns an item, or requests  
30 a refund or an exchange;

31 (2) to verify the person’s age when providing age-restricted  
32 goods or services to the person;

33 (3) to prevent fraud or other criminal activity if the person  
34 returns an item or requests a refund or an exchange and the business  
35 uses a fraud prevention service company or system;

36 (4) <sup>2</sup>to prevent fraud or other criminal activity related to a credit  
37 transaction to open or manage a credit account;

38 (5)<sup>2</sup> to establish or maintain a contractual relationship;

39 <sup>2</sup>**[(5)]** (6)<sup>2</sup> to record, retain, or transmit information as required  
40 by State or federal law;

41 <sup>2</sup>**[(6)]** (7)<sup>2</sup> to transmit information to a consumer reporting  
42 agency, financial institution, or debt collector to be used as  
43 permitted by the federal "Fair Credit Reporting Act," 15 U.S.C.  
44 s.1681 et seq., “Gramm-Leach-Bliley Act,” 15 U.S.C. s.6801 et

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SCU committee amendments adopted June 16, 2016.

<sup>2</sup>Assembly floor amendments adopted June 8, 2017.

1 seq., and the "Fair Debt Collection Practices Act," 15 U.S.C. s.1692  
2 et seq.; or

3 <sup>2</sup>[(7)] (8)<sup>2</sup> to record, retain, or transmit information by a covered  
4 entity governed by the medical privacy and security rules pursuant  
5 to Parts 160 and 164 of Title 45 of the Code of Federal Regulations,  
6 established pursuant to the "Health Insurance Portability and  
7 Accountability Act of 1996," Pub.L.104-191.

8 c. Information collected by scanning a person's identification  
9 card pursuant to subsection b. of this section shall be limited to the  
10 person's name, address, date of birth, <sup>1</sup>the State issuing the  
11 identification card,<sup>1</sup> and identification card number.

12 d. (1) No retail establishment shall retain information obtained  
13 pursuant to paragraphs (1) and (2) of subsection b. of this section.

14 (2) Any information retained by a retail establishment pursuant  
15 to paragraphs (3) through <sup>2</sup>[(7)] (8)<sup>2</sup> of subsection b. of this section  
16 shall be securely stored, and any breach of the security of the  
17 information shall be promptly reported to the Division of State  
18 Police in the Department of Law and Public Safety and any affected  
19 person, in accordance with section 12 of P.L.2005, c.226 (C.56:8-  
20 163).

21 (3) No retail establishment shall sell or disseminate to a third  
22 party any information obtained pursuant to this section for any  
23 purpose, including marketing, advertising, or promotional activities,  
24 except dissemination as permitted by paragraphs (3) through <sup>2</sup>[(7)]  
25 (8)<sup>2</sup> of subsection b. of this section <sup>1</sup>; provided, however, that  
26 nothing in this subsection shall be construed to prevent an  
27 automated return fraud system from issuing a reward coupon to a  
28 loyal customer<sup>1</sup>.

29  
30 3. a. Any person who violates the provisions of this act shall  
31 be subject to a civil penalty of \$2,500 for a first violation and  
32 \$5,000 for any subsequent violation. The penalty prescribed in this  
33 section shall be collected in a civil action by a summary proceeding  
34 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,  
35 c.274 (C.2A:58-10 et seq.).

36 b. In addition to the penalties described in this section, any  
37 person aggrieved by a violation of this act may bring an action in  
38 Superior Court to recover damages.

39  
40 4. This act shall take effect on the first day of the third month  
41 next following the date of enactment.