

HB 2055 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Kris Kolta, LPRO Analyst

Meeting Dates: 2/18, 3/18

WHAT THE MEASURE DOES:

This measure allows private entities to swipe or scan an individual's driver's license or identity card regardless of the individual's apparent age.

REVENUE: Minimal Impact.

FISCAL: No Impact.

ISSUES DISCUSSED:

- Consistent with retail store training policies
- Protects retailers and juveniles
- Data from IDs is not saved or used for marketing purposes
- Law has existing privacy protections
- Measure would prevent discrimination
- "Reasonable doubt" standard is subjective
- Third party companies provide devices and software for age checks

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

ORS 807.750 establishes the permissible reasons that a private entity may swipe or scan the electronic data embedded in a driver's license. Among these permissible reasons is "to verify the individual's age when providing an age-restricted good or service to any person about whom there is any reasonable doubt of the person's having reached 21 years of age." ORS 807.750(2)(b). Pursuant to OAR 845-006-0335(1)(a), "[r]easonable doubt' exists if the person appears to be under the age of 26." When a private entity scans a driver's license for an unauthorized purpose, ORS 807.750(8) authorizes an individual to bring a civil action to recover the individual's actual damages or \$1,000, whichever is greater, along with equitable relief and treble damages for willful or knowing violations.

A growing number of Oregon retailers have implemented universal ID checks for alcohol or tobacco products, leading to lawsuits contending that the plaintiff's ID was checked or scanned despite no reasonable doubt that the plaintiff was over 21.

KGW-TV. *Retailers scanning all ID for alcohol and tobacco purchases is illegal, lawsuits allege,*

<https://www.kgw.com/article/news/investigations/retailers-alcohol-tobacco-id-scans-illegal-lawsuits/283-3d69904b-30ea-4058-9769-cc8ddb1d9740>.

ORS 807.750(3) prohibits the selling or sharing of personal information collected from swiping or scanning a driver license or identification card.