
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 926 Session of
2023

INTRODUCED BY NEILSON, RABB, KHAN, SANCHEZ, PARKER AND HILL-
EVANS, APRIL 17, 2023

REFERRED TO COMMITTEE ON COMMERCE, APRIL 17, 2023

AN ACT

1 Providing for a requirement for commercial establishments to
2 disclose the use and collection of biometric identifier
3 information and providing for a private cause of action.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Biometric
8 Identifier Signage Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Biometric identifier information." A physiological or
14 biological characteristic that is used by or on behalf of a
15 business, singly or in combination, to identify or assist in
16 identifying an individual, including:

17 (1) A retinal or iris scan.

18 (2) A fingerprint or voiceprint.

1 (3) A scan of hand or face geometry or any other
2 identifying characteristic.

3 "Commercial establishment." A retail store, restaurant,
4 hotel, motel or place of entertainment or amusement.

5 "Customer." A purchaser or lessee, or a prospective
6 purchaser or lessee, of goods or services from a business.

7 "Financial institution." A bank, trust company, national
8 bank, savings bank, Federal mutual savings bank, savings and
9 loan association, Federal savings and loan association, Federal
10 mutual savings and loan association, credit union, Federal
11 credit union, branch of a foreign banking corporation, public
12 pension fund, retirement system, securities broker, securities
13 dealer or securities firm. The term does not include a
14 commercial establishment whose primary business is the retail
15 sale of goods and services to customers and provides limited
16 financial services, including the issuance of credit cards or
17 in-store financing to customers.

18 Section 3. Collection, use and retention of biometric
19 identifier information.

20 (a) Signage.--Any commercial establishment that collects,
21 retains, converts, stores or shares biometric identifier
22 information of customers must disclose the collection,
23 retention, conversion, storage or sharing, as applicable, by
24 placing a clear and conspicuous sign near all of the commercial
25 establishment's customer entrances notifying customers in plain,
26 simple language that customers' biometric identifier information
27 is being collected, retained, converted, stored or shared, as
28 applicable.

29 (b) Form of sign.--The sign under subsection (a) shall be
30 made in a form and manner prescribed by the Attorney General by

1 regulation in consultation with the Bureau of Consumer
2 Protection.

3 (c) Unauthorized disclosure.--No commercial establishment
4 may sell, lease, trade or share biometric identifier information
5 in exchange for anything of value or otherwise profit from the
6 transaction of biometric identifier information.

7 Section 4. Civil action by customer.

8 (a) Civil action.--A customer who is aggrieved by a
9 violation of this act may institute a civil action on the
10 customer's behalf against an offending party. At least 30 days
11 prior to initiating an action against a commercial establishment
12 for a violation of section 3(a), the aggrieved customer shall
13 provide written notice to the commercial establishment stating
14 the customer's allegation. If, within 30 days, the commercial
15 establishment cures the violation and provides the aggrieved
16 customer an express written statement that the violation has
17 been cured and that no further violations shall occur, no action
18 may be initiated against the commercial establishment for the
19 violation. If a commercial establishment fails to cure the
20 alleged violation, the aggrieved customer may initiate an action
21 against the establishment. No prior written notice shall be
22 required for actions alleging a violation of section 3(c).

23 (b) Recovery.--The prevailing party of a civil action under
24 subsection (a) may recover:

25 (1) for each violation of section 3(a), damages of \$500;

26 (2) for each negligent violation of section 3(c),
27 damages of \$500;

28 (3) for each intentional or reckless violation of
29 section 3(a), damages of \$5,000;

30 (4) reasonable attorney fees and costs, including expert

1 witness fees and other litigation expenses; and

2 (5) other relief, including an injunction, as the court
3 may deem appropriate.

4 Section 5. Nonapplicability.

5 (a) General rule.--Nothing in this act shall apply to the
6 collection, storage, sharing or use of biometric identifier
7 information by the Commonwealth or any political subdivision,
8 including employees and agents of the Commonwealth or any
9 political subdivision.

10 (b) Nondisclosure.--The disclosure required under section
11 3(a) shall not apply to any of the following:

12 (1) A financial institution.

13 (2) Biometric identifier information collected through
14 photographs or video recordings, if:

15 (i) the images or videos collected are not analyzed
16 by software or applications that identify, or assist in
17 the identification of, individuals based on physiological
18 or biological characteristics; and

19 (ii) the images or video are not shared, sold or
20 leased to third parties other than law enforcement
21 agencies.

22 Section 6. Effective date.

23 This act shall take effect in 180 days.