

SENATE BILL 363

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P1

2001 Regular Session
1lr2211

By: **Senators Currie, Teitelbaum, Astle, Bromwell, Conway, DeGrange,
Dorman, Exum, Frosh, Hogan, and Kelley**

Introduced and read first time: February 1, 2001

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Electronic Transactions Protection Act**

3 FOR the purpose of establishing an Electronic Transaction Education, Advocacy, and
4 Mediation Unit in the Office of the Attorney General; specifying the purpose and
5 duties of the unit; authorizing the Unit to adopt certain regulations at the
6 direction of the Attorney General; defining certain terms; and generally relating
7 to electronic transactions protection.

8 BY adding to
9 Article - State Government
10 Section 6-201 through 6-203, inclusive, to be under the new subtitle "Electronic
11 Transactions Protection Act"
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2000 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - State Government**

17 6-201.

18 IN THIS SUBTITLE, "ELECTRONIC TRANSACTIONS" MEANS THE USE OF, ACCESS
19 TO, OR COMMUNICATION INVOLVING THE INTERNET, WORLD WIDE WEB, WIRELESS
20 OR SIMILAR TECHNOLOGIES.

21 6-202.

22 (A) THERE IS AN ELECTRONIC TRANSACTION EDUCATION, ADVOCACY, AND
23 MEDIATION UNIT IN THE OFFICE OF THE ATTORNEY GENERAL.

24 (B) THE PURPOSE OF THE UNIT IS TO PROTECT THE PRIVACY OF
25 INDIVIDUALS' PERSONAL INFORMATION AND TO PROTECT THE PUBLIC FROM
26 UNLAWFUL CONDUCT OR PRACTICES IN ELECTRONIC TRANSACTIONS.

1 (C) THE UNIT SHALL:

2 (1) RECEIVE COMPLAINTS CONCERNING:

3 (I) ANY PERSONS OBTAINING, COMPILING, MAINTAINING, USING,
4 DISCLOSING, OR DISPOSING OF PERSONAL INFORMATION IN A MANNER THAT MAY
5 BE POTENTIALLY UNLAWFUL OR VIOLATE A STATED PRIVACY POLICY RELATING TO
6 THAT INDIVIDUAL; AND

7 (II) UNLAWFUL CONDUCT OR PRACTICES IN ELECTRONIC
8 TRANSACTIONS;

9 (2) PROVIDE INFORMATION AND ADVICE TO THE PUBLIC ON EFFECTIVE
10 WAYS OF HANDLING COMPLAINTS THAT INVOLVE VIOLATIONS OF:

11 (I) PRIVACY RELATED LAWS, INCLUDING IDENTITY THEFT AND
12 IDENTITY FRAUD; OR

13 (II) UNLAWFUL CONDUCT OR PRACTICES IN ELECTRONIC
14 TRANSACTIONS;

15 (3) REFER COMPLAINTS WHERE APPROPRIATE TO LOCAL, STATE, OR
16 FEDERAL AGENCIES THAT ARE AVAILABLE TO ASSIST THE PUBLIC WITH PRIVACY
17 AND ELECTRONIC TRANSACTION RELATED COMPLAINTS;

18 (4) DEVELOP INFORMATION AND EDUCATIONAL PROGRAMS AND
19 MATERIALS TO FOSTER PUBLIC UNDERSTANDING AND RECOGNITION OF THE ISSUES
20 RELATED TO PRIVACY IN ELECTRONIC COMMERCE AND UNLAWFUL CONDUCT OR
21 PRACTICES IN ELECTRONIC TRANSACTIONS;

22 (5) IDENTIFY CONSUMER PROBLEMS IN, AND FACILITATE THE
23 DEVELOPMENT AND USE OF BEST PRACTICES BY PERSONS ENGAGED IN
24 ELECTRONIC COMMERCE FOR THE PROTECTION OF THE PRIVACY OF PERSONAL
25 INFORMATION IN ELECTRONIC COMMERCE TRANSACTIONS;

26 (6) PROMOTE VOLUNTARY AND MUTUALLY AGREED UPON NONBINDING
27 ARBITRATION AND MEDIATION OF PRIVACY RELATED OR ELECTRONIC TRANSACTION
28 DISPUTES WHERE APPROPRIATE;

29 (7) INVESTIGATE AND ASSIST IN THE PROSECUTION OF:

30 (I) IDENTITY THEFT AND OTHER PRIVACY RELATED CRIMES, AND,
31 AS NECESSARY, COORDINATE WITH LOCAL, STATE, AND FEDERAL LAW
32 ENFORCEMENT AGENCIES IN THE INVESTIGATION OF SIMILAR CRIMES; AND

33 (II) UNLAWFUL CONDUCT OR PRACTICES IN ELECTRONIC
34 TRANSACTIONS; AND

35 (8) ASSIST AND COORDINATE IN THE TRAINING OF LOCAL, STATE, AND
36 FEDERAL LAW ENFORCEMENT AGENCIES REGARDING IDENTITY THEFT, OTHER

1 PRIVACY RELATED CRIMES, AND UNLAWFUL CONDUCT OR PRACTICES IN
2 ELECTRONIC TRANSACTIONS AS APPROPRIATE.

3 6-203.

4 AT THE DIRECTION OF THE ATTORNEY GENERAL, THE UNIT MAY ADOPT
5 REGULATIONS TO IMPLEMENT THIS SUBTITLE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2001.