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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

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2001

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CHAPTER \_\_\_\_\_

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 "Subtitle 2.  
11 Electronic 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 SUBTITLE 2. ELECTRONIC TRANSACTIONS PROTECTION ACT.

18 6-201.

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

1 6-202.

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

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

7 (C) THE UNIT SHALL:

8 (1) RECEIVE COMPLAINTS CONCERNING:

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

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

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

17 (I) PRIVACY RELATED LAWS, INCLUDING IDENTITY THEFT AND  
18 IDENTITY FRAUD; OR

19 (II) UNLAWFUL CONDUCT OR PRACTICES IN ELECTRONIC  
20 TRANSACTIONS;

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

24 (4) DEVELOP INFORMATION AND EDUCATIONAL PROGRAMS AND  
25 MATERIALS TO FOSTER PUBLIC UNDERSTANDING AND RECOGNITION OF THE ISSUES  
26 RELATED TO PRIVACY IN ELECTRONIC COMMERCE AND UNLAWFUL CONDUCT OR  
27 PRACTICES IN ELECTRONIC TRANSACTIONS;

28 (5) IDENTIFY CONSUMER PROBLEMS IN, AND FACILITATE THE  
29 DEVELOPMENT AND USE OF BEST PRACTICES BY PERSONS ENGAGED IN  
30 ELECTRONIC COMMERCE FOR THE PROTECTION OF THE PRIVACY OF PERSONAL  
31 INFORMATION IN ELECTRONIC ~~COMMERCE~~ TRANSACTIONS;

32 (6) PROMOTE VOLUNTARY AND MUTUALLY AGREED UPON NONBINDING  
33 ARBITRATION AND MEDIATION OF PRIVACY RELATED OR ELECTRONIC TRANSACTION  
34 DISPUTES WHERE APPROPRIATE;

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

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

4 (II) UNLAWFUL CONDUCT OR PRACTICES IN ELECTRONIC  
5 TRANSACTIONS; AND

6 (8) ASSIST AND COORDINATE IN THE TRAINING OF LOCAL, STATE, AND  
7 FEDERAL LAW ENFORCEMENT AGENCIES REGARDING IDENTITY THEFT, OTHER  
8 PRIVACY RELATED CRIMES, AND UNLAWFUL CONDUCT OR PRACTICES IN  
9 ELECTRONIC TRANSACTIONS AS APPROPRIATE.

10 6-203.

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

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