
By: **Delegates Kaiser, Barkley, Dumais, Feldman, Gutierrez, King, Lee,
Madaleno, Montgomery, Petzold, and Taylor**

Introduced and read first time: February 7, 2003

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection - Identity Fraud Victims - Financial Institutions**

3 FOR the purpose of requiring a financial institution, upon the request of an
4 individual who has been the victim of identity fraud, to provide to the individual
5 or a law enforcement officer, agency, or department specified by the individual,
6 copies of certain application forms, application information, and records;
7 requiring a financial institution to take certain steps before providing an
8 individual with certain copies, provide certain copies without charge, within a
9 certain period of time, to require a requesting individual to provide a certain
10 statement before providing a law enforcement officer, agency, or department
11 with certain copies, and to include a certain notice in the statement; defining
12 certain terms; and generally relating to victims of identity fraud.

13 BY adding to

14 Article - Commercial Law

15 Section 14-3201 to be under the new subtitle "Subtitle 32. Identity Fraud
16 Victims"

17 Annotated Code of Maryland

18 (2000 Replacement Volume and 2002 Supplement)

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

21 **Article - Commercial Law**

22 **SUBTITLE 32. IDENTITY FRAUD VICTIMS.**

23 14-3201.

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (2) "FINANCIAL INSTITUTION" HAS THE MEANING STATED IN § 1-201 OF
27 THE FINANCIAL INSTITUTIONS ARTICLE.

1 (3) "PERSONAL IDENTIFYING INFORMATION" HAS THE MEANING
2 STATED IN § 8-301 OF THE CRIMINAL LAW ARTICLE.

3 (B) (1) UPON THE REQUEST OF AN INDIVIDUAL WHO HAS BEEN THE VICTIM
4 OF A VIOLATION OF § 8-301 OF THE CRIMINAL LAW ARTICLE, A FINANCIAL
5 INSTITUTION SHALL PROVIDE TO THE INDIVIDUAL, OR TO A LAW ENFORCEMENT
6 OFFICER, AGENCY, OR DEPARTMENT SPECIFIED BY THE INDIVIDUAL, COPIES OF:

7 (I) APPLICATION FORMS OR APPLICATION INFORMATION
8 CONTAINING THE INDIVIDUAL'S NAME, ADDRESS, OR OTHER PERSONAL
9 IDENTIFYING INFORMATION PERTAINING TO AN APPLICATION FILED WITH THE
10 FINANCIAL INSTITUTION BY AN UNAUTHORIZED PERSON IN VIOLATION OF § 8-301
11 OF THE CRIMINAL LAW ARTICLE; AND

12 (II) RECORDS OF TRANSACTIONS OR CHARGES ASSOCIATED WITH
13 AN ACCOUNT OPENED BY AN UNAUTHORIZED PERSON IN VIOLATION OF § 8-301 OF
14 THE CRIMINAL LAW ARTICLE.

15 (2) BEFORE PROVIDING AN INDIVIDUAL WITH THE COPIES SPECIFIED
16 UNDER PARAGRAPH (1) OF THIS SUBSECTION, A FINANCIAL INSTITUTION SHALL
17 INFORM THE INDIVIDUAL OF THE CATEGORIES OF IDENTIFYING INFORMATION THAT
18 THE UNAUTHORIZED PERSON USED TO COMPLETE THE APPLICATION OR OPEN THE
19 ACCOUNT, AND SHALL REQUIRE THE INDIVIDUAL TO PROVIDE THE PERSONAL
20 IDENTIFYING INFORMATION IN THOSE CATEGORIES.

21 (3) A FINANCIAL INSTITUTION SHALL PROVIDE COPIES OF ALL FORMS,
22 INFORMATION, AND RECORDS REQUIRED UNDER THIS SECTION, WITHOUT CHARGE,
23 WITHIN 10 BUSINESS DAYS OF RECEIPT OF THE INDIVIDUAL'S REQUEST AND
24 SUBMISSION OF PERSONAL IDENTIFYING INFORMATION.

25 (C) (1) BEFORE A FINANCIAL INSTITUTION PROVIDES COPIES TO A LAW
26 ENFORCEMENT OFFICER, AGENCY, OR DEPARTMENT PURSUANT TO SUBSECTION
27 (B)(1) OF THIS SECTION, THE FINANCIAL INSTITUTION MAY REQUIRE THE
28 REQUESTING INDIVIDUAL TO PROVIDE A SIGNED AND DATED STATEMENT THAT:

29 (I) AUTHORIZES DISCLOSURE FOR A STATED PERIOD OF TIME;

30 (II) SPECIFIES THE NAME OF THE LAW ENFORCEMENT OFFICER,
31 AGENCY, OR DEPARTMENT TO WHICH THE DISCLOSURE IS AUTHORIZED; AND

32 (III) IDENTIFIES THE TYPE OF RECORDS THAT THE INDIVIDUAL
33 AUTHORIZES TO BE DISCLOSED.

34 (2) A FINANCIAL INSTITUTION SHALL INCLUDE IN THE STATEMENT TO
35 BE SIGNED BY THE INDIVIDUAL A NOTICE THAT THE REQUESTING INDIVIDUAL HAS
36 THE RIGHT TO REVOKE THE AUTHORIZATION AT ANY TIME.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 2003.