

HOUSE BILL 74

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HB 692/03 - ECM

2004 Regular Session
4r0863

(PRE-FILED)

By: **Delegates Pendergrass, Barve, DeBoy, Howard, Hubbard, Minnick,
Petzold, F. Turner, Sossi, and Barkley**

Requested: November 5, 2003

Introduced and read first time: January 14, 2004

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection - Privacy of Social Security Numbers**

3 FOR the purpose of prohibiting the public posting or displaying of an individual's
4 Social Security number under certain circumstances; prohibiting the printing of
5 an individual's Social Security number on certain cards under certain
6 circumstances; requiring an individual to transmit the individual's Social
7 Security number over the Internet under certain circumstances; prohibiting a
8 person from requiring an individual to use the individual's Social Security
9 number to access an Internet website under certain circumstances; prohibiting
10 the printing of an individual's Social Security number on materials mailed to the
11 individual under certain circumstances; providing for certain exceptions to the
12 prohibitions relating to an individual's Social Security number; providing that a
13 violation of this Act is an unfair and deceptive trade practice; providing for a
14 delayed effective date; and generally relating to the privacy of Social Security
15 numbers.

16 BY repealing and reenacting, with amendments,
17 Article - Commercial Law
18 Section 13-301(14)
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2003 Supplement)

21 BY adding to
22 Article - Commercial Law
23 Section 14-3201 and 14-3202 to be under the new subtitle "Subtitle 32. The
24 Social Security Number Privacy Act"
25 Annotated Code of Maryland
26 (2000 Replacement Volume and 2003 Supplement)

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

1

Article - Commercial Law

2 13-301.

3 Unfair or deceptive trade practices include any:

4 (14) Violation of a provision of:

5 (i) This title;

6 (ii) An order of the Attorney General or agreement of a party
7 relating to unit pricing under Title 14, Subtitle 1 of this article;8 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt
9 Collection Act;10 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door
11 Sales Act;

12 (v) Title 14, Subtitle 9 of this article, Kosher Products;

13 (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;

14 (vii) Section 14-1302 of this article;

15 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales
16 Act;

17 (ix) Section 22-415 of the Transportation Article;

18 (x) Title 14, Subtitle 20 of this article;

19 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty
20 Enforcement Act;

21 (xii) Title 14, Subtitle 21 of this article;

22 (xiii) Section 18-107 of the Transportation Article;

23 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone
24 Solicitations Act;25 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts
26 Act;

27 (xvi) Title 10, Subtitle 6 of the Real Property Article;

28 (xvii) Title 10, Subtitle 8 of the Real Property Article;

29 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;

1 (xix) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door
2 Solicitations Act;

3 (xx) Title 14, Subtitle 31 of this article, the Maryland Household
4 Goods Movers Act; or

5 (XXI) TITLE 14, SUBTITLE 32 OF THIS ARTICLE, THE SOCIAL SECURITY
6 NUMBER PRIVACY ACT; OR

7 SUBTITLE 32. THE SOCIAL SECURITY NUMBER PRIVACY ACT.

8 14-3201.

9 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT:

10 (1) PUBLICLY POST OR DISPLAY AN INDIVIDUAL'S SOCIAL SECURITY
11 NUMBER;

12 (2) PRINT AN INDIVIDUAL'S SOCIAL SECURITY NUMBER ON A CARD
13 REQUIRED FOR THE INDIVIDUAL TO ACCESS PRODUCTS OR SERVICES PROVIDED BY
14 THE PERSON;

15 (3) REQUIRE AN INDIVIDUAL TO TRANSMIT THE INDIVIDUAL'S SOCIAL
16 SECURITY NUMBER OVER THE INTERNET UNLESS THE CONNECTION IS SECURE OR
17 THE SOCIAL SECURITY NUMBER IS ENCRYPTED;

18 (4) REQUIRE AN INDIVIDUAL TO USE THE INDIVIDUAL'S SOCIAL
19 SECURITY NUMBER TO ACCESS AN INTERNET WEBSITE, UNLESS A PASSWORD OR
20 UNIQUE PERSONAL IDENTIFICATION NUMBER OR OTHER AUTHENTICATION DEVICE
21 IS ALSO REQUIRED TO ACCESS THE WEBSITE; OR

22 (5) PRINT AN INDIVIDUAL'S SOCIAL SECURITY NUMBER ON ANY
23 MATERIAL THAT IS MAILED TO THE INDIVIDUAL.

24 (B) THIS SECTION DOES NOT APPLY TO THE USE OF AN INDIVIDUAL'S SOCIAL
25 SECURITY NUMBER BY A PERSON:

26 (1) FOR THE PURPOSE OF MEETING A LEGAL REQUIREMENT THAT
27 MANDATES THE USE OF A SOCIAL SECURITY NUMBER; OR

28 (2) IN AN APPLICATION OR FORM SENT BY MAIL:

29 (I) AS PART OF AN APPLICATION OR ENROLLMENT PROCESS;

30 (II) TO ESTABLISH, AMEND, OR TERMINATE AN ACCOUNT,
31 CONTRACT, OR POLICY; OR

32 (III) TO CONFIRM THE ACCURACY OF THE SOCIAL SECURITY
33 NUMBER.

1 14-3202.

2 (A) A PERSON THAT USED AN INDIVIDUAL'S SOCIAL SECURITY NUMBER,
3 PRIOR TO JANUARY 1, 2005, IN A MANNER PROHIBITED UNDER § 14-3201(A) OF THIS
4 SUBTITLE MAY CONTINUE TO USE THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IN
5 THAT MANNER IF:

6 (1) THE USE OF THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IS
7 CONTINUOUS; AND

8 (2) BEGINNING ON JANUARY 1, 2005, THE PERSON PROVIDES THE
9 INDIVIDUAL WITH AN ANNUAL DISCLOSURE FORM STATING THE INDIVIDUAL'S
10 RIGHT TO STOP THE USE OF THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IN THE
11 MANNER PROHIBITED UNDER § 14-3201(A) OF THIS SUBTITLE.

12 (B) (1) A WRITTEN REQUEST BY AN INDIVIDUAL TO STOP THE USE OF THE
13 INDIVIDUAL'S SOCIAL SECURITY NUMBER IN A MANNER PROHIBITED UNDER §
14 14-3201(A) OF THIS SUBTITLE SHALL BE IMPLEMENTED WITHIN 30 DAYS OF THE
15 RECEIPT OF THE REQUEST.

16 (2) A PERSON MAY NOT DENY SERVICES TO AN INDIVIDUAL BECAUSE
17 THE INDIVIDUAL MAKES A WRITTEN REQUEST UNDER THIS SUBSECTION.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect January 1, 2005.