

HOUSE BILL 74

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HB 692/03 - ECM

2004 Regular Session  
4r0863

(PRE-FILED)

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By: **Delegates Pendergrass, Barve, DeBoy, Howard, Hubbard, Minnick, Petzold, F. Turner, Sossi, and ~~Barkley~~ Barkley, Conway, Doory, Fulton, Goldwater, Heller, Lee, Mandel, McDonough, Menes, Ramirez, Conroy, Feldman, Jameson, and Trueschler**

Requested: November 5, 2003  
Introduced and read first time: January 14, 2004  
Assigned to: Economic Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 27, 2004

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CHAPTER \_\_\_\_\_

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; prohibiting a person from requiring an individual to transmit  
7 the individual's Social Security number over the Internet under certain  
8 circumstances; prohibiting a person from requiring an individual to use the  
9 individual's Social Security number to access an Internet website under certain  
10 circumstances; prohibiting the printing of an individual's Social Security  
11 number on materials mailed, electronically mailed, or transmitted by facsimile  
12 to the individual under certain circumstances; providing for certain exceptions  
13 to the prohibitions relating to an individual's Social Security number; providing  
14 that a violation of this Act is an unfair ~~and~~ or deceptive trade practice under the  
15 Maryland Consumer Protection Act; authorizing a person that, prior to a certain  
16 date, used an individual's Social Security number in a manner prohibited under  
17 this Act to continue to use the individual's Social Security number under certain  
18 circumstances; defining certain terms; providing for the termination of a certain  
19 provision of this Act; providing for the application of this Act; providing for a  
20 delayed effective date; and generally relating to the privacy of Social Security  
21 numbers.

22 BY repealing and reenacting, with amendments,  
23 Article - Commercial Law

1 Section 13-301(14)  
 2 Annotated Code of Maryland  
 3 (2000 Replacement Volume and 2003 Supplement)

4 BY adding to  
 5 Article - Commercial Law  
 6 Section 14-3201 ~~and 14-3202 through 14-3203, inclusive~~, to be under the new  
 7 subtitle "Subtitle 32. The Social Security Number Privacy Act"  
 8 Annotated Code of Maryland  
 9 (2000 Replacement Volume and 2003 Supplement)

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

12 **Article - Commercial Law**

13 13-301.

14 Unfair or deceptive trade practices include any:

- 15 (14) Violation of a provision of:
- 16 (i) This title;
- 17 (ii) An order of the Attorney General or agreement of a party  
 18 relating to unit pricing under Title 14, Subtitle 1 of this article;
- 19 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt  
 20 Collection Act;
- 21 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door  
 22 Sales Act;
- 23 (v) Title 14, Subtitle 9 of this article, Kosher Products;
- 24 (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;
- 25 (vii) Section 14-1302 of this article;
- 26 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales  
 27 Act;
- 28 (ix) Section 22-415 of the Transportation Article;
- 29 (x) Title 14, Subtitle 20 of this article;
- 30 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty  
 31 Enforcement Act;

- 1 (xii) Title 14, Subtitle 21 of this article;
- 2 (xiii) Section 18-107 of the Transportation Article;
- 3 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone  
4 Solicitations Act;
- 5 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts  
6 Act;
- 7 (xvi) Title 10, Subtitle 6 of the Real Property Article;
- 8 (xvii) Title 10, Subtitle 8 of the Real Property Article;
- 9 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;
- 10 (xix) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door  
11 Solicitations Act;
- 12 (xx) Title 14, Subtitle 31 of this article, the Maryland Household  
13 Goods Movers Act; or
- 14 (XXI) TITLE 14, SUBTITLE 32 OF THIS ARTICLE, THE SOCIAL SECURITY  
15 NUMBER PRIVACY ACT; OR

16 SUBTITLE 32. THE SOCIAL SECURITY NUMBER PRIVACY ACT.  
17 14-3201.

18 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

20 (B) "PERSON" DOES NOT INCLUDE A UNIT OF STATE OR LOCAL GOVERNMENT.

21 (C) "PUBLICLY POST OR DISPLAY" MEANS TO INTENTIONALLY COMMUNICATE  
22 OR OTHERWISE MAKE AVAILABLE TO THE GENERAL PUBLIC.

23 14-3202.

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

25 (1) PUBLICLY POST OR DISPLAY AN INDIVIDUAL'S SOCIAL SECURITY  
26 NUMBER;

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

30 (3) REQUIRE AN INDIVIDUAL TO TRANSMIT THE INDIVIDUAL'S SOCIAL  
31 SECURITY NUMBER OVER THE INTERNET UNLESS THE CONNECTION IS SECURE OR  
32 THE SOCIAL SECURITY NUMBER IS ENCRYPTED;

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

5 (5) PRINT AN INDIVIDUAL'S SOCIAL SECURITY NUMBER ON ANY  
 6 MATERIAL THAT IS MAILED, ELECTRONICALLY MAILED, OR TRANSMITTED BY  
 7 FACSIMILE TO THE INDIVIDUAL, UNLESS REQUIRED BY STATE OR FEDERAL LAW.

8 (B) THIS SECTION DOES NOT APPLY TO ~~THE USE OF AN INDIVIDUAL'S SOCIAL~~  
 9 ~~SECURITY NUMBER BY A PERSON;~~

10 ~~(1) FOR THE PURPOSE OF MEETING A LEGAL REQUIREMENT THAT~~  
 11 ~~MANDATES THE USE OF A SOCIAL SECURITY NUMBER; OR~~

12 ~~(2);~~

13 (1) THE COLLECTION, RELEASE, OR USE OF AN INDIVIDUAL'S SOCIAL  
 14 SECURITY NUMBER AS REQUIRED BY STATE OR FEDERAL LAW;

15 (2) THE INCLUSION OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER IN  
 16 AN APPLICATION OR, FORM, OR DOCUMENT SENT BY MAIL;

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

18 (II) TO ESTABLISH, AMEND, OR TERMINATE AN ACCOUNT,  
 19 CONTRACT, OR POLICY; OR

20 (III) TO CONFIRM THE ACCURACY OF THE SOCIAL SECURITY  
 21 NUMBER; OR

22 (3) THE USE OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER FOR  
 23 INTERNAL VERIFICATION OR ADMINISTRATIVE PURPOSES.

24 ~~14-3202.~~

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 26 read as follows:

27 **Article - Commercial Law**

28 14-3203.

29 (A) A PERSON THAT USED AN INDIVIDUAL'S SOCIAL SECURITY NUMBER,  
 30 PRIOR TO JANUARY 1, 2005, IN A MANNER PROHIBITED UNDER ~~§ 14-3201(A)~~ §  
 31 14-3202(A) OF THIS SUBTITLE MAY CONTINUE TO USE THE INDIVIDUAL'S SOCIAL  
 32 SECURITY NUMBER IN THAT MANNER IF:

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

1 (2) BEGINNING ON JANUARY 1, 2005, THE PERSON PROVIDES THE  
2 INDIVIDUAL WITH AN ANNUAL DISCLOSURE FORM STATING THE INDIVIDUAL'S  
3 RIGHT TO STOP THE USE OF THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IN THE  
4 MANNER PROHIBITED UNDER ~~§ 14-3201(A)~~ § 14-3202(A) OF THIS SUBTITLE.

5 (B) (1) A WRITTEN REQUEST BY AN INDIVIDUAL TO STOP THE USE OF THE  
6 INDIVIDUAL'S SOCIAL SECURITY NUMBER IN A MANNER PROHIBITED UNDER §  
7 ~~14-3201(A)~~ § 14-3202(A) OF THIS SUBTITLE SHALL BE IMPLEMENTED WITHIN 30 DAYS  
8 ~~OF THE~~ AFTER RECEIPT OF THE REQUEST.

9 (2) A PERSON MAY NOT DENY PRODUCTS OR SERVICES TO AN  
10 INDIVIDUAL BECAUSE THE INDIVIDUAL MAKES A WRITTEN REQUEST UNDER THIS  
11 SUBSECTION.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
13 health insurance policies and contracts issued, delivered, or renewed in the State on  
14 or after January 1, 2005. Any health insurance policy or contract in effect before  
15 January 1, 2005, shall comply with the provisions of this Act on or before January 1,  
16 2006.

17 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
18 take effect on January 1, 2005. It shall remain in effect for a period of 3 years and, at  
19 the end of December 31, 2007, with no further action required by the General  
20 Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

21 SECTION 2- 5. AND BE IT FURTHER ENACTED, That this Act shall take  
22 effect January 1, 2005.