

ENROLLED BILL
-- Economic Matters/Finance --

Introduced by **Delegates Pendergrass, Barkley, Bobo, Cadden, Cane, Conroy, DeBoy, Dumais, Gaines, Goldwater, Gordon, Healey, Heller, Hixson, Hubbard, James, Jameson, Kach, King, Kullen, Lee, Love, Mandel, McDonough, Menes, Niemann, Parker, Petzold, Ramirez, Ross, Sossi, and F. Turner F. Turner, Barve, Doory, Feldman, Haddaway, Howard, Kirk, Krysiak, Minnick, Quinter, and Trueschler**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

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 ~~transmitting~~ initiating the
9 transmission of an individual's Social Security number over the Internet under
10 certain circumstances; prohibiting a person from requiring an individual to use
11 the individual's Social Security number to access an Internet website under
12 certain circumstances; prohibiting the printing of an individual's Social Security

1 number on materials mailed to the individual or the inclusion of an individual's
 2 Social Security number in materials electronically transmitted or transmitted by
 3 facsimile to the individual under certain circumstances; providing for certain
 4 exceptions to the prohibitions relating to an individual's Social Security number;
 5 providing that certain provisions of this Act do not impose certain duties on an
 6 interactive computer service provider or a telecommunications provider;
 7 providing that a violation of this Act is an unfair or deceptive trade practice
 8 under the Maryland Consumer Protection Act; authorizing a person that, prior
 9 to a certain date, used an individual's Social Security number in a manner
 10 prohibited under this Act to continue to use the individual's Social Security
 11 number under certain circumstances; defining certain terms; providing for the
 12 termination of certain provisions of this Act; providing for the application of this
 13 Act; providing for a delayed effective date; and generally relating to the privacy
 14 of Social Security numbers.

15 BY repealing and reenacting, with amendments,
 16 Article - Commercial Law
 17 Section 13-301(14)
 18 Annotated Code of Maryland
 19 (2000 Replacement Volume and 2004 Supplement)

20 BY adding to
 21 Article - Commercial Law
 22 Section 14-3301 through 14-3303, inclusive, to be under the new subtitle
 23 "Subtitle 33. The Social Security Number Privacy Act"
 24 Annotated Code of Maryland
 25 (2000 Replacement Volume and 2004 Supplement)

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

28 **Article - Commercial Law**

29 13-301.

30 Unfair or deceptive trade practices include any:

31 (14) Violation of a provision of:

32 (i) This title;

33 (ii) An order of the Attorney General or agreement of a party
 34 relating to unit pricing under Title 14, Subtitle 1 of this article;

35 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt
 36 Collection Act;

- 1 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door
2 Sales Act;
- 3 (v) Title 14, Subtitle 9 of this article, Kosher Products;
- 4 (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;
- 5 (vii) Section 14-1302 of this article;
- 6 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales
7 Act;
- 8 (ix) Section 22-415 of the Transportation Article;
- 9 (x) Title 14, Subtitle 20 of this article;
- 10 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty
11 Enforcement Act;
- 12 (xii) Title 14, Subtitle 21 of this article;
- 13 (xiii) Section 18-107 of the Transportation Article;
- 14 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone
15 Solicitations Act;
- 16 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts
17 Act;
- 18 (xvi) Title 10, Subtitle 6 of the Real Property Article;
- 19 (xvii) Title 10, Subtitle 8 of the Real Property Article;
- 20 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;
- 21 (xix) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door
22 Solicitations Act;
- 23 (xx) Title 14, Subtitle 31 of this article, the Maryland Household
24 Goods Movers Act; [or]
- 25 (xxi) Title 14, Subtitle 32 of this article, the Maryland Telephone
26 Consumer Protection Act; or
- 27 (XXII) TITLE 14, SUBTITLE 33 OF THIS ARTICLE, THE SOCIAL
28 SECURITY NUMBER PRIVACY ACT; OR

SUBTITLE 33. THE SOCIAL SECURITY NUMBER PRIVACY ACT.

14-3301.

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

(B) "INTERACTIVE COMPUTER SERVICE PROVIDER" MEANS AN ENTITY THAT PROVIDES A SERVICE THAT PROVIDES OR ENABLES COMPUTER ACCESS VIA THE INTERNET BY MULTIPLE USERS TO A COMPUTER SERVER OR SIMILAR DEVICE USED FOR THE STORAGE OF IMAGES, INFORMATION, OR DATA.

~~(B)~~ (C) (L) "PERSON" INCLUDES AN INDIVIDUAL, CORPORATION, BUSINESS TRUST, ESTATE TRUST, PARTNERSHIP, ASSOCIATION, TWO OR MORE PERSONS HAVING A JOINT OR COMMON INTEREST, OR ANY OTHER COMMERCIAL ENTITY.

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

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

14-3302.

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

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

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

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

(4) ~~TRANSMIT~~ INITIATE THE TRANSMISSION OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER OVER THE INTERNET UNLESS THE CONNECTION IS SECURE OR THE SOCIAL SECURITY NUMBER IS ENCRYPTED;

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

(6) ~~PRINT AN INDIVIDUAL'S SOCIAL SECURITY NUMBER ON ANY MATERIAL THAT IS MAILED TO THE INDIVIDUAL, UNLESS REQUIRED BY STATE OR FEDERAL LAW~~ UNLESS REQUIRED BY STATE OR FEDERAL LAW:

1 (I) PRINT AN INDIVIDUAL'S SOCIAL SECURITY NUMBER ON ANY
 2 MATERIAL THAT IS MAILED TO THE INDIVIDUAL;

3 (II) INCLUDE AN INDIVIDUAL'S SOCIAL SECURITY NUMBER IN ANY
 4 MATERIAL THAT IS ELECTRONICALLY TRANSMITTED TO THE INDIVIDUAL, UNLESS
 5 THE CONNECTION IS SECURE OR THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IS
 6 ENCRYPTED; OR

7 (III) INCLUDE AN INDIVIDUAL'S SOCIAL SECURITY NUMBER IN ANY
 8 MATERIAL THAT IS TRANSMITTED BY FACSIMILE TO THE INDIVIDUAL.

9 (B) THIS SECTION DOES NOT APPLY TO:

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

12 (2) THE INCLUSION OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER IN
 13 AN APPLICATION, FORM, OR DOCUMENT SENT BY MAIL, ELECTRONICALLY
 14 TRANSMITTED, OR TRANSMITTED BY FACSIMILE:

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

16 (II) TO ESTABLISH, AMEND, OR TERMINATE AN ACCOUNT,
 17 CONTRACT, OR POLICY; OR

18 (III) TO CONFIRM THE ACCURACY OF THE INDIVIDUAL'S SOCIAL
 19 SECURITY NUMBER; ~~OR~~

20 (3) THE USE OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER FOR
 21 INTERNAL VERIFICATION OR ADMINISTRATIVE PURPOSES; OR

22 (4) AN INTERACTIVE COMPUTER SERVICE PROVIDER'S OR A
 23 TELECOMMUNICATIONS PROVIDER'S TRANSMISSION OR ROUTING OF, OR
 24 INTERMEDIATE TEMPORARY STORAGE OR CACHING OF, AN IMAGE, INFORMATION,
 25 OR DATA INDIVIDUAL'S SOCIAL SECURITY NUMBER.

26 (C) THIS SECTION DOES NOT IMPOSE A DUTY ON AN INTERACTIVE
 27 COMPUTER SERVICE PROVIDER OR A TELECOMMUNICATIONS PROVIDER ACTIVELY
 28 TO MONITOR ITS SERVICE OR AFFIRMATIVELY TO SEEK EVIDENCE OF THE
 29 TRANSMISSION OF SOCIAL SECURITY NUMBERS ON ITS SERVICE.

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

32 **Article - Commercial Law**

33 14-3303.

34 (A) A PERSON THAT USED AN INDIVIDUAL'S SOCIAL SECURITY NUMBER
 35 BEFORE JANUARY 1, 2006 IN A MANNER PROHIBITED UNDER § 14-3302(A) OF THIS

1 SUBTITLE MAY CONTINUE TO USE THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IN
2 THAT MANNER IF:

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

5 (2) BEGINNING ON JANUARY 1, 2006, THE PERSON PROVIDES THE
6 INDIVIDUAL WITH AN ANNUAL DISCLOSURE FORM STATING THE INDIVIDUAL'S
7 RIGHT TO REQUEST, IN WRITING, THAT THE PERSON STOP ~~USING~~ THE USE OF THE
8 INDIVIDUAL'S SOCIAL SECURITY NUMBER IN A MANNER PROHIBITED UNDER §
9 14-3302(A) OF THIS SUBTITLE.

10 (B) A WRITTEN REQUEST BY AN INDIVIDUAL TO STOP THE USE OF THE
11 INDIVIDUAL'S SOCIAL SECURITY NUMBER IN A MANNER PROHIBITED UNDER §
12 14-3302(A) OF THIS SUBTITLE SHALL BE IMPLEMENTED WITHIN 30 DAYS AFTER
13 RECEIPT OF THE REQUEST.

14 (C) A PERSON MAY NOT DENY ~~GOODS~~ PRODUCTS OR SERVICES TO AN
15 INDIVIDUAL BECAUSE THE INDIVIDUAL MAKES A WRITTEN REQUEST UNDER THIS
16 SECTION.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all
18 health insurance policies and contracts issued, delivered, or renewed in the State on
19 or after January 1, 2006. Any health insurance policy or contract in effect before
20 January 1, 2006, shall comply with the provisions of this Act on or before January 1,
21 2007.

22 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 January 1, 2006. Section 2 of this Act shall remain in effect for a period of 3 years and,
24 at the end of December 31, 2008, with no further action required by the General
25 Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.