

(PRE-FILED)

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Requested: July 6, 2004

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

23 BY repealing and reenacting, with amendments,
24 Article - Commercial Law
25 Section 13-301(14)
26 Annotated Code of Maryland
27 (2000 Replacement Volume and 2004 Supplement)

28 BY adding to
29 Article - Commercial Law

1 Section 14-3301 through 14-3303, inclusive, to be under the new subtitle
2 "Subtitle 33. The Social Security Number Privacy Act"
3 Annotated Code of Maryland
4 (2000 Replacement Volume and 2004 Supplement)

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

7 **Article - Commercial Law**

8 13-301.

9 Unfair or deceptive trade practices include any:

- 10 (14) Violation of a provision of:
- 11 (i) This title;
 - 12 (ii) An order of the Attorney General or agreement of a party
13 relating to unit pricing under Title 14, Subtitle 1 of this article;
 - 14 (iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt
15 Collection Act;
 - 16 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door
17 Sales Act;
 - 18 (v) Title 14, Subtitle 9 of this article, Kosher Products;
 - 19 (vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;
 - 20 (vii) Section 14-1302 of this article;
 - 21 (viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales
22 Act;
 - 23 (ix) Section 22-415 of the Transportation Article;
 - 24 (x) Title 14, Subtitle 20 of this article;
 - 25 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty
26 Enforcement Act;
 - 27 (xii) Title 14, Subtitle 21 of this article;
 - 28 (xiii) Section 18-107 of the Transportation Article;
 - 29 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone
30 Solicitations Act;

1 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts
2 Act;

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

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

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

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

8 (xx) Title 14, Subtitle 31 of this article, the Maryland Household
9 Goods Movers Act; [or]

10 (xxi) Title 14, Subtitle 32 of this article, the Maryland Telephone
11 Consumer Protection Act; or

12 (XXII) TITLE 14, SUBTITLE 33 OF THIS ARTICLE, THE SOCIAL
13 SECURITY NUMBER PRIVACY ACT; OR

14 SUBTITLE 33. THE SOCIAL SECURITY NUMBER PRIVACY ACT.

15 14-3301.

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

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

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

23 14-3302.

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 GOODS OR SERVICES PROVIDED BY THE
29 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) TRANSMIT AN INDIVIDUAL'S SOCIAL SECURITY NUMBER OVER THE
2 INTERNET UNLESS THE CONNECTION IS SECURE OR THE SOCIAL SECURITY NUMBER
3 IS ENCRYPTED;

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

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

11 (B) THIS SECTION DOES NOT APPLY TO:

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

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

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

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

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

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

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

25 **Article - Commercial Law**

26 14-3303.

27 (A) A PERSON THAT USED AN INDIVIDUAL'S SOCIAL SECURITY NUMBER
28 BEFORE JANUARY 1, 2006 IN A MANNER PROHIBITED UNDER § 14-3302(A) OF THIS
29 SUBTITLE MAY CONTINUE TO USE THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IN
30 THAT MANNER IF:

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

33 (2) BEGINNING ON JANUARY 1, 2006, THE PERSON PROVIDES THE
34 INDIVIDUAL WITH AN ANNUAL DISCLOSURE FORM STATING THE INDIVIDUAL'S
35 RIGHT TO REQUEST, IN WRITING, THAT THE PERSON STOP USING THE INDIVIDUAL'S

1 SOCIAL SECURITY NUMBER IN A MANNER PROHIBITED UNDER § 14-3302(A) OF THIS
2 SUBTITLE.

3 (B) A WRITTEN REQUEST BY AN INDIVIDUAL TO STOP THE USE OF THE
4 INDIVIDUAL'S SOCIAL SECURITY NUMBER IN A MANNER PROHIBITED UNDER §
5 14-3302(A) OF THIS SUBTITLE SHALL BE IMPLEMENTED WITHIN 30 DAYS AFTER
6 RECEIPT OF THE REQUEST.

7 (C) A PERSON MAY NOT DENY GOODS OR SERVICES TO AN INDIVIDUAL
8 BECAUSE THE INDIVIDUAL MAKES A WRITTEN REQUEST UNDER THIS SECTION.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all
10 health insurance policies and contracts issued, delivered, or renewed in the State on
11 or after January 1, 2006. Any health insurance policy or contract in effect before
12 January 1, 2006, shall comply with the provisions of this Act on or before January 1,
13 2007.

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