

(PRE-FILED)

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Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2005

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

1 BY repealing and reenacting, with amendments,
2 Article - Commercial Law
3 Section 13-301(14)
4 Annotated Code of Maryland
5 (2000 Replacement Volume and 2004 Supplement)

6 BY adding to
7 Article - Commercial Law
8 Section 14-3301 through 14-3303, inclusive, to be under the new subtitle
9 "Subtitle 33. The Social Security Number Privacy Act"
10 Annotated Code of Maryland
11 (2000 Replacement Volume and 2004 Supplement)

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

14 **Article - Commercial Law**

15 13-301.

16 Unfair or deceptive trade practices include any:

17 (14) Violation of a provision of:

18 (i) This title;

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

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

23 (iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door
24 Sales Act;

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

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

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

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

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

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

- 1 (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty
2 Enforcement Act;
- 3 (xii) Title 14, Subtitle 21 of this article;
- 4 (xiii) Section 18-107 of the Transportation Article;
- 5 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone
6 Solicitations Act;
- 7 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts
8 Act;
- 9 (xvi) Title 10, Subtitle 6 of the Real Property Article;
- 10 (xvii) Title 10, Subtitle 8 of the Real Property Article;
- 11 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;
- 12 (xix) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door
13 Solicitations Act;
- 14 (xx) Title 14, Subtitle 31 of this article, the Maryland Household
15 Goods Movers Act; [or]
- 16 (xxi) Title 14, Subtitle 32 of this article, the Maryland Telephone
17 Consumer Protection Act; or
- 18 (XXII) TITLE 14, SUBTITLE 33 OF THIS ARTICLE, THE SOCIAL
19 SECURITY NUMBER PRIVACY ACT; OR
- 20 SUBTITLE 33. THE SOCIAL SECURITY NUMBER PRIVACY ACT.
21 14-3301.
- 22 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.
- 24 (B) "INTERACTIVE COMPUTER SERVICE PROVIDER" MEANS AN ENTITY THAT
25 PROVIDES A SERVICE THAT PROVIDES OR ENABLES COMPUTER ACCESS VIA THE
26 INTERNET BY MULTIPLE USERS TO A COMPUTER SERVER OR SIMILAR DEVICE USED
27 FOR THE STORAGE OF IMAGES, INFORMATION, OR DATA.
- 28 ~~(B)~~ (C) "PERSON" INCLUDES AN INDIVIDUAL, CORPORATION, BUSINESS
29 TRUST, ESTATE TRUST, PARTNERSHIP, ASSOCIATION, TWO OR MORE PERSONS
30 HAVING A JOINT OR COMMON INTEREST, OR ANY OTHER COMMERCIAL ENTITY.
- 31 ~~(C)~~ (D) "PUBLICLY POST OR DISPLAY" MEANS TO INTENTIONALLY
32 COMMUNICATE OR OTHERWISE MAKE AVAILABLE TO THE GENERAL PUBLIC.

1 14-3302.

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

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

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

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

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

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

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

21 (B) THIS SECTION DOES NOT APPLY TO:

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

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

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

27 (II) TO ESTABLISH, AMEND, OR TERMINATE AN ACCOUNT,
28 CONTRACT, OR POLICY; OR

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

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

33 (4) AN INTERACTIVE COMPUTER SERVICE PROVIDER'S TRANSMISSION
34 OR ROUTING OF, OR INTERMEDIATE TEMPORARY STORAGE OR CACHING OF, AN
35 IMAGE, INFORMATION, OR DATA.

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

3 **Article - Commercial Law**

4 14-3303.

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

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

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

16 (B) A WRITTEN REQUEST BY AN INDIVIDUAL TO STOP THE USE OF THE
17 INDIVIDUAL'S SOCIAL SECURITY NUMBER IN A MANNER PROHIBITED UNDER §
18 14-3302(A) OF THIS SUBTITLE SHALL BE IMPLEMENTED WITHIN 30 DAYS AFTER
19 RECEIPT OF THE REQUEST.

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

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all
23 health insurance policies and contracts issued, delivered, or renewed in the State on
24 or after January 1, 2006. Any health insurance policy or contract in effect before
25 January 1, 2006, shall comply with the provisions of this Act on or before January 1,
26 2007.

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