
By: **Senator Dyson**

Introduced and read first time: January 27, 2005

Assigned to: Finance

Committee Report: Favorable with amendments

Senate 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 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; to the individual or the inclusion of an individual's
12 Social Security number in materials electronically transmitted; or transmitted
13 by facsimile to the individual under certain circumstances; providing for certain
14 exceptions to the prohibitions relating to an individual's Social Security number;
15 providing that certain provisions of this Act do not impose certain duties on an
16 interactive computer service provider or a telecommunications provider;
17 providing that a violation of this Act is an unfair or deceptive trade practice
18 under the Maryland Consumer Protection Act; authorizing a person that, before
19 a certain date, used an individual's Social Security number in a manner
20 prohibited under this Act to continue to use the individual's Social Security
21 number under certain circumstances; defining certain terms; providing for the
22 termination of certain provisions of this Act; providing for the application of this
23 Act; ~~making this Act an emergency measure~~; and generally relating to the
24 privacy of Social Security numbers.

25 BY repealing and reenacting, with amendments,

26 Article - Commercial Law

27 Section 13-301(14)

1 Annotated Code of Maryland
2 (2000 Replacement Volume and 2004 Supplement)

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

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

11 **Article - Commercial Law**

12 13-301.

13 Unfair or deceptive trade practices include any:

14 (14) Violation of a provision of:

15 (i) This title;

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

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

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

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

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

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

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

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

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

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

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

- 1 (xiii) Section 18-107 of the Transportation Article;
- 2 (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone
- 3 Solicitations Act;
- 4 (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts
- 5 Act;
- 6 (xvi) Title 10, Subtitle 6 of the Real Property Article;
- 7 (xvii) Title 10, Subtitle 8 of the Real Property Article;
- 8 (xviii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;
- 9 (xix) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door
- 10 Solicitations Act;
- 11 (xx) Title 14, Subtitle 31 of this article, the Maryland Household
- 12 Goods Movers Act; [or]
- 13 (xxi) Title 14, Subtitle 32 of this article, the Maryland Telephone
- 14 Consumer Protection Act; or

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

17 SUBTITLE 33. THE SOCIAL SECURITY NUMBER PRIVACY ACT.

18 14-3301.

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

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

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

24 14-3302.

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

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

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

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

4 (4) 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 ALSO IS REQUIRED TO ACCESS THE WEBSITE; OR

8 (5) UNLESS REQUIRED BY STATE OR FEDERAL LAW, ~~PRINT AN~~
9 ~~INDIVIDUAL'S SOCIAL SECURITY NUMBER ON ANY MATERIAL THAT IS:~~

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

12 (II) INCLUDE AN INDIVIDUAL'S SOCIAL SECURITY NUMBER IN ANY
13 MATERIAL THAT IS ELECTRONICALLY TRANSMITTED TO THE INDIVIDUAL, UNLESS
14 THE CONNECTION IS SECURE OR THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IS
15 ENCRYPTED; OR

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

18 (B) THIS SECTION DOES NOT APPLY TO:

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

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

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

25 (II) TO ESTABLISH, AMEND, OR TERMINATE AN ACCOUNT,
26 CONTRACT, OR POLICY; OR

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

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

31 (4) AN INTERACTIVE COMPUTER SERVICE PROVIDER'S OR A
32 TELECOMMUNICATIONS PROVIDER'S TRANSMISSION OR ROUTING OF, OR
33 INTERMEDIATE TEMPORARY STORAGE OR CACHING OF, AN INDIVIDUAL'S SOCIAL
34 SECURITY NUMBER.

35 (C) THIS SECTION DOES NOT IMPOSE A DUTY ON AN INTERACTIVE COMPUTER
36 SERVICE PROVIDER OR A TELECOMMUNICATIONS PROVIDER ACTIVELY TO MONITOR

1 ITS SERVICE OR AFFIRMATIVELY TO SEEK EVIDENT OF THE TRANSMISSION OF
2 SOCIAL SECURITY NUMBERS ON ITS SERVICE.

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

5 **Article - Commercial Law**

6 14-3303.

7 (A) A PERSON THAT USED AN INDIVIDUAL'S SOCIAL SECURITY NUMBER
8 BEFORE JANUARY 1, 2005, IN A MANNER PROHIBITED UNDER § 14-3302(A) OF THIS
9 SUBTITLE MAY CONTINUE TO USE THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IN
10 THAT MANNER IF:

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

13 (2) BEGINNING ON JULY 1, 2005, THE PERSON PROVIDES THE
14 INDIVIDUAL WITH AN ANNUAL DISCLOSURE FORM STATING THE INDIVIDUAL'S
15 RIGHT TO STOP THE USE OF THE INDIVIDUAL'S SOCIAL SECURITY NUMBER IN THE
16 MANNER PROHIBITED UNDER § 14-3302(A) OF THIS SUBTITLE.

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

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

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all
24 health insurance policies and contracts issued, delivered, or renewed in the State on
25 or after ~~the effective date of this Act July 1, 2005.~~ Any health insurance policy or
26 contract in effect before the effective date of this Act shall comply with the provisions
27 of this Act ~~on or before 1 year after the effective date of this Act~~ no later than July 1,
28 2006.

29 SECTION 4. AND BE IT FURTHER ENACTED, That this Act ~~is an emergency~~
30 ~~measure, is necessary for the immediate preservation of the public health or safety,~~
31 ~~has been passed by a yea and nay vote supported by three fifths of all the members~~
32 ~~elected to each of the two Houses of the General Assembly, and shall take effect from~~
33 ~~the date it is enacted. Section 2 of this Act shall remain effective through May 31,~~
34 ~~2008, and, at the end of May 31, 2008, with no further action required by the General~~
35 ~~Assembly, Section 2 of this Act shall be abrogated and of no further force and effect~~
36 shall take effect July 1, 2005.

