
By: **Senators Kelley, Teitelbaum, Colburn, Conway, Currie, Garagiola,
Gladden, Hollinger, Hughes, Klausmeier, and Middleton**

Introduced and read first time: January 18, 2006

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2006

CHAPTER _____

1 AN ACT concerning

2 **Consumer Protection - Personal Information Protection Act**

3 FOR the purpose of requiring a certain business ~~to destroy or arrange for the~~
4 ~~destruction of, when destroying~~ a customer's records that contain certain
5 personal information of the customer ~~in a certain manner, to take certain steps~~
6 to protect against unauthorized access to or use of the personal information
7 under certain circumstances; requiring a certain business that owns or licenses
8 certain personal information of an individual residing in the State to implement
9 and maintain certain security procedures and practices under certain
10 circumstances; requiring certain businesses that own, license, or maintain
11 ~~certain records that include~~ computerized data that includes certain personal
12 information of an individual residing in the State to conduct a certain
13 investigation and notify certain persons of a breach of the security of a system
14 under certain circumstances; specifying the time at which notification must be
15 given; authorizing notification to be given in a certain manner; providing that a
16 waiver of certain provisions of this Act is contrary to public policy and is void
17 and unenforceable; providing that compliance with certain provisions of this Act
18 does not relieve a certain business from a duty to comply with certain other
19 requirements of federal, ~~State, or local~~ law; providing that the provisions of this
20 Act are exclusive and shall preempt any provision of local law; requiring a
21 business to report to certain consumer reporting agencies on the breach of the
22 security of a system under certain circumstances; providing that certain
23 businesses and affiliates shall be deemed to be in compliance with the
24 requirements of this Act under certain circumstances; providing that a violation
25 of this Act is an unfair or deceptive trade practice within the meaning of the
26 Maryland Consumer Protection Act and is subject to certain enforcement and
27 penalty provisions; ~~establishing a private right of action for an individual~~

1 ~~affected by a violation of this Act~~; defining certain terms; providing for a delayed
 2 effective date; and generally relating to the protection of personal information
 3 contained in the records of businesses, owned or ~~leased~~ licensed by businesses,
 4 or included in ~~records~~ computerized data owned, licensed, or maintained by
 5 businesses.

6 BY adding to
 7 Article - Commercial Law
 8 Section 14-3501 through ~~14-3505~~ 14-3508, inclusive, to be under the new
 9 subtitle "Subtitle 35. Maryland Personal Information Protection Act"
 10 Annotated Code of Maryland
 11 (2005 Replacement Volume)

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 **SUBTITLE 35. MARYLAND PERSONAL INFORMATION PROTECTION ACT.**

16 14-3501.

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

19 (B) (1) "BUSINESS" MEANS A SOLE PROPRIETORSHIP, PARTNERSHIP,
 20 CORPORATION, ASSOCIATION, OR ANY OTHER BUSINESS ENTITY, WHETHER OR NOT
 21 ORGANIZED TO OPERATE AT A PROFIT.

22 (2) "BUSINESS" INCLUDES A FINANCIAL INSTITUTION ORGANIZED,
 23 CHARTERED, LICENSED, OR OTHERWISE AUTHORIZED UNDER THE LAWS OF THIS
 24 STATE, ANY OTHER STATE, THE UNITED STATES, OR ANY OTHER COUNTRY, AND THE
 25 PARENT OR SUBSIDIARY OF A FINANCIAL INSTITUTION.

26 (3) "BUSINESS" DOES NOT INCLUDE AN ENTITY THAT HAS AN ANNUAL
 27 GROSS INCOME OF LESS THAN \$1,000,000.

28 ~~(C) "MEDICAL INFORMATION" MEANS ANY INDIVIDUALLY IDENTIFIABLE~~
 29 ~~INFORMATION, IN ELECTRONIC OR PHYSICAL FORM, REGARDING AN INDIVIDUAL'S~~
 30 ~~MEDICAL HISTORY OR MEDICAL TREATMENT OR DIAGNOSIS BY A HEALTH CARE~~
 31 ~~PROFESSIONAL.~~

32 ~~(D)~~ (C) (1) "PERSONAL INFORMATION" MEANS ~~THE FOLLOWING~~
 33 ~~INFORMATION WHEN THE INFORMATION IS CAPABLE OF BEING ASSOCIATED WITH A~~
 34 ~~PARTICULAR INDIVIDUAL AND IS NOT ENCRYPTED~~ AN INDIVIDUAL'S FIRST NAME OR
 35 FIRST INITIAL AND LAST NAME IN COMBINATION WITH ANY ONE OR MORE OF THE
 36 FOLLOWING DATA ELEMENTS, WHEN THE NAME OR THE DATA ELEMENTS ARE NOT
 37 ENCRYPTED, REDACTED, OR OTHERWISE PROTECTED BY ANOTHER METHOD THAT
 38 RENDERS THE INFORMATION UNREADABLE OR UNUSABLE:

1 ~~(F)~~ A SIGNATURE;

2 ~~(H)~~ (I) A SOCIAL SECURITY NUMBER;

3 ~~(HH)~~ (II) A DRIVER'S LICENSE NUMBER;

4 ~~(IV)~~ (III) A FINANCIAL ACCOUNT NUMBER, INCLUDING A CREDIT
5 CARD NUMBER OR DEBIT CARD NUMBER; THAT IN COMBINATION WITH ANY
6 REQUIRED SECURITY CODE, ACCESS CODE, OR PASSWORD, WOULD PERMIT ACCESS
7 TO AN INDIVIDUAL'S FINANCIAL ACCOUNT; OR

8 ~~(V)~~ ANY REQUIRED SECURITY CODE, ACCESS CODE, OR PASSWORD
9 THAT WOULD PERMIT ACCESS TO AN INDIVIDUAL'S FINANCIAL ACCOUNT;

10 ~~(VI)~~ (IV) A CONSUMER REPORT, AS DEFINED IN § 14-1201 OF THIS
11 TITLE; OR

12 ~~(VII)~~ ANY MEDICAL INFORMATION.

13 (2) "PERSONAL INFORMATION" DOES NOT INCLUDE ~~INFORMATION THAT~~
14 ~~AN INDIVIDUAL HAS CONSENTED TO HAVE PUBLICLY DISSEMINATED OR LISTED;~~

15 (I) PUBLICLY AVAILABLE INFORMATION THAT IS LAWFULLY MADE
16 AVAILABLE TO THE GENERAL PUBLIC FROM FEDERAL, STATE, OR LOCAL
17 GOVERNMENT RECORDS;

18 (II) INFORMATION THAT AN INDIVIDUAL HAS CONSENTED TO HAVE
19 PUBLICLY DISSEMINATED OR LISTED; OR

20 (III) INFORMATION THAT IS DISSEMINATED OR LISTED IN
21 ACCORDANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND
22 ACCOUNTABILITY ACT.

23 ~~(E)~~ (D) "RECORDS" MEANS INFORMATION THAT IS INSCRIBED ON A
24 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND
25 IS RETRIEVABLE IN PERCEIVABLE FORM.

26 14-3502.

27 (A) IN THIS SECTION, "CUSTOMER" MEANS AN INDIVIDUAL RESIDING IN THE
28 STATE WHO PROVIDES PERSONAL INFORMATION TO A BUSINESS FOR THE PURPOSE
29 OF PURCHASING OR LEASING A PRODUCT OR OBTAINING A SERVICE FROM THE
30 BUSINESS.

31 (B) WHEN A BUSINESS IS DESTROYING A CUSTOMER'S RECORDS THAT
32 CONTAIN PERSONAL INFORMATION OF THE CUSTOMER, THE BUSINESS SHALL TAKE
33 ~~ALL REASONABLE STEPS TO DESTROY OR ARRANGE FOR THE DESTRUCTION OF THE~~
34 ~~RECORDS IN A MANNER THAT MAKES THE PERSONAL INFORMATION UNREADABLE~~
35 ~~OR UNDECIPHERABLE THROUGH ANY MEANS~~ PROTECT AGAINST UNAUTHORIZED
36 ACCESS TO OR USE OF THE PERSONAL INFORMATION, TAKING INTO ACCOUNT;

- 1 (1) THE SENSITIVITY OF THE RECORDS;
- 2 (2) THE NATURE AND SIZE OF THE BUSINESS AND ITS OPERATIONS;
- 3 (3) THE COSTS AND BENEFITS OF DIFFERENT DESTRUCTION METHODS;
- 4 AND
- 5 (4) AVAILABLE TECHNOLOGY.

6 14-3503.

7 (A) TO PROTECT PERSONAL INFORMATION FROM UNAUTHORIZED ACCESS,
 8 USE, MODIFICATION, OR DISCLOSURE, A BUSINESS THAT OWNS OR LICENSES
 9 PERSONAL INFORMATION OF AN INDIVIDUAL RESIDING IN THE STATE SHALL
 10 IMPLEMENT AND MAINTAIN REASONABLE SECURITY PROCEDURES AND PRACTICES
 11 THAT ARE APPROPRIATE TO THE NATURE OF THE PERSONAL INFORMATION OWNED
 12 OR LICENSED TO PROTECT THE PERSONAL INFORMATION FROM UNAUTHORIZED
 13 ACCESS, DESTRUCTION, USE, MODIFICATION, OR DISCLOSURE AND THE NATURE
 14 AND SIZE OF THE BUSINESS AND ITS OPERATIONS.

15 (B) (1) A BUSINESS THAT USES A NONAFFILIATED THIRD PARTY AS A
 16 SERVICE PROVIDER TO PERFORM SERVICES FOR THE BUSINESS AND DISCLOSES
 17 PERSONAL INFORMATION ABOUT AN INDIVIDUAL RESIDING IN THE STATE UNDER A
 18 WRITTEN CONTRACT WITH A NONAFFILIATED THE THIRD PARTY SHALL REQUIRE BY
 19 CONTRACT THAT THE THIRD PARTY COMPLY WITH THE REQUIREMENTS OF
 20 SUBSECTION (A) OF THIS SECTION IMPLEMENT AND MAINTAIN REASONABLE
 21 SECURITY PROCEDURES AND PRACTICES THAT:

22 (I) ARE APPROPRIATE TO THE NATURE OF THE PERSONAL
 23 INFORMATION DISCLOSED TO THE NONAFFILIATED THIRD PARTY; AND

24 (II) ARE REASONABLY DESIGNED TO HELP PROTECT THE
 25 PERSONAL INFORMATION FROM UNAUTHORIZED ACCESS, USE, MODIFICATION,
 26 DISCLOSURE, OR DESTRUCTION.

27 (2) THIS SUBSECTION SHALL APPLY TO A WRITTEN CONTRACT THAT IS
 28 ENTERED INTO ON OR AFTER JANUARY 1, 2008.

29 14-3504.

30 (A) IN THIS SECTION:

31 (1) "BREACH OF THE SECURITY OF A SYSTEM" MEANS THE
 32 UNAUTHORIZED ACQUISITION OF ~~RECORDS CONTAINING PERSONAL INFORMATION~~
 33 COMPUTERIZED DATA THAT COMPROMISES THE SECURITY, CONFIDENTIALITY, OR
 34 INTEGRITY OF THE PERSONAL INFORMATION MAINTAINED BY A BUSINESS AND WILL
 35 LIKELY RESULT IN A MATERIAL RISK OF IDENTITY THEFT; AND

1 (2) "BREACH OF THE SECURITY OF A SYSTEM" DOES NOT INCLUDE THE
2 GOOD FAITH ACQUISITION OF PERSONAL INFORMATION BY AN EMPLOYEE OR AGENT
3 OF A BUSINESS FOR THE PURPOSES OF THE BUSINESS, PROVIDED THAT:

4 (I) THE PERSONAL INFORMATION IS NOT USED OR SUBJECT TO
5 FURTHER UNAUTHORIZED DISCLOSURE; AND

6 (II) IT IS NOT LIKELY THAT THE ACQUISITION WILL RESULT IN A
7 MATERIAL RISK OF IDENTITY THEFT.

8 (B) (1) A BUSINESS THAT OWNS OR LICENSES ~~RECORDS~~ COMPUTERIZED
9 DATA THAT ~~INCLUDE~~ INCLUDES PERSONAL INFORMATION OF AN INDIVIDUAL
10 RESIDING IN THE STATE, WHEN IT DISCOVERS OR IS NOTIFIED OF A BREACH OF THE
11 SECURITY OF A SYSTEM, SHALL CONDUCT IN GOOD FAITH A REASONABLE AND
12 PROMPT INVESTIGATION TO DETERMINE THE LIKELIHOOD THAT THE BREACH WILL
13 RESULT IN A MATERIAL RISK OF IDENTITY THEFT.

14 (2) IF, AFTER THE INVESTIGATION IS CONCLUDED, THE BUSINESS
15 REASONABLY BELIEVES THAT THE BREACH OF THE SECURITY OF A SYSTEM HAS
16 RESULTED OR WILL RESULT IN A MATERIAL RISK OF IDENTITY THEFT OF PERSONAL
17 INFORMATION OF AN INDIVIDUAL RESIDING IN THE STATE, THE BUSINESS SHALL
18 NOTIFY THE INDIVIDUAL OF A ~~THE~~ BREACH OF THE SECURITY OF A SYSTEM IF, AS A
19 RESULT OF THE BREACH, THE INDIVIDUAL'S PERSONAL INFORMATION:

20 (4) ~~HAS BEEN ACQUIRED BY AN UNAUTHORIZED PERSON; OR~~

21 (H) ~~IS REASONABLY BELIEVED TO HAVE BEEN ACQUIRED BY AN~~
22 ~~UNAUTHORIZED PERSON.~~

23 (2) (3) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,
24 THE NOTIFICATION REQUIRED UNDER PARAGRAPH (4) (2) OF THIS SUBSECTION
25 SHALL BE GIVEN AS SOON AS REASONABLY PRACTICABLE AFTER THE BUSINESS
26 ~~DISCOVERS OR IS NOTIFIED OF THE BREACH OF THE SECURITY OF A SYSTEM~~
27 CONDUCTS THE INVESTIGATION REQUIRED UNDER PARAGRAPH (1) OF THIS
28 SUBSECTION.

29 (C) (1) A BUSINESS THAT MAINTAINS ~~RECORDS~~ COMPUTERIZED DATA THAT
30 ~~INCLUDE~~ INCLUDES PERSONAL INFORMATION THAT THE BUSINESS DOES NOT OWN
31 OR LICENSE SHALL NOTIFY THE OWNER OR LICENSEE OF THE PERSONAL
32 INFORMATION OF A BREACH OF THE SECURITY OF A SYSTEM IF, AS A RESULT OF THE
33 ~~BREACH, THE PERSONAL INFORMATION OF AN INDIVIDUAL RESIDING IN THE STATE:~~

34 (4) ~~HAS BEEN ACQUIRED BY AN UNAUTHORIZED PERSON; OR~~

35 (H) ~~IS REASONABLY BELIEVED TO HAVE BEEN ACQUIRED BY AN~~
36 ~~UNAUTHORIZED PERSON~~ IT IS LIKELY THAT THE BREACH HAS RESULTED OR WILL
37 RESULT IN A MATERIAL RISK OF IDENTITY THEFT OF PERSONAL INFORMATION OF
38 AN INDIVIDUAL RESIDING IN THE STATE.

1 (2) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE
2 NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE
3 GIVEN AS SOON AS REASONABLY PRACTICABLE AFTER THE BUSINESS DISCOVERS OR
4 IS NOTIFIED OF THE BREACH OF THE SECURITY OF A SYSTEM.

5 (D) (1) THE NOTIFICATION REQUIRED UNDER SUBSECTIONS (B) AND (C) OF
6 THIS SECTION MAY BE DELAYED:

7 (I) IF A LAW ENFORCEMENT AGENCY DETERMINES THAT THE
8 NOTIFICATION WILL IMPEDE A CRIMINAL INVESTIGATION OR JEOPARDIZE
9 HOMELAND OR NATIONAL SECURITY; OR

10 (II) TO DETERMINE THE SCOPE OF THE BREACH OF THE SECURITY
11 OF A SYSTEM ~~AND~~, IDENTIFY THE INDIVIDUALS AFFECTED, OR RESTORE THE
12 INTEGRITY OF THE SYSTEM.

13 (2) IF NOTIFICATION IS DELAYED UNDER PARAGRAPH (1)(I) OF THIS
14 SUBSECTION, NOTIFICATION SHALL BE GIVEN AS SOON AS PRACTICABLE AFTER THE
15 LAW ENFORCEMENT AGENCY DETERMINES THAT IT WILL NOT IMPEDE A CRIMINAL
16 INVESTIGATION AND WILL NOT JEOPARDIZE HOMELAND OR NATIONAL SECURITY.

17 (E) THE NOTIFICATION REQUIRED UNDER SUBSECTIONS (B) AND (C) OF THIS
18 SECTION MAY BE GIVEN:

19 (1) BY WRITTEN NOTICE SENT TO THE MOST RECENT ADDRESS OF THE
20 INDIVIDUAL IN THE RECORDS OF THE BUSINESS;

21 (2) BY ELECTRONIC NOTICE, IF THE ELECTRONIC NOTICE IS
22 CONSISTENT WITH THE REQUIREMENTS FOR ELECTRONIC RECORDS AND
23 SIGNATURES UNDER 15 U.S.C. § 7001; ~~OR~~

24 ~~(3) IF THE NOTIFICATION MUST BE SENT TO AT LEAST 50,000~~
25 ~~INDIVIDUALS, BY PUBLISHING THE NOTICE IN AT LEAST TWO NEWSPAPERS OF~~
26 ~~GENERAL CIRCULATION IN A JURISDICTION WHERE AT LEAST 5,000 INDIVIDUALS~~
27 ~~WHO MUST BE NOTIFIED RESIDE~~

28 (3) BY TELEPHONIC NOTICE, TO THE MOST RECENT TELEPHONE
29 NUMBER OF THE INDIVIDUAL IN THE RECORDS OF THE BUSINESS; OR

30 (4) BY SUBSTITUTE NOTICE AS PROVIDED IN SUBSECTION (F) OF THIS
31 SECTION, IF:

32 (I) THE BUSINESS DEMONSTRATES THAT THE COST OF PROVIDING
33 NOTICE WOULD EXCEED \$25,000 OR THAT THE AFFECTED CLASS OF INDIVIDUALS TO
34 BE NOTIFIED EXCEEDS 50,000; OR

35 (II) THE BUSINESS DOES NOT HAVE SUFFICIENT CONTACT
36 INFORMATION TO GIVE NOTICE IN ACCORDANCE WITH ITEM (1), (2), OR (3) OF THIS
37 SUBSECTION.

1 ~~(F)~~ (E) SUBSTITUTE NOTICE UNDER SUBSECTION (E)(4) OF THIS SECTION SHALL
2 CONSIST OF:

3 (1) ELECTRONICALLY MAILING THE NOTICE TO AN INDIVIDUAL
4 ENTITLED TO NOTIFICATION UNDER SUBSECTION (B) OF THIS SECTION, IF THE
5 BUSINESS HAS AN ELECTRONIC MAIL ADDRESS FOR THE INDIVIDUAL TO BE
6 NOTIFIED:

7 (2) CONSPICUOUS POSTING OF THE NOTICE ON THE WEBSITE OF THE
8 BUSINESS, IF THE BUSINESS MAINTAINS A WEBSITE; AND

9 (3) NOTIFICATION TO STATEWIDE MEDIA.

10 ~~(F)~~ (G) A BUSINESS SHALL PROVIDE NOTICE OF A BREACH OF THE
11 SECURITY OF A SYSTEM TO THE OFFICE OF THE ATTORNEY GENERAL WITHIN 24
12 ~~HOURS~~ 5 BUSINESS DAYS AFTER THE BUSINESS BECOMES AWARE OF THE BREACH.

13 ~~(G)~~ (H) A WAIVER OF ANY PROVISION OF THIS SECTION IS CONTRARY TO
14 PUBLIC POLICY AND IS VOID AND UNENFORCEABLE.

15 ~~(H)~~ (I) COMPLIANCE WITH THIS SECTION DOES NOT RELIEVE A BUSINESS
16 FROM A DUTY TO COMPLY WITH ANY OTHER REQUIREMENTS OF FEDERAL, ~~STATE,~~
17 ~~OR LOCAL~~ LAW RELATING TO THE PROTECTION AND PRIVACY OF PERSONAL
18 INFORMATION.

19 14-3505.

20 THE PROVISIONS OF THIS SUBTITLE ARE EXCLUSIVE AND SHALL PREEMPT ANY
21 PROVISION OF LOCAL LAW.

22 14-3506.

23 (A) IF A BUSINESS IS REQUIRED UNDER § 15-3504 OF THIS SUBTITLE TO GIVE
24 NOTICE OF A BREACH OF THE SECURITY OF A SYSTEM TO 1,000 OR MORE
25 INDIVIDUALS, THE BUSINESS ALSO SHALL NOTIFY, WITHOUT UNREASONABLE
26 DELAY, EACH CONSUMER REPORTING AGENCY THAT COMPILES AND MAINTAINS
27 FILES ON CONSUMERS ON A NATIONWIDE BASIS, AS DEFINED BY 15 U.S.C. § 1681A(P),
28 OF THE TIMING, DISTRIBUTION, AND CONTENT OF THE NOTICES.

29 (B) THIS SECTION DOES NOT REQUIRE THE INCLUSION OF THE NAMES OR
30 OTHER PERSONAL IDENTIFYING INFORMATION OF RECIPIENTS OF NOTICES OF THE
31 BREACH OF THE SECURITY OF A SYSTEM.

32 14-3507.

33 (A) IN THIS SECTION, "AFFILIATE" MEANS A COMPANY THAT CONTROLS, IS
34 CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH A BUSINESS DESCRIBED IN
35 SUBSECTION (C)(1) OF THIS SECTION.

1 (B) A BUSINESS THAT COMPLIES WITH THE REQUIREMENTS FOR
2 NOTIFICATION PROCEDURES, THE PROTECTION OR SECURITY OF PERSONAL
3 INFORMATION, OR THE DESTRUCTION OF PERSONAL INFORMATION UNDER THE
4 RULES, REGULATIONS, PROCEDURES, OR GUIDELINES ESTABLISHED BY THE
5 PRIMARY OR FUNCTIONAL FEDERAL OR STATE REGULATOR OF THE BUSINESS SHALL
6 BE DEEMED TO BE IN COMPLIANCE WITH THIS SUBTITLE.

7 (C) (1) A BUSINESS THAT IS SUBJECT TO AND IN COMPLIANCE WITH § 501(B)
8 OF THE FEDERAL GRAMM-LEACH-BLILEY ACT, 15 U.S.C. § 6801, § 216 OF THE FEDERAL
9 FAIR AND ACCURATE TRANSACTIONS ACT, 15 U.S.C. § 1681W, THE FEDERAL
10 INTERAGENCY GUIDELINES ESTABLISHING INFORMATION SECURITY STANDARDS,
11 AND THE FEDERAL INTERAGENCY GUIDANCE ON RESPONSE PROGRAMS FOR
12 UNAUTHORIZED ACCESS TO CUSTOMER INFORMATION AND CUSTOMER NOTICE, AND
13 ANY REVISIONS, ADDITIONS, OR SUBSTITUTIONS, SHALL BE DEEMED TO BE IN
14 COMPLIANCE WITH THIS SUBTITLE.

15 (2) AN AFFILIATE THAT COMPLIES WITH § 501(B) OF THE FEDERAL
16 GRAMM-LEACH-BLILEY ACT, 15 U.S.C. § 6801, § 216 OF THE FEDERAL FAIR AND
17 ACCURATE TRANSACTIONS ACT, 15 U.S.C. § 1681W, THE FEDERAL INTERAGENCY
18 GUIDELINES ESTABLISHING INFORMATION SECURITY STANDARDS, AND THE
19 FEDERAL INTERAGENCY GUIDANCE ON RESPONSE PROGRAMS FOR UNAUTHORIZED
20 ACCESS TO CUSTOMER INFORMATION AND CUSTOMER NOTICE, AND ANY REVISIONS,
21 ADDITIONS, OR SUBSTITUTIONS, SHALL BE DEEMED TO BE IN COMPLIANCE WITH
22 THIS SUBTITLE.

23 ~~14-3505- 14-3508.~~

24 ~~(A) A VIOLATION OF THIS SUBTITLE:~~

25 ~~(1) IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE~~
26 ~~MEANING OF TITLE 13 OF THIS ARTICLE; AND~~

27 ~~(2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS~~
28 ~~CONTAINED IN TITLE 13 OF THIS ARTICLE.~~

29 ~~(B) IN ADDITION TO THE REMEDIES PROVIDED IN § 13-408 OF THIS ARTICLE,~~
30 ~~AN INDIVIDUAL WHO IS AFFECTED BY A VIOLATION OF THIS SUBTITLE MAY BRING~~
31 ~~AN ACTION AGAINST A PERSON THAT VIOLATES THIS SUBTITLE TO RECOVER:~~

32 ~~(1) REASONABLE ATTORNEY'S FEES; AND~~

33 ~~(2) DAMAGES IN THE AMOUNT OF THE GREATER OF:~~

34 ~~(I) \$1,000 FOR EACH VIOLATION; OR~~

35 ~~(II) ACTUAL DAMAGES SUSTAINED AS A RESULT OF THE~~
36 ~~VIOLATION.~~

37 ~~(C) FOR PURPOSES OF THIS SECTION, EACH INDIVIDUAL FAILURE TO COMPLY~~
38 ~~WITH THE REQUIREMENTS OF THIS SUBTITLE IS A SEPARATE VIOLATION.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October 1, 2006~~ January 1, 2007.