

HOUSE BILL 26

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EMERGENCY BILL

71r0382

By: **Delegates Lee, Barkley, Goldwater, Kaiser, McComas, Mizeur, and Niemann**

Introduced and read first time: January 15, 2007

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 6, 2007

CHAPTER _____

1 AN ACT concerning

2 **Task Force to Study Identity Theft**

3 FOR the purpose of altering a date by which the Task Force to Study Identity Theft is
4 required to make a certain report; providing for an alternate date for the
5 termination of the Task Force; making this Act an emergency measure; and
6 generally relating to the Task Force to Study Identity Theft.

7 BY repealing and reenacting, with amendments,
8 Chapter 241 of the Acts of the General Assembly of 2005
9 Section 1 and 2

10 BY repealing and reenacting, with amendments,
11 Chapter 242 of the Acts of the General Assembly of 2005
12 Section 1 and 2

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Chapter 241 of the Acts of 2005**

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That:

4 (a) There is a Task Force to Study Identity Theft.

5 (b) The Task Force consists of the following members:

6 (1) two members of the Senate of Maryland, appointed by the
7 President of the Senate;

8 (2) three members of the House of Delegates, appointed by the
9 Speaker of the House;

10 (3) the Attorney General, or the Attorney General's designee;

11 (4) the Superintendent of State Police, or the Superintendent's
12 designee;

13 (5) the Commissioner of Financial Regulation;

14 (6) the Administrator of the Motor Vehicle Administration, or the
15 Administrator's designee;

16 (7) the following members, appointed by the Governor:

17 (i) one representative of the Maryland State's Attorneys'
18 Association;

19 (ii) one representative of the Maryland Chiefs of Police
20 Association;

21 (iii) one representative of the Maryland Sheriffs' Association;

22 (iv) one representative of a State-chartered commercial bank or
23 a national banking association with a branch office in the State; and

24 (v) one representative of a State-chartered credit union; **AND**

25 (8) the following members appointed jointly by the President of the
26 Senate and the Speaker of the House:

- 1 (i) one representative from the retail industry;
- 2 (ii) one representative from the credit card industry;
- 3 (iii) one representative from a consumer reporting agency;
- 4 (iv) three representatives who are affiliated with a recognized
5 consumer group or agency in the State; and
- 6 (v) one representative who is affiliated with a
7 technology-related trade group or association in the State.

8 (c) (1) The President of the Senate shall designate one of the members
9 appointed from the Senate of Maryland as co-chairman of the Task Force.

10 (2) The Speaker of the House shall designate one of the members
11 appointed from the House of Delegates as co-chairman of the Task Force.

12 (d) The Department of Legislative Services shall provide staff for the Task
13 Force.

14 (e) A member of the Task Force:

15 (1) may not receive compensation; but

16 (2) is entitled to reimbursement for expenses under the Standard
17 State Travel Regulations, as provided in the State budget.

18 (f) The Task Force shall:

19 (1) study:

20 (i) the problems associated with identity theft in Maryland,
21 including repairing one's credit history and the adequacy of current Maryland law in
22 deterring identity theft; and

23 (ii) privacy laws in other states and at the federal level that
24 address identity theft;

25 (2) consult with:

26 (i) relevant federal agencies, including the Federal Trade
27 Commission and the Federal Bureau of Investigation;

- 1 (ii) relevant agencies in other states; and
- 2 (iii) other experts on identity theft;
- 3 (3) survey State agencies to determine compliance with State and
4 federal laws relating to the collection and use of Social Security numbers, including
5 § 10–624 of the State Government Article and the Federal Privacy Act of 1974, 5
6 U.S.C. § 552a; and
- 7 (4) make recommendations regarding possible remedies to identity
8 theft, including statutory changes.
- 9 (g) The Task Force shall report its findings and recommendations to the
10 General Assembly on or before December 31, [2006] **2007**.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2005. It shall remain effective for a period of [1 year] **2 YEARS** and 7 months
13 and, at the end of January 31, [2007] **2008**, with no further action required by the
14 General Assembly, this Act shall be abrogated and of no further force and effect.

15 **Chapter 242 of the Acts of 2005**

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That:

- 18 (a) There is a Task Force to Study Identity Theft.
- 19 (b) The Task Force consists of the following members:
- 20 (1) two members of the Senate of Maryland, appointed by the
21 President of the Senate;
- 22 (2) three members of the House of Delegates, appointed by the
23 Speaker of the House;
- 24 (3) the Attorney General, or the Attorney General's designee;
- 25 (4) the Superintendent of State Police, or the Superintendent's
26 designee;
- 27 (5) the Commissioner of Financial Regulation;

1 (6) the Administrator of the Motor Vehicle Administration, or the
2 Administrator's designee;

3 (7) the following members, appointed by the Governor:

4 (i) one representative of the Maryland State's Attorneys'
5 Association;

6 (ii) one representative of the Maryland Chiefs of Police
7 Association;

8 (iii) one representative of the Maryland Sheriffs' Association;

9 (iv) one representative from a State-chartered commercial bank
10 or a national banking association with a branch office in the State; and

11 (v) one representative of a State-chartered credit union; and

12 (8) the following members appointed jointly by the President of the
13 Senate and the Speaker of the House:

14 (i) one representative from the retail industry;

15 (ii) one representative from the credit card industry;

16 (iii) one representative from a consumer reporting agency;

17 (iv) three representatives who are affiliated with a recognized
18 consumer group or agency in the State; and

19 (v) one representative who is affiliated with a
20 technology-related trade group or association in the State.

21 (c) (1) The President of the Senate shall designate one of the members
22 appointed from the Senate of Maryland as co-chairman of the Task Force.

23 (2) The Speaker of the House shall designate one of the members
24 appointed from the House of Delegates as co-chairman of the Task Force.

25 (d) The Department of Legislative Services shall provide staff for the Task
26 Force.

- 1 (e) A member of the Task Force:
- 2 (1) may not receive compensation; but
- 3 (2) is entitled to reimbursement for expenses under the Standard
4 State Travel Regulations, as provided in the State budget.
- 5 (f) The Task Force shall:
- 6 (1) study:
- 7 (i) the problems associated with identity theft in Maryland,
8 including repairing one's credit history and the adequacy of current Maryland law in
9 deterring identity theft;
- 10 (ii) privacy laws in other states and at the federal level that
11 address identity theft; and
- 12 (iii) issues relating to restricting information that is provided on
13 consumer reports;
- 14 (2) consult with:
- 15 (i) relevant federal agencies, including the Federal Trade
16 Commission and the Federal Bureau of Investigation;
- 17 (ii) relevant agencies in other states; and
- 18 (iii) other experts on identity theft;
- 19 (3) survey State agencies to determine compliance with State and
20 federal laws relating to the collection and use of Social Security numbers, including
21 § 10-624 of the State Government Article and the Federal Privacy Act of 1974, 5
22 U.S.C. § 552a; and
- 23 (4) make recommendations regarding possible remedies to identity
24 theft, including statutory changes.
- 25 (g) The Task Force shall report its findings and recommendations to the
26 General Assembly on or before December 31, [2006] **2007**.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2005. It shall remain effective for a period of [1 year] **2 YEARS** and 7 months
3 and, at the end of January 31, [2007] **2008**, with no further action required by the
4 General Assembly, this Act shall be abrogated and of no further force and effect.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
6 measure, is necessary for the immediate preservation of the public health or safety,
7 has been passed by a yea and nay vote supported by three-fifths of all the members
8 elected to each of the two Houses of the General Assembly, and shall take effect from
9 the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.