

HOUSE BILL 1120

I3, P1, L6

9lr2380

By: **Delegates Lee, Ali, Boteler, Bronrott, Cane, Carr, DeBoy, Dumais, Hecht, Howard, Kaiser, Kipke, McComas, McDonough, Robinson, Shewell, Stocksdale, F. Turner, Valderrama, and Walkup**

Introduced and read first time: February 13, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Social Security Numbers – Prohibited Uses**

3 FOR the purpose of prohibiting a person from printing or storing an individual's Social
4 Security number on a certain card required for access to certain products or
5 services or on a certain identification card; prohibiting a person from using an
6 individual's Social Security number for commercial gain; prohibiting a person
7 from including an individual's Social Security number on certain Medicare or
8 Medicaid documents, except under certain circumstances; prohibiting a person
9 from requiring an individual to use the individual's Social Security number as
10 an access code; prohibiting the inclusion of an individual's Social Security
11 number on an application, form, or document sent in connection with a credit
12 card solicitation; prohibiting a unit or instrumentality of the State government
13 or of a political subdivision of the State, including any court, from using or
14 requiring the use of an individual's Social Security number on a public record;
15 and generally relating to the use of Social Security numbers.

16 BY repealing and reenacting, without amendments,
17 Article – Commercial Law
18 Section 14–3401
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2008 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Commercial Law
23 Section 14–3402
24 Annotated Code of Maryland
25 (2005 Replacement Volume and 2008 Supplement)

26 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Government
2 Section 10–603
3 Annotated Code of Maryland
4 (2004 Replacement Volume and 2008 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article – State Government
7 Section 10–611(g)
8 Annotated Code of Maryland
9 (2004 Replacement Volume and 2008 Supplement)

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

12 **Article – Commercial Law**

13 14–3401.

14 (a) In this subtitle the following words have the meanings indicated.

15 (b) “Interactive computer service provider” means an entity that provides a
16 service that provides or enables computer access via the Internet by multiple users to
17 a computer server or similar device used for the storage of images, information, or
18 data.

19 (c) (1) “Person” includes an individual, corporation, business trust, estate
20 trust, partnership, association, two or more persons having a joint or common interest,
21 or any other commercial entity.

22 (2) “Person” does not include a unit of State or local government.

23 (d) “Publicly post or display” means to intentionally communicate or
24 otherwise make available to the general public.

25 14–3402.

26 (a) Except as otherwise provided in this subtitle, a person may not:

27 (1) Publicly post or display an individual’s Social Security number;

28 (2) Print **OR STORE** an individual’s Social Security number on:

29 (I) [a] A card required for the individual to access products or
30 services provided by the person; **OR**

31 (II) **AN IDENTIFICATION CARD ISSUED TO THE INDIVIDUAL;**

1 (3) Require an individual to transmit the individual's Social Security
2 number over the Internet unless the connection is secure or the individual's Social
3 Security number is encrypted;

4 (4) Initiate the transmission of an individual's Social Security number
5 over the Internet unless the connection is secure or the Social Security number is
6 encrypted;

7 **(5) USE AN INDIVIDUAL'S SOCIAL SECURITY NUMBER FOR**
8 **COMMERCIAL GAIN;**

9 **(6) UNLESS REQUIRED BY FEDERAL LAW, INCLUDE AN**
10 **INDIVIDUAL'S SOCIAL SECURITY NUMBER ON A DOCUMENT USED FOR ANY**
11 **MEDICARE OR MEDICAID PROGRAM;**

12 ~~[(5)]~~ (7) Require an individual to use the individual's Social Security
13 number [to access an Internet website, unless a password, unique personal
14 identification number, or other authentication device is also required to access the
15 website] **AS AN ACCESS CODE;** or

16 ~~[(6)]~~ (8) Unless required by State or federal law:

17 (i) Print an individual's Social Security number on any
18 material that is mailed to the individual;

19 (ii) Include an individual's Social Security number in any
20 material that is electronically transmitted to the individual, unless the connection is
21 secure or the individual's Social Security number is encrypted; or

22 (iii) Include an individual's Social Security number in any
23 material that is transmitted by facsimile to the individual.

24 (b) (1) This section does not apply to:

25 ~~[(1)]~~ (I) The collection, release, or use of an individual's Social
26 Security number as required by State or federal law;

27 ~~[(2)]~~ (II) The inclusion of an individual's Social Security number in an
28 application, form, or document sent by mail, electronically transmitted, or transmitted
29 by facsimile:

30 ~~[(i)]~~ 1. As part of an application or enrollment process;

31 ~~[(ii)]~~ 2. To establish, amend, or terminate an account,
32 contract, or policy; or

1 [(iii)] **3.** To confirm the accuracy of the individual's Social
2 Security number;

3 [(3)] **(III)** The use of an individual's Social Security number for
4 internal verification or administrative purposes; or

5 [(4)] **(IV)** An interactive computer service provider's or a
6 telecommunications provider's transmission or routing of, or intermediate temporary
7 storage or caching of, an individual's Social Security number.

8 **(2) PARAGRAPH (1)(II) OF THIS SUBSECTION DOES NOT ALLOW A**
9 **PERSON TO INCLUDE AN INDIVIDUAL'S SOCIAL SECURITY NUMBER ON AN**
10 **APPLICATION, FORM, OR DOCUMENT SENT IN CONNECTION WITH A CREDIT**
11 **CARD SOLICITATION.**

12 (c) This section does not impose a duty on an interactive computer service
13 provider or a telecommunications provider actively to monitor its service or
14 affirmatively to seek evidence of the transmission of Social Security numbers on its
15 service.

16 **Article – State Government**

17 **10-603.**

18 **(A) IN THIS SECTION, "PUBLIC RECORD" HAS THE MEANING STATED IN**
19 **§ 10-611 OF THIS SUBTITLE.**

20 **(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A UNIT OR**
21 **INSTRUMENTALITY OF THE STATE GOVERNMENT OR OF A POLITICAL**
22 **SUBDIVISION OF THE STATE, INCLUDING ANY COURT, MAY NOT USE OR REQUIRE**
23 **THE USE OF AN INDIVIDUAL'S SOCIAL SECURITY NUMBER ON A PUBLIC**
24 **RECORD.**

25 10-611.

26 (g) (1) "Public record" means the original or any copy of any documentary
27 material that:

28 (i) is made by a unit or instrumentality of the State
29 government or of a political subdivision or received by the unit or instrumentality in
30 connection with the transaction of public business; and

31 (ii) is in any form, including:

32 1. a card;

