SENATE BILL 712

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SB 34/20 – FIN

By: Senator Kagan
Introduced and read first time: February 7, 2022
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Consumer Protection – Scanning or Swiping Identification Cards and Driver’s Licenses – Prohibition

FOR the purpose of prohibiting a person from using a scanning device to scan or swipe an identification card or a driver’s license of an individual to obtain the personal information of the individual; prohibiting a person from retaining, selling, or transferring to another person any information collected from scanning or swiping an individual’s identification card or driver’s license under certain circumstances; making a violation of this Act an unfair, abusive, or deceptive trade practice under the Maryland Consumer Protection Act and subject to certain enforcement and penalty provisions; and generally relating to scanning or swiping identification cards and driver’s licenses.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxxiv) and (xxxv)
Annotated Code of Maryland
(2013 Replacement Volume and 2021 Supplement)

BY adding to
Article – Commercial Law
Section 13–301(14)(xxxvi) and 14–1327
Annotated Code of Maryland
(2013 Replacement Volume and 2021 Supplement)

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

Article – Commercial Law

13–301.
Unfair, abusive, or deceptive trade practices include any:

(14) Violation of a provision of:

(xxiv) The federal Servicemembers Civil Relief Act; [or]

(xxv) [§] SECTION 11–210 of the Education Article; or

(XXXVI) SECTION 14–1327 OF THIS ARTICLE; OR

14–1327.

(A) IN THIS SECTION, “SCANNING DEVICE” MEANS A BAR CODE SCANNER, A MAGNETIC STRIPE READER, OR ANY OTHER DEVICE OR COMBINATION OF DEVICES THAT IS CAPABLE OF DECIPHERING, IN AN ELECTRONICALLY READABLE FORMAT, THE INFORMATION ELECTRONICALLY ENCODED IN A BAR CODE OR MAGNETIC STRIPE.

(B) (1) THIS SECTION DOES NOT APPLY TO A PERSON THAT USES A SCANNING DEVICE TO SCAN OR SWIPE AN INDIVIDUAL’S IDENTIFICATION CARD OR DRIVER’S LICENSE TO:

(I) VERIFY THE AUTHENTICITY OF THE IDENTIFICATION CARD OR DRIVER’S LICENSE;

(II) VERIFY THE AGE OF THE INDIVIDUAL WHO POSSESES THE IDENTIFICATION CARD OR DRIVER’S LICENSE;

(III) RECORD, RETAIN, OR TRANSMIT INFORMATION AS REQUIRED BY LAW; OR

(IV) TRANSMIT THE NAME AND IDENTIFICATION CARD NUMBER OR DRIVER’S LICENSE NUMBER OF AN INDIVIDUAL TO A CHECK SERVICE COMPANY:

1. FOR THE PURPOSE OF APPROVING, EFFECTING, ADMINISTERING, OR ENFORCING NEGOTIABLE INSTRUMENTS, ELECTRONIC FUNDS TRANSFERS, OR OTHER SIMILAR METHODS OF PAYMENT; OR

2. TO PREVENT FRAUD OR OTHER CRIMINAL ACTIVITY.

(2) THIS SECTION DOES NOT PROHIBIT A LAW ENFORCEMENT OFFICER FROM USING A SCANNING DEVICE TO SCAN OR SWIPE AN INDIVIDUAL’S IDENTIFICATION CARD OR DRIVER’S LICENSE TO RECORD, RETAIN, OR TRANSMIT INFORMATION IF THE LAW ENFORCEMENT OFFICER IS ACTING WITHIN THE SCOPE
OF THE OFFICER’S OFFICIAL DUTIES.

(3) THIS SECTION DOES NOT APPLY TO A DEPOSITORY INSTITUTION THAT USES A SCANNING DEVICE TO SCAN OR SWIPE AN INDIVIDUAL’S IDENTIFICATION CARD OR DRIVER’S LICENSE IN CONNECTION WITH:

   (I) A DEPOSIT ACCOUNT OPENED OR TO BE OPENED BY THE INDIVIDUAL AT THE DEPOSITORY INSTITUTION;

   (II) A LOAN MADE OR TO BE MADE TO THE INDIVIDUAL OR HELD OR SERVICED BY THE DEPOSITORY INSTITUTION; OR

   (III) ANOTHER SERVICE OR PRODUCT REQUESTED BY THE INDIVIDUAL FROM THE DEPOSITORY INSTITUTION.

(4) THIS SECTION DOES NOT PROHIBIT A PERSON, FOR A LEGITIMATE BUSINESS PURPOSE, FROM PHOTOCOPYING THE IDENTIFICATION CARD OR DRIVER’S LICENSE OF AN INDIVIDUAL AND RETAINING THE PHOTOGRAPHIC COPY.

(C) A PERSON MAY NOT:

   (1) USE A SCANNING DEVICE TO SCAN OR SWIPE AN IDENTIFICATION CARD OR A DRIVER’S LICENSE OF AN INDIVIDUAL TO OBTAIN PERSONAL INFORMATION OF THE INDIVIDUAL;

   (2) RETAIN ANY INFORMATION COLLECTED FROM SCANNING OR SWIPING AN INDIVIDUAL’S IDENTIFICATION CARD OR DRIVER’S LICENSE; OR

   (3) SELL OR TRANSFER TO ANOTHER PERSON ANY INFORMATION COLLECTED FROM SCANNING OR SWIPING AN INDIVIDUAL’S IDENTIFICATION CARD OR DRIVER’S LICENSE EXCEPT AS REQUIRED BY LAW.

(D) A VIOLATION OF THIS SECTION IS:

   (1) AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THIS ARTICLE; AND

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.