

SENATE BILL 861

I3
SB 712/22 – FIN

3lr1064

By: **Senator Kagan**

Introduced and read first time: February 6, 2023

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of prohibiting a person from using a scanning device to scan or swipe an
5 identification card or a driver’s license of an individual to obtain certain personal
6 information of the individual; prohibiting a person from taking certain actions
7 regarding information collected from scanning or swiping an individual’s
8 identification card or driver’s license under certain circumstances; making a
9 violation of this Act an unfair, abusive, or deceptive trade practice under the
10 Maryland Consumer Protection Act and subject to certain enforcement and penalty
11 provisions; and generally relating to scanning or swiping identification cards and
12 driver’s licenses.

13 BY repealing and reenacting, with amendments,
14 Article – Commercial Law
15 Section 13–301(14)(xxxv)
16 Annotated Code of Maryland
17 (2013 Replacement Volume and 2022 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Commercial Law
20 Section 13–301(14)(xxxvi)
21 Annotated Code of Maryland
22 (2013 Replacement Volume and 2022 Supplement)

23 BY adding to
24 Article – Commercial Law
25 Section 13–301(14)(xxxvii) and 14–1327
26 Annotated Code of Maryland
27 (2013 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Commercial Law**

4 13–301.

5 Unfair, abusive, or deceptive trade practices include any:

6 (14) Violation of a provision of:

7 (xxxv) Section 11–210 of the Education Article; [or]

8 (xxxvi) Title 14, Subtitle 44 of this article; or

9 **(XXXVII) SECTION 14–1327 OF THIS ARTICLE; OR**

10 **14–1327.**

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

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

19 **(i) VERIFY THE AGE OF THE INDIVIDUAL WHO POSSESSES THE**
20 **IDENTIFICATION CARD OR DRIVER’S LICENSE;**

21 **(ii) VERIFY THE AUTHENTICITY OF THE IDENTIFICATION CARD**
22 **OR DRIVER’S LICENSE BEFORE SELLING OR OTHERWISE DISTRIBUTING TO THE**
23 **INDIVIDUAL:**

24 **1. A PSEUDOEPHEDRINE OR EPHEDRINE PRODUCT;**

25 **2. AN ALCOHOLIC BEVERAGE; OR**

26 **3. A TOBACCO OR NICOTINE PRODUCT;**

27 **(iii) VERIFY THE AUTHENTICITY OF THE IDENTIFICATION CARD**
28 **OR DRIVER’S LICENSE BEFORE GRANTING ADMISSION TO A PREMISES:**

1 1. LICENSED TO SELL ALCOHOLIC BEVERAGES; OR

2 2. WHERE ADMISSION IS RESTRICTED TO INDIVIDUALS
3 WHO ARE AT LEAST 21 YEARS OLD;

4 (IV) RECORD, RETAIN, OR TRANSMIT INFORMATION AS
5 REQUIRED BY LAW; OR

6 (V) TRANSMIT THE NAME AND IDENTIFICATION CARD NUMBER
7 OR DRIVER'S LICENSE NUMBER OF AN INDIVIDUAL TO A CHECK SERVICE COMPANY:

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

11 2. TO PREVENT FRAUD OR OTHER CRIMINAL ACTIVITY.

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

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

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

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

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

26 (C) A PERSON MAY NOT:

27 (1) USE A SCANNING DEVICE TO SCAN OR SWIPE THE IDENTIFICATION
28 CARD OR DRIVER'S LICENSE OF AN INDIVIDUAL TO OBTAIN PERSONAL
29 INFORMATION OF THE INDIVIDUAL OTHER THAN THE INDIVIDUAL'S:

30 (I) NAME;

1 **(II) ADDRESS;**

2 **(III) DATE OF BIRTH; OR**

3 **(IV) IDENTIFICATION CARD OR DRIVER'S LICENSE NUMBER;**

4 **(2) STORE, RECORD, OR RETAIN ANY INFORMATION COLLECTED**
5 **FROM SCANNING OR SWIPING AN INDIVIDUAL'S IDENTIFICATION CARD OR DRIVER'S**
6 **LICENSE AFTER THE CONCLUSION OF EACH TRANSACTION; OR**

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

10 **(D) A VIOLATION OF THIS SECTION IS:**

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2023.