

SENATE BILL 647

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By: **Senator Kagan**

Introduced and read first time: February 3, 2017

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Disclosure of Social Security Number – Prohibition**

3 FOR the purpose of prohibiting a person from requiring a consumer to disclose the
4 consumer's Social Security number to the person as a condition for the purchase or
5 lease of consumer goods or the purchase of consumer services; prohibiting a person
6 from including a certain field or text box for a Social Security number on a certain
7 contract or form; providing that this Act does not prohibit a person from requesting
8 or requiring a consumer to disclose the consumer's Social Security number to apply
9 for or obtain an extension of consumer credit; making a violation of this Act, and of
10 certain provisions of law prohibiting certain actions relating to an individual's Social
11 Security number, an unfair or deceptive trade practice under the Maryland
12 Consumer Protection Act and subject to certain enforcement and penalty provisions;
13 defining certain terms; and generally relating to Social Security numbers and
14 consumer protection.

15 BY repealing and reenacting, with amendments,
16 Article – Commercial Law
17 Section 14–3401
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2016 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Commercial Law
22 Section 14–3402
23 Annotated Code of Maryland
24 (2013 Replacement Volume and 2016 Supplement)

25 BY adding to
26 Article – Commercial Law
27 Section 14–3403 and 14–3404
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2013 Replacement Volume and 2016 Supplement)

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

Article – Commercial Law

14–3401.

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

(B) “CONSUMER” MEANS AN ACTUAL OR PROSPECTIVE PURCHASER, LESSEE, OR RECIPIENT OF CONSUMER GOODS, CONSUMER SERVICES, OR CONSUMER CREDIT.

(C) “CONSUMER CREDIT”, “CONSUMER GOODS”, AND “CONSUMER SERVICES” MEAN, RESPECTIVELY, CREDIT, GOODS, AND SERVICES THAT ARE PRIMARILY FOR PERSONAL, HOUSEHOLD, FAMILY, OR AGRICULTURAL PURPOSES.

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

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

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

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

14–3402.

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

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

(2) Print an individual’s Social Security number on a card required for the individual to access products or services provided by the person;

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

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

3 (5) Require an individual to use the individual's Social Security number to
4 access an Internet Web site, unless a password, unique personal identification number, or
5 other authentication device is also required to access the Web site; or

6 (6) Unless required by State or federal law:

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

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

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

14 (b) This section does not apply to:

15 (1) The collection, release, or use of an individual's Social Security number
16 as required by State or federal law;

17 (2) The inclusion of an individual's Social Security number in an
18 application, form, or document sent by mail, electronically transmitted, or transmitted by
19 facsimile:

20 (i) As part of an application or enrollment process;

21 (ii) To establish, amend, or terminate an account, contract, or policy;
22 or

23 (iii) To confirm the accuracy of the individual's Social Security
24 number;

25 (3) The use of an individual's Social Security number for internal
26 verification or administrative purposes; or

27 (4) An interactive computer service provider's or a telecommunications
28 provider's transmission or routing of, or intermediate temporary storage or caching of, an
29 individual's Social Security number.

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

1 **14-3403.**

2 (A) A PERSON MAY NOT:

3 (1) REQUIRE A CONSUMER TO DISCLOSE THE CONSUMER'S SOCIAL
4 SECURITY NUMBER TO THE PERSON AS A CONDITION FOR THE PURCHASE OR LEASE
5 OF CONSUMER GOODS OR THE PURCHASE OF CONSUMER SERVICES; OR

6 (2) INCLUDE A BLANK FIELD OR TEXT BOX FOR A SOCIAL SECURITY
7 NUMBER ON A CONTRACT FOR OR A FORM ASSOCIATED WITH THE PURCHASE OR
8 LEASE OF CONSUMER GOODS OR THE PURCHASE OF CONSUMER SERVICES.

9 (B) THIS SECTION DOES NOT PROHIBIT A PERSON FROM REQUESTING OR
10 REQUIRING A CONSUMER TO DISCLOSE THE CONSUMER'S SOCIAL SECURITY
11 NUMBER TO APPLY FOR OR OBTAIN AN EXTENSION OF CONSUMER CREDIT.

12 **14-3404.**

13 A VIOLATION OF THIS SUBTITLE IS:

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2017.