

# SENATE BILL 712

I3  
SB 34/20 – FIN

2lr0534  
CF 2lr0535

---

By: **Senator Kagan**

Introduced and read first time: February 7, 2022

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 the personal  
6 information of the individual; prohibiting a person from retaining, selling, or  
7 transferring to another person any information collected from scanning or swiping  
8 an individual’s identification card or driver’s license under certain circumstances;  
9 making a violation of this Act an unfair, abusive, or deceptive trade practice under  
10 the Maryland Consumer Protection Act and subject to certain enforcement and  
11 penalty provisions; and generally relating to scanning or swiping identification cards  
12 and driver’s licenses.

13 BY repealing and reenacting, with amendments,  
14 Article – Commercial Law  
15 Section 13–301(14)(xxxiv) and (xxxv)  
16 Annotated Code of Maryland  
17 (2013 Replacement Volume and 2021 Supplement)

18 BY adding to  
19 Article – Commercial Law  
20 Section 13–301(14)(xxxvi) and 14–1327  
21 Annotated Code of Maryland  
22 (2013 Replacement Volume and 2021 Supplement)

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

25 **Article – Commercial Law**

26 13–301.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (14) Violation of a provision of:

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

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

5 (xxxvi) SECTION 14–1327 OF THIS ARTICLE; OR

6 14–1327.

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

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

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

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

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

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

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

26 2. TO PREVENT FRAUD OR OTHER CRIMINAL ACTIVITY.

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

1 OF THE OFFICER'S OFFICIAL DUTIES.

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

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

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

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

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

14 (C) A PERSON MAY NOT:

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

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

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

23 (D) A VIOLATION OF THIS SECTION IS:

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

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

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