2008 -- S 2595

S T A T E   O F   R H O D E   I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

_____

A N   A C T

RELATING TO COMMERCIAL LAW - CONSUMER EMPOWERMENT AND IDENTITY THEFT PREVENTION ACT OF 2006

Introduced By: Senators Lanzi, Alves, Miller, Ciccone, and Pichardo

Date Introduced: February 26, 2008

Referred To: Senate Corporations

It is enacted by the General Assembly as follows:

1   SECTION 1. Section 6-48-8 of the General Laws in Chapter 6-48 entitled "Consumer

2 Empowerment and Identity Theft Prevention Act of 2006" is hereby amended to read as follows:

3   **6-48-8. Social security number protection. [Effective January 1, 2008.] --** (a) Except

4 as provided in subsection (c) of this section a person or entity, including a state or local agency,

5 may not do any of the following:

6   (1) Intentionally communicate or otherwise make available to the general public an

7 individual's social security number;

8   (2) Print an individual's social security number on any card required for the individual to

9 access products or services provided by the person or entity;

10   (3) Require an individual to transmit his or her social security number over the Internet,

11 unless the connection is secure or the social security number is encrypted;

12   (4) Require an individual to use his or her social security number to access an Internet

13 Website, unless a password or unique personal identification number or other authentication

14 device is also required to access the Internet Website; and

15   (5) Print an individual's social security number on any materials that are mailed to the

16 individual, unless state or federal law requires the social security number to be on the document

17 to be mailed.

18   Notwithstanding this paragraph, social security numbers may be included in applications

1   and forms sent by mail, including documents sent as part of an application or enrollment process,

2   or to establish, amend or terminate an account, contract or policy, or to confirm the accuracy of

3   the social security number. A social security number that is permitted to be mailed under this

4   section may not be printed, in whole or in part, on a postcard or other mailer not requiring an

5   envelope, or visible on the envelope or without the envelope having been opened.

6   (b) The provisions of this section do not apply to documents that are recorded or required

7   to be open to the public pursuant to the Rhode Island general laws chapter 42-46. This section

8   does not apply to records that are by statute or case law required to be made available to the

9   public by entities provided for in the Rhode Island Constitution.

10   (c) This section does not prevent the collection, use, or release of a social security

11   number as required by state or federal law or the use of a social security number for internal

12   verification or administrative purposes.

13   (d) The penalties for violating this section shall be:

14   (1) Any person who violates this section is responsible for the payment of a civil fine of

15   not more than three thousand dollars ($3,000).

16   (2) A person who knowingly violates this section is guilty of a misdemeanor punishable

17   by imprisonment for not more than thirty (30) days, or a fine of not more than five thousand

18   dollars ($5,000), or both.

19   (e) Institutions and businesses that take a person's social security number are required to

20   keep the social security number encrypted and extremely secure from outside sources.

21   SECTION 2. This act shall take effect upon passage.

=======
LC02057
=======

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N   A C T

RELATING TO COMMERCIAL LAW - CONSUMER EMPOWERMENT AND IDENTITY
THEFT PREVENTION ACT OF 2006

***

1   This act would require institutions and businesses that take a person's social security

2   number to keep the social security number encrypted and extremely secure from outside sources.

3   This act would take effect upon passage.

=======
LC02057
=======