SENATE BILL 861

I3 3lr1064
SB 712/22 – FIN

By: **Senator Kagan**
Introduced and read first time: February 6, 2023
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 certain personal information of the individual; prohibiting a person from taking certain actions regarding 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)(xxxv)
Annotated Code of Maryland
(2013 Replacement Volume and 2022 Supplement)

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

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

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

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:

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

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

(XXXVII) 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 AGE OF THE INDIVIDUAL WHO POSSESSES THE IDENTIFICATION CARD OR DRIVER'S LICENSE;

(II) VERIFY THE AUTHENTICITY OF THE IDENTIFICATION CARD OR DRIVER'S LICENSE BEFORE SELLING OR OTHERWISE DISTRIBUTING TO THE INDIVIDUAL:

1. A PSEUDOEPHEDRINE OR EPHEDRINE PRODUCT;

2. AN ALCOHOLIC BEVERAGE; OR

3. A TOBACCO OR NICOTINE PRODUCT;

(III) VERIFY THE AUTHENTICITY OF THE IDENTIFICATION CARD OR DRIVER'S LICENSE BEFORE GRANTING ADMISSION TO A PREMISES:

1. LICENSED TO SELL ALCOHOLIC BEVERAGES; OR

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

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

(V) 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.

(C) A PERSON MAY NOT:

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

(I) NAME;

(II) ADDRESS;

(III) DATE OF BIRTH; OR

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

(2) STORE, RECORD, OR RETAIN ANY INFORMATION COLLECTED FROM SCANNING OR SWIPING AN INDIVIDUAL'S IDENTIFICATION CARD OR DRIVER'S LICENSE AFTER THE CONCLUSION OF EACH TRANSACTION; 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, 2023.