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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS -
UNFAIR SALES PRACTICES - CONSUMER EMPOWERMENT AND IDENTITY THEFT
PREVENTION ACT

Introduced By: Representatives Kennedy, Walsh, Azzinaro, Lally, and Marcello

Date Introduced: February 03, 2011

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 6-13-15, 6-13-17 and 6-13-19 of the General Laws in Chapter 6-13
2 entitled "Unfair Sales Practices" are hereby amended to read as follows:

3 **6-13-15. Prohibition against recording credit card or social security numbers on**
4 **checks.** -- It shall be unlawful, during a sale at retail of any goods or merchandise, to record any
5 credit card or [all or part of a](#) social security number obtained from a purchaser as a means of
6 identification upon the check of the purchaser tendered for the sale. Any person, firm or
7 corporation that shall violate the provisions of this section shall be punished by a fine of not more
8 than one hundred dollars (\$100). This section does not prohibit any person from requesting
9 production of, or recording, a credit card number as a condition for cashing or accepting a check,
10 provided the person has agreed with the credit card issuer to cash or accept checks from card
11 holders of the issuer, the issuer has agreed to guarantee card holder checks cashed or accepted by
12 that person, and the card holder has given actual, apparent, or implied authority for the use of his
13 or her card number in the manner and for the purpose described in this section.

14 **6-13-17. Requiring consumers to furnish social security numbers.** -- (a) Unless
15 otherwise required by federal law, no person shall require that a consumer of goods or services
16 disclose [all or part of](#) a social security number incident to the sale of consumer goods or services;
17 provided, however, that:

18 (1) Insurance companies and institutions licensed by the state or federal government for

1 financial services may require applicants for those services to disclose their social security
2 number;

3 (2) Social security numbers may be required for the providing and billing of health care
4 or pharmaceutical-related services, including the issuance of identification cards and account
5 numbers for users of health care or pharmaceutical-related services; and

6 (3) Disclosure may be required of a consumer as a condition of applying for a credit card
7 for the purchase of goods or services.

8 (b) Any person violating the provisions of this section shall be guilty of a misdemeanor,
9 and upon conviction, shall be fined not more than five hundred dollars (\$500).

10 (c) In any civil action alleging a violation of this section, the court may award damages,
11 reasonable attorney's fees, and costs to a prevailing consumer, and afford injunctive relief against
12 any person or business that commits or proposes to commit a violation of this section.

13 **6-13-19. Requiring consumers to furnish social security numbers.** -- No person, firm,
14 corporation or other business entity which offers discount cards for purchases made at any
15 business maintained by the offeror shall require that a consumer of goods who applies for a
16 discount card furnish [all or part of](#) his or her social security number as a condition precedent to
17 the application for the consumer discount card. No information obtained on the application or by
18 use of a discount card can be sold or given to any other person, firm, corporation or business
19 entity provided, that the person, firm, corporation or other business may: (a) disclose such
20 information to its affiliates, to service providers that perform services for it, or as required by law;
21 and/or (b) transfer such information in connection with the sale of its business operations.

22 SECTION 2. Section 6-48-8 of the General Laws in Chapter 6-48 entitled "Consumer
23 Empowerment and Identity Theft Prevention Act of 2006" is hereby amended to read as follows:

24 **6-48-8. Social security number protection -- Effective January 1, 2008.** -- (a) Except
25 as provided in subsection (c) of this section a person or entity, including a state or local agency,
26 may not do any of the following:

27 (1) Intentionally communicate or otherwise make available to the general public [all or](#)
28 [part of](#) an individual's social security number;

29 (2) Print [all or part of](#) an individual's social security number on any card required for the
30 individual to access products or services provided by the person or entity;

31 (3) Require an individual to transmit [all or part of](#) his or her social security number over
32 the Internet, unless the connection is secure or the social security number is encrypted;

33 (4) Require an individual to use [all or part of](#) his or her social security number to access
34 an Internet Website, unless a password or unique personal identification number or other

1 authentication device is also required to access the Internet Website; and

2 (5) Print [all or part of](#) an individual's social security number on any materials that are
3 mailed to the individual, unless state or federal law requires the social security number to be on
4 the document to be mailed.

5 Notwithstanding this paragraph, social security numbers may be included in applications
6 and forms sent by mail, including documents sent as part of an application or enrollment process,
7 or to establish, amend or terminate an account, contract or policy, or to confirm the accuracy of
8 the social security number. A social security number that is permitted to be mailed under this
9 section may not be printed, in whole or in part, on a postcard or other mailer not requiring an
10 envelope, or visible on the envelope or without the envelope having been opened.

11 (b) The provisions of this section do not apply to documents that are recorded or required
12 to be open to the public pursuant to the Rhode Island general laws chapter 42-46. This section
13 does not apply to records that are by statute or case law required to be made available to the
14 public by entities provided for in the Rhode Island Constitution.

15 (c) This section does not prevent the collection, use, or release of a social security
16 number as required by state or federal law or the use of a social security number for internal
17 verification or administrative purposes.

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

19 (1) Any person who violates this section is responsible for the payment of a civil fine of
20 not more than three thousand dollars (\$3,000).

21 (2) A person who knowingly violates this section is guilty of a misdemeanor punishable
22 by imprisonment for not more than thirty (30) days, or a fine of not more than five thousand
23 dollars (\$5,000), or both.

24 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS -
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PREVENTION ACT

- 1 This act would expand the social security privacy laws by prohibiting the use of any part
- 2 of an individual's social security number.
- 3 This act would take effect upon passage.

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