

HOUSE BILL NO. 363

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KEMPLER, Kohring, Phillips

Introduced: 1/28/98

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to social security numbers; providing for the limitation of use
2 of social security numbers; and making the improper use of a social security
3 number a prohibited unfair trade practice."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 45.50 is amended by adding a new section to read:

6 **Sec. 45.50.482. Prohibition of use, acquisition, or distribution of social**
7 **security numbers.** (a) A person may not buy, sell, offer for sale, take, exchange,
8 pledge, or give in pledge information for the purpose, in whole or in part, of
9 conveying an individual's social security number, or a derivative of the individual's
10 social security number, without the written consent of the individual.

11 (b) A person may not use an individual's social security number, or a
12 derivative of the individual's social security number, for the purpose of identification
13 of the individual for a commercial or business purpose without the written consent of
14 the individual. Uses prohibited by this subsection, if conducted without written

1 consent and for a commercial or business purpose, include

2 (1) recording or causing to be recorded, on paper or by electronic
3 means, a social security number on a record of a transaction or ledger or, if presented
4 for payment, a credit card slip, check, bill of exchange, or other draft;

5 (2) issuing a credit card, customer service card, or debit card, that
6 displays or has encoded by electronic means a social security number;

7 (3) constructing or maintaining a system of records, either in print or
8 electronic form, that contains a social security number; however, a system of records
9 may contain information that a social security number has been issued to an individual.

10 (c) A person may not offer or accept an offer for goods or services, for sale
11 or lease, on the condition that a consumer provide consent to the use of the consumer's
12 social security number for identification.

13 (d) In order for consent to exist under (a) or (b) of this section, the person
14 engaged in, or seeking to engage in, an activity described must

15 (1) inform the individual of all the purposes for which the individual's
16 social security number will be used and the persons to whom the number will be
17 given; and

18 (2) obtain consent in writing.

19 (e) Nothing in this section shall be construed to prohibit the use of a social
20 security number specifically permitted or required under any federal or state statute or
21 regulation. In case of a conflict between another federal or state statute or regulation,
22 the provisions of the other statute or regulation shall apply.

23 (f) In this section,

24 (1) "credit card" has the meaning given in AS 11.81.900;

25 (2) "customer service card" means a card, plate, code, or other device
26 used by a business as a means of identifying customers who receive membership,
27 purchasing, or check-cashing privileges, or other rights or privileges by possession and
28 use of that device;

29 (3) "debit card" means a card, code, or other device, other than a check,
30 draft, or similar paper instrument, by the use of which a person may institute an
31 electronic funds transfer;

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(4) "social security number" means

(A) the identifying number issued under 42 U.S.C. 405(c) (sec. 205(c)(2)(A), Social Security Act); or

(B) any sequence of alphanumeric characters that contains the identifying number issued under 42 U.S.C. 405(c) (sec. 205(c)(2)(A), Social Security Act).

* **Sec. 2.** AS 45.50.471(b) is amended by adding a new paragraph to read:

(42) violating AS 45.50.482 (social security numbers).