

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1295 of the Regular Session

As Engrossed: S2/23/05 S3/7/05 S3/9/05

A Bill

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

SENATE BILL 335

4
5 By: Senator Broadway
6
7

For An Act To Be Entitled

8
9 AN ACT TO PREVENT THE MISAPPROPRIATION OF SOCIAL
10 SECURITY NUMBERS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO PREVENT THE MISAPPROPRIATION
14 OF SOCIAL SECURITY NUMBERS.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code Title 4, Chapter 86, Subchapter 1 is amended
20 to add an additional section to read as follows:

21 4-86-107. Prohibiting the misappropriation of social security numbers.

22 (a) As used in this section:

23 (1) "Person" means an individual, corporation, partnership,
24 organization, or any other entity; and

25 (2) "Publicly post" or "publicly display" means to intentionally
26 communicate or otherwise make available to the general public.

27 (b) Except as provided in subsection (c) of this section, a person may
28 not do any of the following:

29 (1) Publicly post or publicly display in any manner an
30 individual's social security number;

31 (2) Print an individual's social security number on any card
32 required for the individual to access products or services provided by the
33 person or entity;

34 (3) Print an individual's social security number on a postcard
35 or other mailer not requiring an envelope or in a manner in which the social



1 security number is visible on the envelope or without the envelope being
2 opened; or

3 (4) Require an individual to transmit his or her social security
4 number over the Internet unless the connection is secure or the social
5 security number is encrypted.

6 (c) This section does not prevent the collection, use, or release of a
7 social security number as required or explicitly authorized by federal or
8 state law, or pursuant to state or federal court rules.

9 (d) This section does not apply to an entity providing an electronic
10 communications service to the public that is used by another person to
11 violate this section unless the entity conspires with another person to
12 violate this section or intentionally aids and abets another person in the
13 violation of this section.

14 (e) This section shall not be asserted as a means to avoid compliance
15 with an otherwise valid request for records pursuant to the Freedom of
16 Information Act, § 25-19-101 et seq.

17 (f) The Attorney General may:

18 (1) Bring suit against any person for violating the provisions
19 of this section;

20 (2) Collect civil penalties of up to two hundred fifty dollars
21 (\$250) per violation along with attorney's fees and costs incurred in the
22 investigation and prosecution of the matter; and

23 (3) Seek appropriate injunctive relief.

24 (g) This section shall become effective on January 1, 2007, and apply
25 to acts occurring on or after January 1, 2007.

26
27 /s/ Broadway
28
29

30 **APPROVED: 3/29/2005**
31
32
33
34
35
36

1