

State of Arkansas
85th General Assembly
Regular Session, 2005

A Bill

SENATE BILL 335

By: Senator Broadway

For An Act To Be Entitled

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

Subtitle

AN ACT TO PREVENT THE MISAPPROPRIATION
OF SOCIAL SECURITY NUMBERS.

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

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

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

(a) As used in this section:

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

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

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

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

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

(3)(A) Print an individual's social security number on any materials that are mailed to the individual unless state or federal law requires the social security number to be on the document to be mailed.



1 (B) However, if the social security number is not printed,
2 in whole or in part, on a postcard or other mailer not requiring an envelope
3 or is not visible on the envelope or without the envelope being opened, the
4 social security number may be included in applications and forms sent by
5 mail, including documents sent:

6 (i) As part of an application or enrollment process;
7 (ii) To establish, amend, or terminate an account,
8 contract, or policy;

9 (iii) To provide account, contract, or policy
10 documents at the request of the consumer; or

11 (iv) To confirm the accuracy of the social security
12 number; or

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

16 (c) This section does not prevent the collection, use, or release of a
17 social security number as required or explicitly authorized by federal or
18 state law.

19 (d) The Attorney General may:

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

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

25 (3) Seek appropriate injunctive relief.

26 (e) This section shall become effective on January 1, 2007, and apply
27 to acts occurring on or after January 1, 2007.