

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.

State of Arkansas
85th General Assembly
Regular Session, 2005

As Engrossed: S2/23/05

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 on a postcard or other mailer not requiring an envelope or is not visible on
3 the envelope or without the envelope being opened, the social security number
4 may be included in applications and forms sent by mail, including documents
5 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;

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

13 (v) To facilitate the processing of health-related
14 claims on behalf of the consumer; or

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

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

21 (d) The Attorney General may:

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

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

27 (3) Seek appropriate injunctive relief.

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

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31 /s/ Broadway
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