

HCS SCS SB 61 -- PERSONAL IDENTIFYING INFORMATION

SPONSOR: Caskey (Luetkemeyer)

COMMITTEE ACTION: Voted "do pass by consent" by the Committee on Financial Services by a vote of 16 to 0.

This substitute limits the use of a person's Social Security number and closes an individual's military records that have been recorded at a county recorder's office.

The substitute prohibits any person or entity from publicly displaying a person's Social Security number or requiring a person to send their Social Security number over the Internet, unless the number is encrypted or otherwise made secure. This provision applies to the use of Social Security numbers on or after July 1, 2006. However, those entities that were using a person's Social Security number prior to that date may continue to use it if the use was consistent or if they provide an annual disclosure that informs the individual that he or she has the right to stop the use of his or her Social Security number. This provision does not apply to government agencies or to records that are required to be open records pursuant to law.

Regarding an individual's military records, the substitute prohibits county recorders from providing recorded military discharge records to anyone except authorized parties. Authorized parties include the person who is the subject of the records; the subject's relatives, attorney, or guardian; any person with written authorization from any of these parties; or a government agency. An authorized party must submit a notarized request form to the recorder to obtain the records. Only the name of a person with a recorded military discharge record will be available to the public without authorization.

County recorders may refuse to accept any military discharge document that appears to be altered or that does not contain an original signature of a military officer or a government agency official or any document that is not a certified copy of a record from a government agency. County recorders may not charge a fee for accepting or providing military discharge records or for providing the notarized request form needed to obtain the records.

The substitute also prohibits the use or reproduction of military discharge records for any commercial purpose.

The substitute has an effective date of January 1, 2005.

FISCAL NOTE: No impact on state funds.

PROPONENTS: Supporters say that the substitute was based upon California's law governing this issue. California had enacted a much stricter version earlier, which left some people unable to access their own information. So they amended their law, making the restrictions on the use of Social Security numbers more practical.

Testifying for the bill were Representative Luetkemeyer for Senator Caskey; Consumer Data Industry Association; Missouri Financial Services Association; and Mortgage Bankers Association of Missouri.

OPPONENTS: There was no opposition voiced to the committee.

Richard Smreker, Senior Legislative Analyst