

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 61
92ND GENERAL ASSEMBLY

Reported from the Committee on Financial Services April 15, 2003, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 61 Do Pass by Consent.

STEPHEN S. DAVIS, Chief Clerk

0172L.04C

AN ACT

To repeal section 59.480, RSMo, and to enact in lieu thereof two new sections relating to restrictions on use of personal identifying information, with an effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 59.480, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 59.480 and 407.1355, to read as follows:

59.480. [Any person who is the holder of a discharge, separation notice, certificate of service, report of transfer or discharge, or any other notice or document which is evidence of severance or transfer from military service and which contains a service record from the armed forces of the United States may demand that such document be recorded by the recorder of deeds of any county in this state, including the recorder of deeds of the city of St. Louis, and it shall be the duty of the recorder of deeds to record the document without any fee or compensation therefor.] **1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:**

- (1) "Authorized party", any of the following:
 - (a) The person who is the subject of the document;
 - (b) The representative of a person who is the subject of the document or the agent of a person who is the subject of the document, including but not limited to, relatives, attorneys, attorneys in fact, conservators, guardians, and funeral directors; and who has authorization in

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

writing from the person who is the subject of the document, the spouse of the person who is the subject of the document, a relative who is the next of kin of the person who is the subject of the document, a court, in order to represent the person who is the subject of the document or the executor of the person who was the subject of the document who is acting on behalf of the deceased subject of the document;

(c) Government agencies, including courts, that have an interest in assisting the subject of the document or in assisting the beneficiaries of the deceased subject of the document in obtaining a benefit;

(2) "Military discharge document", a discharge, separation notice, certificate of service, report of transfer or discharge, or any other notice or document which is evidence of severance or transfer from military service and which contains a service record from the armed forces of the United States, or any document that purports to represent a notice of separation from or service in any armed forces of the United States or any state, including but not limited to the department of defense form DD 214;

(3) "Recorder of deeds", the recorder of deeds in those counties where separate and the circuit clerk and ex officio recorder of deeds in those counties where the offices are combined.

2. Military discharge documents shall be accepted for filing by the recorder of deeds in all counties and the city of St. Louis in this state without any fee or compensation therefore.

3. The recorder of deeds may refuse to accept any military discharge document that:

(1) Is not an original or does not contain an original signature of an officer of the armed forces of the United States or a federal or state agency;

(2) Is not a certified copy from an agency of the federal or state government; or

(3) Appears to have alterations or erasures.

4. On or after the effective date of this section, the recorder of deeds shall:

(1) Maintain and make available to the public in its office an index containing only the name of the subject of a military discharge document;

(2) Maintain a separate index from publicly available information that contains only:

(a) The name of the subject of a military discharge document; and

(b) The location of the image of the military discharge document;

(3) Maintain the images of all military discharge documents separately from all other publicly available filed or recorded document images.

5. As part of any remote access system, the recorder of deeds shall not make available the location of the image or the image of the military discharge document.

6. Images of a military discharge document or copies thereof shall only be made available to an authorized party by submitting a notarized request form to the recorder of deeds. The recorder of deeds shall not receive a fee or compensation for a certified or uncertified copy of the

military discharge document and shall not charge a notary fee for notarizing such request form.

7. Prior to the effective date of this section, the Recorders Association of Missouri shall adopt a request form and any rules necessary to implement the provisions of this section. The recorder of deeds in all counties and the city of St. Louis shall use and furnish the forms adopted by the Recorders Association of Missouri and comply with the rules adopted by the Recorders Association of Missouri.

8. A request form that contains more than one military discharge document shall not be accepted by the recorder of deeds.

9. The recorder of deeds shall keep all completed request forms for a period of at least five years and such forms shall be made available only to an authorized party in accordance with the provisions of this section.

10. In the event that military discharge documents, prior to the effective date of this section, have been commingled, and to the extent possible, a recorder of deeds may choose to enact the provisions of this section regarding the indexes and images.

11. On or after the effective date of this section, military discharge documents kept pursuant to this section shall not be reproduced or used in whole or in part for any commercial or speculative purposes.

12. Any individual, agency, or court which obtains information pursuant to this section shall not disseminate or disclose such information or any part thereof except as authorized in this section or otherwise by law.

13. The recorder of deeds shall not be liable for any damages that may result from good faith compliance with the provisions of this section.

407.1355. 1. A person or entity, not including a state or local agency, shall not do any of the following:

(1) Publicly post or publicly display in any manner an individual's social security number. "Publicly post" or "publicly display" is defined in this section to intentionally communicate or otherwise make available to the general public;

(2) Require an individual to transmit his or her social security number over the Internet, unless the connection is secure or the social security number is encrypted;

(3) Require an individual to use his or her social security number to access an Internet website, unless a password, unique personal identification number, or other authentication device is also required to access the Internet website.

2. Except as provided in subsection 3 of this section, the provisions of subsection 1 of this section apply only to the use of social security numbers on or after July 1, 2006.

3. Except as provided in subsection 6 of this section, a person or entity, not including a state or local agency, that has used, prior to July 1, 2006, an individual's social security number

in a manner inconsistent with subsection 1 of this section, may continue using that individual's social security number in that manner on or after July 1, 2006, if any of the following conditions are met:

(1) The use of the social security number is continuous. If the use is stopped for any reason, subsection 1 of this section shall apply;

(2) The individual is provided an annual disclosure, beginning in 2006, that informs the individual that he or she has the right to stop the use of his or her social security number in a manner prohibited by subsection 1 of this section; or

(3) A written request by an individual to stop the use of his or her social security number in a manner prohibited by subsection 1 of this section shall be implemented within thirty days of the receipt of the request. There shall be no fee or charge for implementing the request.

A person or entity, not including a state or local agency, shall not deny services to an individual because the individual makes a written request pursuant to this subdivision.

4. This section does not prevent the collection, use, or release of a social security number as required by state or federal law or the use of a social security number for internal verification or administrative purposes.

5. This section does not apply to documents that are recorded or required to be open to the public pursuant to chapter 610, RSMo. This section does not apply to records that are required by statute, case law, or Missouri court rules, to be made available to the public.

6. If a federal law takes effect requiring the United States Department of Health and Human Services to establish a national unique patient health identifier program, any person or entity that complies with the federal law shall be deemed in compliance with this section.

Section B. Section A of this act shall become effective January 1, 2005.

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