



General Assembly

January Session, 2003

***Raised Bill No. 5812***

LCO No. 2522

Referred to Committee on General Law

Introduced by:  
(GL)

***AN ACT CONCERNING CONSUMER FINANCIAL INFORMATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 42-371 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) As used in this section:

4 (1) "Retailer" means any person who sells goods used primarily for  
5 personal, family or household purposes to a person who is not in the  
6 business of reselling such goods;

7 [(2) "Discount card or device" means any card or device issued by a  
8 retailer to a consumer, that the consumer may use to obtain a discount  
9 when making purchases from the retailer, including, but not limited  
10 to, a scanner card;]

11 [(3)] (2) "Consumer" means an individual who is an actual or  
12 prospective purchaser of goods used primarily for personal, family or  
13 household purposes; and

14 [(4)] (3) "Consumer information" means information that identifies a

15 consumer and that is obtained by a retailer. [from the consumer's use  
16 of a discount card or device issued by the retailer in the course of the  
17 retailer's business.]

18 (b) No retailer [who issues, or has issued, a discount card or device  
19 in this state to a consumer] may sell, lease or relinquish to or exchange  
20 with any other person, firm or corporation any consumer information,  
21 unless (1) the retailer provides reasonable prior written notice to the  
22 consumer, (2) the retailer provides the consumer with the option [, at  
23 the time the consumer applies for the discount card or device or at the  
24 time the consumer receives an unsolicited discount card or device,] of  
25 preventing the retailer from selling, leasing, [or] relinquishing or  
26 exchanging such information, and (3) the consumer does not exercise  
27 such option to prevent the retailer from selling, leasing, [or]  
28 relinquishing or exchanging such information.

29 (c) Such notice shall (1) state that information identifying the  
30 consumer may be sold, leased or relinquished to or exchanged with  
31 other persons, firms or corporations, (2) describe the purposes for  
32 which such information would be used, and (3) include a form the  
33 consumer may use to prevent the retailer from selling, leasing, [or]  
34 relinquishing or exchanging such information.

35 (d) Nothing in this section shall be construed to supersede the  
36 federal Fair Credit Reporting Act (15 USC 1681 et seq.).

37 (e) The provisions of this section do not apply to the [sale, lease or  
38 relinquishing] selling, leasing, relinquishing or exchanging of  
39 consumer information by a retailer to another person, firm or  
40 corporation that directly or through one or more intermediaries,  
41 controls, or is controlled by, or is under common control with, such  
42 retailer.

43 (f) Notwithstanding the provisions of subsection (b) of this section, a  
44 retailer may relinquish consumer information to (1) a credit rating  
45 agency, as defined in section 36a-695, or a consumer reporting agency,

46 as defined in 15 USC 1681 et seq., provided such information may be  
47 relinquished only if the discount card or device also functions as a  
48 credit card, as defined in section 53a-128a, (2) a person, firm or  
49 corporation performing or providing services used for the delivery of  
50 such retailer's promotional offers, or (3) a person, firm or corporation  
51 performing or providing services used for the delivery of such  
52 retailer's billing statements.

53 (g) Any violation of any provision of this section shall be deemed an  
54 unfair or deceptive trade practice under subsection (a) of section 42-  
55 110b.

56 (h) The provisions of this section shall not apply to the provision of  
57 consumer information by a retailer (1) to a financial institution, as  
58 defined in the Gramm-Leach-Bliley Financial Modernization Act of  
59 1999 (15 USC 6801 et seq.), if such information is subject to the  
60 provisions of said act, or (2) to any entity if such information is used by  
61 such entity only for administering a program on behalf of the retailer.

This act shall take effect as follows:	
Section 1	October 1, 2003

**GL**      *Joint Favorable*

**JUD**     *Joint Favorable*