



General Assembly

**Substitute Bill No. 30**

February Session, 2008

\* \_\_\_\_\_ SB00030GL \_\_\_\_\_ 030708 \_\_\_\_\_ \*

**AN ACT CONCERNING CONSUMER PRIVACY AND IDENTITY THEFT.**

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

1 Section 1. Section 53a-129a of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) A person commits identity theft when such person [intentionally  
4 obtains personal identifying information of another person without the  
5 authorization of such other person and] knowingly uses [that] personal  
6 identifying information of another person to obtain or attempt to  
7 obtain, money, credit, goods, services, property or medical information  
8 in the name of such other person without the consent of such other  
9 person.

10 (b) As used in this section, "personal identifying information" means  
11 any name, number or other information that may be used, alone or in  
12 conjunction with any other information, to identify a specific  
13 individual including, but not limited to, such individual's name, date  
14 of birth, mother's maiden name, motor vehicle operator's license  
15 number, Social Security number, employee identification number,  
16 employer or taxpayer identification number, alien registration number,  
17 government passport number, health insurance identification number,  
18 demand deposit account number, savings account number, credit card  
19 number, debit card number or unique biometric data such as  
20 fingerprint, voice print, retina or iris image, or other unique physical

21 representation.

22 Sec. 2. Section 53a-130 of the general statutes is repealed and the  
23 following is substituted in lieu thereof (*Effective October 1, 2008*):

24 (a) A person is guilty of criminal impersonation when [he] such  
25 person: (1) Impersonates another and does an act in such assumed  
26 character with intent to obtain a benefit or to injure or defraud another;  
27 or (2) pretends to be a representative of some person or organization  
28 and does an act in such pretended capacity with intent to obtain a  
29 benefit or to injure or defraud another; or (3) pretends to be a public  
30 servant other than a sworn member of an organized local police  
31 department or the Division of State Police within the Department of  
32 Public Safety, or wears or displays without authority any uniform,  
33 badge or shield by which such public servant is lawfully  
34 distinguished, with intent to induce another to submit to such  
35 pretended official authority or otherwise to act in reliance upon that  
36 pretense.

37 (b) Criminal impersonation is a class [B] A misdemeanor.

38 Sec. 3. (NEW) (*Effective October 1, 2008*) (a) A person is guilty of  
39 unlawful possession of personal information access devices when such  
40 person possesses access devices, document-making equipment or  
41 authentication implements for the purpose of obtaining, tampering  
42 with or using the personal identifying information, as defined in  
43 section 53a-129a of the general statutes, as amended by this act, of  
44 another person.

45 (b) For the purposes of this section, "access devices" includes any  
46 card, plate, code, account number, mobile identification number,  
47 personal identification number, telecommunication service access  
48 equipment, card-reading device, scanning device, reencoder or other  
49 means that could be used to access financial resources or obtain  
50 financial information, personal identifying information or benefits of  
51 another person.

52 (c) Unlawful possession of access devices is a class A misdemeanor.

53 Sec. 4. (NEW) (*Effective October 1, 2008*) (a) Any license, registration  
54 or certificate issued by the state or any political subdivision of the state  
55 that was based upon an application containing any material false  
56 statement is void from the date of issuance and shall be surrendered,  
57 on demand, to the issuing authority. Any moneys paid for such  
58 license, registration or certificate shall be forfeited to the issuing  
59 authority.

60 (b) No person shall obtain or attempt to obtain any license,  
61 registration or certificate for another person by misrepresentation or  
62 impersonation, and any license, registration or certificate obtained by  
63 misrepresentation or impersonation is void from the date of issuance  
64 and shall be surrendered, on demand, to the issuing authority. Any  
65 moneys paid for such license, registration or certificate shall be  
66 forfeited to the issuing authority.

67 (c) Any person who violates any provision of this section shall be  
68 guilty of a class A misdemeanor.

69 Sec. 5. Section 52-571h of the general statutes is repealed and the  
70 following is substituted in lieu thereof (*Effective October 1, 2008*):

71 (a) Any person aggrieved by an act constituting a violation of  
72 section 53a-129a of the general statutes, revision of 1958, revised to  
73 January 1, 2003, or section 53a-129b, 53a-129c, [or] 53a-129d or 53a-129e  
74 may bring a civil action in the Superior Court for damages against the  
75 person who committed the violation.

76 (b) In any civil action brought under this section in which the  
77 plaintiff prevails, the court shall award the greater of one thousand  
78 dollars or treble damages, together with costs and a reasonable  
79 attorney's fee. Damages shall include, but not be limited to,  
80 documented lost wages and any financial loss suffered by the plaintiff  
81 as a result of identity theft, as defined in section 53a-129a, as amended  
82 by this act. The court shall issue an order that the person found guilty

83 of identity theft shall pay restitution to the prevailing party.

84 (c) No action under this section shall be brought but within [two]  
85 three years from the date when the violation is discovered or in the  
86 exercise of reasonable care should have been discovered.

87 Sec. 6. Section 54-93a of the general statutes is repealed and the  
88 following is substituted in lieu thereof (*Effective October 1, 2008*):

89 Whenever a person is convicted of a violation of section 53a-129a of  
90 the general statutes, revision of 1958, revised to January 1, 2003, or  
91 section 53a-129b, 53a-129c, [or] 53a-129d [,] or 53a-129e the court [may]  
92 shall issue such orders as are necessary to correct a public record that  
93 contains false information as a result of such violation.

94 Sec. 7. Subsection (e) of section 54-1d of the general statutes is  
95 repealed and the following is substituted in lieu thereof (*Effective*  
96 *October 1, 2008*):

97 (e) Any defendant who is charged with a violation of section 53a-  
98 129a of the general statutes, revision of 1958, revised to January 1, 2003,  
99 or section 53a-129b, 53a-129c, [or] 53a-129d or 53a-129e and any  
100 defendant who is charged with any other offense committed as a result  
101 of such violation may be presented to the court in the geographical  
102 area in which the person whose personal identifying information has  
103 been obtained and used by the defendant resides and may be  
104 prosecuted in that judicial district or geographical area.

105 Sec. 8. (NEW) (*Effective October 1, 2008*) (a) An employer may  
106 maintain a list of employees' Social Security numbers, provided such  
107 numbers may not be disclosed in any way, except as required by law,  
108 without the written consent of the employee.

109 (b) Notwithstanding any other provision of law, no business entity  
110 or nonprofit group may sell or share an individual's personal  
111 identifying information, as defined in section 53a-129a of the general  
112 statutes, as amended by this act, with any third party without

113 obtaining the consent of the individual whose information is to be  
114 shared.

115 (c) This section shall not be construed to prohibit a discount card  
116 issuer from requesting a Social Security number for a retailer discount  
117 card that can also be used as identification for check cashing purposes  
118 or to debit the checking or savings account of the cardholder, provided  
119 no discount card issuer may, as a condition of obtaining a retailer  
120 discount card, require a cardholder to obtain a retailer discount card  
121 that can also be used as identification for check cashing purposes or to  
122 debit the checking or savings account of the cardholder.

123 (d) Nothing in this section shall be construed to prohibit a business  
124 entity or nonprofit group from providing an individual's name and  
125 address to a third party for purposes of mailing information to the  
126 individual on behalf of the business entity or nonprofit group. Prior to  
127 sharing an individual's name and address, the business entity or  
128 nonprofit group shall obtain a written confidentiality agreement from  
129 the third party that the third party will not sell or share the  
130 information with any other entity. Such third party shall not use the  
131 information for any other purpose.

132 (e) Any employer, business entity or nonprofit group in possession  
133 of personal identifying information shall safeguard the data, computer  
134 files and documents containing the data from misuse by third parties,  
135 and any document, computer file or database containing personal  
136 identifying information shall be destroyed or erased prior to disposal.

137 (f) Any employer, business entity or nonprofit group that collects  
138 Social Security numbers in the course of business shall create a privacy  
139 protection policy which shall be published in any employee handbook  
140 used by such employer, business entity or nonprofit group or  
141 displayed in an accessible and prominent location controlled by such  
142 employer, business entity or nonprofit group. Such policy shall: (1)  
143 Ensure confidentiality of personal identifying information, (2) prohibit  
144 unlawful disclosure of personal identifying information, (3) limit

145 access to personal identifying information, (4) provide for proper  
146 disposal of documents containing personal identifying information,  
147 and (5) establish penalties for violation of the policy.

148 (g) Any waiver of the provisions of this section shall be contrary to  
149 public policy and shall be void and unenforceable.

150 (h) A violation of this section shall constitute an unfair or deceptive  
151 trade practice pursuant to section 42-110b of the general statutes.

152 (i) The Commissioner of Consumer Protection may adopt  
153 regulations, in accordance with the provisions of chapter 54 of the  
154 general statutes, to carry out the provisions of this section.

155 Sec. 9. (NEW) (*Effective October 1, 2008*) (a) Any license, registration  
156 or certificate issued by the state, or any political subdivision of the  
157 state, that is physically altered to conceal or misrepresent a material  
158 fact is void from the date of such alteration and shall be surrendered,  
159 on demand, to the issuing authority. Any moneys paid for such  
160 license, registration or certificate shall be forfeited to the issuing  
161 authority.

162 (b) No person shall alter any license, registration or certificate issued  
163 by the state, or any political subdivision of the state, and any license,  
164 registration or certificate so altered shall be void from the date of  
165 alteration and shall be surrendered, on demand, to the issuing  
166 authority. Any moneys paid for such license, registration or certificate  
167 shall be forfeited to the issuing authority.

168 (c) Any person who violates any provision of this section shall be  
169 guilty of a class A misdemeanor.

170 Sec. 10. Section 54-36h of the general statutes is repealed and the  
171 following is substituted in lieu thereof (*Effective October 1, 2008*):

172 (a) The following property shall be subject to forfeiture to the state  
173 pursuant to subsection (b) of this section:

174 (1) All moneys used, or intended for use, in the procurement,  
175 manufacture, compounding, processing, delivery or distribution of any  
176 controlled substance, as defined in subdivision (9) of section 21a-240;

177 (2) All property constituting the proceeds obtained, directly or  
178 indirectly, from any sale or exchange of any such controlled substance  
179 in violation of section 21a-277 or 21a-278 of the 2008 supplement to the  
180 general statutes;

181 (3) All property derived from the proceeds obtained, directly or  
182 indirectly, from any sale or exchange for pecuniary gain of any such  
183 controlled substance in violation of section 21a-277 or 21a-278 of the  
184 2008 supplement to the general statutes;

185 (4) All property used or intended for use, in any manner or part, to  
186 commit or facilitate the commission of a violation for pecuniary gain of  
187 section 21a-277 or 21a-278 of the 2008 supplement to the general  
188 statutes;

189 (5) All property constituting, or derived from, the proceeds  
190 obtained, directly or indirectly, by a corporation as a result of a  
191 violation of section 53a-276, 53a-277 or 53a-278;

192 (6) All property constituting, or derived from, the proceeds  
193 obtained, directly or indirectly, by a person as a result of a violation of  
194 section 53a-129b, 53a-129c, 53a-129d or 53a-129e.

195 (b) Not later than ninety days after the seizure of moneys or  
196 property subject to forfeiture pursuant to subsection (a) of this section,  
197 in connection with a lawful criminal arrest or a lawful search, the Chief  
198 State's Attorney or a deputy chief state's attorney, state's attorney or  
199 assistant or deputy assistant state's attorney may petition the court in  
200 the nature of a proceeding in rem to order forfeiture of said moneys or  
201 property. Such proceeding shall be deemed a civil suit in equity, in  
202 which the state shall have the burden of proving all material facts by  
203 clear and convincing evidence. The court shall identify the owner of  
204 said moneys or property and any other person as appears to have an

205 interest therein, and order the state to give notice to such owner and  
206 any interested person by certified or registered mail, and shall  
207 promptly, but not less than two weeks after notice, hold a hearing on  
208 the petition. No testimony offered or evidence produced by such  
209 owner or interested person at such hearing and no evidence  
210 discovered as a result of or otherwise derived from such testimony or  
211 evidence, may be used against such owner or interested person in any  
212 proceeding, except that no such owner or interested person shall be  
213 immune from prosecution for perjury or contempt committed while  
214 giving such testimony or producing such evidence. At such hearing  
215 the court shall hear evidence and make findings of fact and enter  
216 conclusions of law and shall issue a final order, from which the parties  
217 shall have such right of appeal as from a decree in equity.

218 (c) No property shall be forfeited under this section to the extent of  
219 the interest of an owner or lienholder by reason of any act or omission  
220 committed by another person if such owner or lienholder did not  
221 know and could not have reasonably known that such property was  
222 being used or was intended to be used in, or was derived from,  
223 criminal activity.

224 (d) Notwithstanding the provisions of subsection (a) of this section,  
225 no moneys or property used or intended to be used by the owner  
226 thereof to pay legitimate attorney's fees in connection with his defense  
227 in a criminal prosecution shall be subject to forfeiture under this  
228 section.

229 (e) Any property ordered forfeited pursuant to subsection (b) of this  
230 section shall be sold at public auction conducted by the Commissioner  
231 of Administrative Services or his designee.

232 (f) The proceeds from any sale of property under subsection (e) of  
233 this section and any moneys forfeited under this section shall be  
234 applied: (1) To payment of the balance due on any lien preserved by  
235 the court in the forfeiture proceedings; (2) to payment of any costs  
236 incurred for the storage, maintenance, security and forfeiture of such

237 property; and (3) to payment of court costs. The balance, if any, shall  
238 be deposited in the drug assets forfeiture revolving account  
239 established under section 54-36i, except that any balance attributable to  
240 a sale of property in connection with a prosecution for a violation of  
241 section 53a-129a, as amended by this act, or 53a-130, as amended by  
242 this act, or section 3, 4 or 9 of this act, shall be deposited in the  
243 consumer protection enforcement account established under section  
244 21a-8a.

245 Sec. 11. Section 36a-40 of the general statutes is repealed and the  
246 following is substituted in lieu thereof (*Effective from passage*):

247 (a) The commissioner may, by regulation adopted in accordance  
248 with chapter 54, prescribe periods of time for the retention of records  
249 of any Connecticut bank or Connecticut credit union. Records which  
250 have been retained for the period so prescribed may thereafter be  
251 destroyed, and no liability shall thereby accrue against the Connecticut  
252 bank or Connecticut credit union destroying them. In any cause or  
253 proceeding in which any such records may be called in question or be  
254 demanded of any such bank or credit union or any officer or employee  
255 thereof, a showing that the period so prescribed has elapsed shall be  
256 sufficient excuse for failure to produce them.

257 (b) Each bank, branch in this state of an out-of-state bank,  
258 Connecticut credit union, federal credit union and branch in this state  
259 of an out-of-state credit union shall take adequate measures to protect  
260 against identity theft when disposing of documents containing  
261 personal identifying information such as Social Security numbers and  
262 bank account numbers. Such measures shall, at a minimum, include  
263 the shredding or other means of permanent destruction of such  
264 documents in a secure setting.

265 Sec. 12. (NEW) (*Effective from passage*) As used in sections 12 to 21,  
266 inclusive, of this act:

267 (1) "Personal identifying information" means an individual's Social  
268 Security number, date of birth or age;

269 (2) "Individual" means a resident of this state; and

270 (3) "Commissioner" means the Commissioner of Consumer  
271 Protection.

272 Sec. 13. (NEW) (*Effective from passage*) (a) Except as otherwise  
273 provided by law, on and after January 1, 2009, no person or entity  
274 may:

275 (1) Intentionally communicate or otherwise make an individual's  
276 personal identifying information available to the general public or  
277 make such information available in return for a fee;

278 (2) Print an individual's personal identifying information on any  
279 card required for the individual to receive products or services  
280 provided by the person or entity;

281 (3) Require the transmission of an individual's personal identifying  
282 information over the Internet unless the connection is secure or the  
283 personal identifying information is encrypted;

284 (4) Require the use of an individual's personal identifying  
285 information to access an Internet web site, unless a password or  
286 unique personal identification number or other authentication device  
287 is also required to access the site;

288 (5) Print a number that the person or entity knows to be an  
289 individual's personal identifying information on any materials that are  
290 mailed to the individual, unless state or federal law requires the  
291 personal identifying information to be on the document to be mailed,  
292 except that this section shall not prohibit the mailing of documents that  
293 include personal identifying information sent as part of an application  
294 or enrollment process or to establish, amend or terminate an account,  
295 contract or policy or to confirm the accuracy of the personal  
296 identifying information. In a transaction involving or otherwise  
297 relating to an individual, if a person or entity receives a number from a  
298 third party, this section shall not impose any duty on such person or

299 entity to inquire or otherwise determine if the number is or includes  
300 any of such individual's personal identifying information. Such person  
301 or entity may print such number on materials that are mailed to the  
302 individual unless the person or entity that received the number has  
303 actual knowledge that the number is or includes the individual's  
304 personal identifying information. This section shall not prohibit the  
305 mailing to the individual of any copy or reproduction of a document  
306 that includes personal identifying information if the personal  
307 identifying information was included on the original document before  
308 January 1, 2009; or

309 (6) Mail any document which allows personal identifying  
310 information to be visible without opening the envelope.

311 (b) Notwithstanding subsection (a) of this section, a person or entity  
312 that, before January 1, 2009, used an individual's personal identifying  
313 information in a manner inconsistent with said subsection (a) may  
314 continue using such individual's personal identifying information in  
315 such manner on and after January 1, 2009, subject to the following  
316 conditions:

317 (1) The use of the personal identifying information shall be  
318 continuous. If the use is stopped for any reason, subsection (a) of this  
319 section shall apply;

320 (2) After January 1, 2009, the person or entity shall provide the  
321 individual with an annual written disclosure of the individual's right  
322 to stop the use of the personal identifying information in a manner  
323 prohibited by subsection (a) of this section;

324 (3) If the individual requests, in writing or by electronic means  
325 established by the person or entity, such person or entity shall cease  
326 using the personal identifying information in a manner prohibited by  
327 subsection (a) of this section not later than thirty days after receiving  
328 the request. No fee may be charged for implementing such request and  
329 the person or entity shall not deny services to the individual because of  
330 the request; and

331 (4) A person or entity shall be subject to a civil penalty of not more  
332 than five hundred dollars for each act that violates this subsection.  
333 Such penalty shall be deposited into the privacy protection guaranty  
334 and enforcement account, pursuant to section 18 of this act.

335 (c) This section shall not prohibit the collection, use or release of  
336 personal identifying information as required by the laws of this state  
337 or the United States.

338 (d) On and after January 1, 2010, this state or any political  
339 subdivision of this state may not use an individual's personal  
340 identifying information, other than such individual's date of birth, on  
341 forms of identification issued by the state or any of its political  
342 subdivisions.

343 (e) This section shall not prohibit an agency of this state or a  
344 political subdivision of this state from disseminating or using the last  
345 four numbers constituting an individual's Social Security number.

346 (f) No agency of this state or any political subdivision of this state  
347 may transmit to an individual any material that contains both a piece  
348 of the individual's Social Security number and a bank, savings and  
349 loan association or credit union account number, except that this  
350 subsection shall not prohibit the transmitting of documents that  
351 include Social Security and bank, savings and loan association or credit  
352 union account numbers as a part of an application or enrollment  
353 process or to establish, amend or terminate an account, contract or  
354 policy or to confirm the accuracy of the Social Security, bank, savings  
355 and loan association or credit union account number.

356 (g) Except as otherwise provided by law, documents or records that  
357 are recorded with the state or any political subdivision of the state and  
358 made available on the recording entity's public web site after the  
359 effective date of this section shall not contain more than five numbers  
360 that are reasonably identifiable as being part of an individual's Social  
361 Security number and shall not contain an individual's: (1) Credit card,  
362 charge card or debit card numbers; (2) retirement account numbers; (3)

363 savings, checking or securities entitlement account numbers; or (4)  
364 date of birth or age of the individual.

365 (h) No agency of the state or any of its political subdivisions shall be  
366 subject to civil liability for any action relating to information recorded  
367 pursuant to subsection (g) of this section.

368 (i) A person or entity shall be subject to a civil penalty of not more  
369 than five hundred dollars for each act of recording that violates  
370 subsection (g) of this section. Such penalty shall not apply to a person  
371 or entity that transmits the document for recording but has no  
372 authority for the creation of the document.

373 (j) The Attorney General, at the request of the Commissioner of  
374 Consumer Protection, may apply to the Superior Court for an order  
375 temporarily or permanently restraining and enjoining any person or  
376 entity from violating any provision of this section.

377 Sec. 14. (NEW) (*Effective from passage*) Sections 12 to 21, inclusive, of  
378 this act shall not apply to:

379 (1) The use of personal identifying information by the Department  
380 of Revenue Services or by a law enforcement agency of this state or a  
381 law enforcement agency of a municipality or other political  
382 subdivision of this state, except that these agencies shall comply with  
383 the provisions of subdivisions (2), (5) and (6) of subsection (a) of  
384 section 13 of this act;

385 (2) The use of personal identifying information by an agency or  
386 political subdivision of this state in its administration of employee  
387 payroll, employee benefits and workers' compensation matters, except  
388 that the agency shall comply with subdivisions (1), (2), (4), (5) and (6)  
389 of subsection (a) of section 13 of this act;

390 (3) Documents or records that are required to be recorded pursuant  
391 to the laws of this state or by court rule or order, including, but not  
392 limited to, certificates for births, weddings or deaths;

393 (4) An individual's personal identifying information that is printed  
394 or caused to be printed on a document or form of identification by the  
395 individual or said individual's legal guardian;

396 (5) The use of personal identifying information by the administrator,  
397 as defined in subsection (c) of section 31-222 of the general statutes, or  
398 any person deemed to be a party, pursuant to chapter 567 of the  
399 general statutes, on documents or records related to an unemployment  
400 compensation claim, except that the administrator or any person  
401 deemed to be a party shall comply with subdivisions (1) to (4),  
402 inclusive, and (6) of subsection (a) of section 13 of this act;

403 (6) The use of personal identifying information by the Workers'  
404 Compensation Commission, established under section 31-276 of the  
405 2008 supplement to the general statutes, or an intervenor or party, as  
406 defined in section 4-166 of the general statutes, on documents or  
407 records related to a workers' compensation claim, except that the  
408 Workers' Compensation Commission or the intervenor or party shall  
409 comply with subdivisions (1) to (4), inclusive, and (6) of subsection (a)  
410 of section 13 of this act; and

411 (7) The use of personal identifying information, if the person whose  
412 information is being used, or, if the person is a minor, such person's  
413 parent or legal guardian, has given permission for its use.

414 Sec. 15. (NEW) (*Effective from passage*) (a) A person or entity that  
415 knowingly or intentionally violates any provision of sections 12 to 21,  
416 inclusive, of this act, shall be subject to a civil penalty of one hundred  
417 dollars for each violation.

418 (b) All civil penalties received pursuant to this section shall be  
419 deposited in the privacy protection guaranty and enforcement account,  
420 pursuant to section 18 of this act.

421 (c) Violations of sections 12 to 21, inclusive, of this act shall be  
422 deemed an unfair or deceptive trade practice, as defined in chapter  
423 735a of the general statutes.

424       Sec. 16. (NEW) (*Effective from passage*) (a) The commissioner may  
425 conduct investigations and hold hearings on any matter under the  
426 provisions of sections 12 to 21, inclusive, of this act. The commissioner  
427 may issue subpoenas, administer oaths, compel testimony and order  
428 the production of books, records and documents. If any person refuses  
429 to appear, to testify or to produce any book, record, paper or document  
430 when so ordered, upon application of the commissioner, the Superior  
431 Court may make such order, as may be appropriate, to aid in the  
432 enforcement of this section.

433       (b) The Attorney General, at the request of the commissioner, may  
434 apply to the Superior Court for an order temporarily or permanently  
435 restraining and enjoining any person from violating any provision of  
436 sections 12 to 21, inclusive, of this act.

437       Sec. 17. (NEW) (*Effective from passage*) (a) There is established a  
438 "privacy protection guaranty and enforcement account" which shall be  
439 a nonlapsing account within the General Fund. The account may  
440 contain any moneys required by law to be deposited in the account.  
441 Any balance remaining in the account at the end of any fiscal year shall  
442 be carried forward in the account for the fiscal year next succeeding.  
443 The account shall be used by the Commissioner of Consumer  
444 Protection (1) for the reimbursement of losses sustained by individuals  
445 injured by a violation of the provisions of sections 12 to 21, inclusive,  
446 of this act related to the release, posting or distribution of personal  
447 identifying information, as defined in section 1 of this act, and (2) for  
448 the enforcement of sections 12 to 21, inclusive, of this act.

449       (b) Payments received pursuant to sections 12 to 21, inclusive, of  
450 this act shall be credited to the privacy protection guaranty and  
451 enforcement account until the balance in said account equals seven  
452 hundred fifty thousand dollars. Quarterly, if said account has an  
453 excess, such excess amount shall be deposited into the General Fund.  
454 Any money in the privacy protection guaranty and enforcement  
455 account may be invested or reinvested and any interest arising from  
456 such investments shall be credited to the account.

457 (c) If, at any time, the money deposited in the privacy protection  
458 guaranty and enforcement account is insufficient to satisfy any duly  
459 authorized claim or portion thereof, the commissioner shall, when  
460 sufficient money has been deposited in the account, satisfy such  
461 unpaid claims or portions thereof, in the order that such claims or  
462 portions thereof were originally filed.

463 (d) Whenever an individual obtains a court judgment against any  
464 person or entity for a violation of sections 12 to 21, inclusive, of this act,  
465 such individual may, upon the final determination of, or expiration of  
466 time for, appeal in connection with any such judgment, and apply to  
467 the commissioner for an order directing payment out of said privacy  
468 protection guaranty and enforcement account of the amount unpaid  
469 upon the judgment for actual damages and costs taxed by the court  
470 against the person or entity, exclusive of punitive damages. The  
471 application shall be made on forms provided by the commissioner and  
472 shall be accompanied by a certified copy of the court judgment  
473 obtained against the person or entity, together with a notarized  
474 affidavit, signed and sworn to by the individual, affirming that the  
475 individual: (1) Has complied with all the requirements of this  
476 subsection; (2) has obtained a judgment stating the amount thereof and  
477 the amount owing thereon at the date of application; and (3) has  
478 caused to be issued a writ of execution upon said judgment, and the  
479 officer executing the same has made a return showing that no bank  
480 accounts or real property of the person or entity liable to be levied  
481 upon in satisfaction of the judgment could be found, or that the  
482 amount realized on the sale of them or of such of them as were found,  
483 under the execution, was insufficient to satisfy the actual damage  
484 portion of the judgment or stating the amount realized and the balance  
485 remaining due on the judgment after application thereon of the  
486 amount realized, except that the requirements of this subdivision shall  
487 not apply to a judgment obtained by the individual in small claims  
488 court. A true and attested copy of said executing officer's return, when  
489 required, shall be attached to such application and affidavit. No  
490 application for an order directing payment out of the account shall be

491 made later than three years from the final determination of, or  
492 expiration time for, appeal of said court judgment.

493 (e) Upon receipt of said application together with said certified copy  
494 of the court judgment, notarized affidavit and true and attested copy  
495 of the executing officer's return, the commissioner or the  
496 commissioner's designee shall inspect such documents for their  
497 veracity and upon a determination that such documents are complete  
498 and authentic, and a determination that the individual has not been  
499 paid, the commissioner shall order payment out of the account of the  
500 amount unpaid upon the judgment for actual damages and costs taxed  
501 by the court against the person or entity, exclusive of punitive  
502 damages.

503 (f) Whenever an individual is awarded an order of restitution  
504 against any person or entity for loss or damages sustained by reason of  
505 a violation of this act, in a proceeding brought by the commissioner  
506 pursuant to sections 12 to 21, inclusive, of this act, or in a proceeding  
507 brought by the Attorney General, such individual may, upon the final  
508 determination of, or expiration of time for, appeal in connection with  
509 any such order of restitution, apply to the commissioner for an order  
510 directing payment out of the account of the amount unpaid upon the  
511 order of restitution. The commissioner may issue said order upon a  
512 determination that the individual has not been paid.

513 (g) Before the commissioner shall issue any order directing payment  
514 out of the account to an individual pursuant to subsection (e) or (f) of  
515 this section, the commissioner shall first notify the person or entity of  
516 the individual's application for an order directing payment out of the  
517 account and of the person or entity's right to a hearing to contest the  
518 disbursement in the event that the person or entity has already paid  
519 the individual. Such notice shall be given to the person or entity within  
520 fifteen days of the receipt by the commissioner of the individual's  
521 application for an order directing payment out of the guaranty  
522 account. If the person or entity requests a hearing in writing by  
523 certified mail within fifteen days of receipt of the notice from the

524 commissioner, the commissioner shall grant such request and shall  
525 conduct a hearing in accordance with the provisions of chapter 54 of  
526 the general statutes. If the commissioner receives no written request by  
527 certified mail from the person or entity for a hearing within fifteen  
528 days of the person's or entity's receipt of such notice, the commissioner  
529 shall determine that the individual has not been paid, and the  
530 commissioner shall issue an order directing payment out of the  
531 account for the amount unpaid upon the judgment for actual damages  
532 and costs taxed by the court against the person or entity, exclusive of  
533 punitive damages, or for the amount unpaid upon the order of  
534 restitution.

535 (h) The commissioner or the commissioner's designee may proceed  
536 against any person or entity for an order of restitution arising from loss  
537 or damages sustained by any individual by reason of such person's or  
538 entity's violation of any of the provisions of this section. Any such  
539 proceeding shall be held in accordance with the provisions of chapter  
540 54 of the general statutes. In the course of such proceeding, the  
541 commissioner or the commissioner's designee shall decide whether to  
542 order restitution arising from said loss or damages, and whether to  
543 order payment out of the guaranty account. Notwithstanding the  
544 provisions of chapter 54 of the general statutes, the decision of the  
545 commissioner or the commissioner's designee shall be final with  
546 respect to any proceeding to order payment out of the guaranty  
547 account and the commissioner and the commissioner's designee are  
548 exempted from the requirements of chapter 54 of the general statutes  
549 as they relate to appeal from any such decision. The commissioner or  
550 the commissioner's designee may hear complaints of all individuals  
551 submitting claims against a single person or entity in one proceeding.

552 (i) No application for an order directing payment out of the account  
553 shall be made later than three years from the final determination of, or  
554 expiration of time for, appeal in connection with any judgment or  
555 order of restitution.

556 (j) Whenever the individual satisfies the commissioner or the

557 commissioner's designee that it is not practicable to comply with the  
558 requirements of subdivision (3) of subsection (d) of this section and  
559 that the individual has taken all reasonable steps to collect the amount  
560 of the judgment or the unsatisfied part thereof and has been unable to  
561 collect the same, the commissioner or the commissioner's designee  
562 may, in the commissioner's or the commissioner's designee discretion,  
563 dispense with the necessity for complying with such requirement.

564 (k) In order to preserve the integrity of the account, the  
565 commissioner, in the commissioner's sole discretion, may order  
566 payment out of said account of an amount less than the actual loss or  
567 damages incurred by the individual or less than the order of restitution  
568 awarded by the commissioner or the Superior Court. In no event shall  
569 any payment out of said account be in excess of five thousand dollars  
570 for any single claim by an individual.

571 (l) If the money deposited in the guaranty account is insufficient to  
572 satisfy any duly authorized claim or portion thereof, the commissioner  
573 shall, when sufficient money has been deposited in the account, satisfy  
574 such unpaid claims or portions thereof, in the order that such claims or  
575 portions thereof were originally determined.

576 (m) When the commissioner has caused any sum to be paid from  
577 the guaranty account to an individual, the commissioner shall be  
578 subrogated to all of the rights of the individual up to the amount paid  
579 plus reasonable interest, and prior to receipt of any payment from the  
580 guaranty account, the individual shall assign all of this right, title and  
581 interest in the claim up to such amount to the commissioner, and any  
582 amount and interest recovered by the commissioner on the claim shall  
583 be deposited in the guaranty account.

584 (n) If the commissioner orders the payment of any amount as a  
585 result of a claim against any party, the commissioner shall determine if  
586 the person or entity is possessed of assets liable to be sold or applied in  
587 satisfaction of the claim on the account. If the commissioner discovers  
588 any such assets, the Attorney General shall take any action necessary

589 for the reimbursement of the account.

590 (o) If the commissioner orders the payment of an amount as a result  
591 of a claim against any party, the commissioner may enter into an  
592 agreement with the party whereby the party agrees to repay the  
593 account in full in the form of periodic payments over a set period of  
594 time.

595 Sec. 18. (NEW) (*Effective from passage*) Any person filing with the  
596 commissioner any notice, statement or other document, required  
597 under the provisions of sections 12 to 21, inclusive, of this act which is  
598 false or untrue or contains any material misstatement of fact shall be  
599 fined not less than two hundred dollars. All fines received pursuant to  
600 this section shall be deposited in the privacy protection guaranty and  
601 enforcement account.

602 Sec. 19. (NEW) (*Effective from passage*) Any person aggrieved by any  
603 decision, order or regulation of the commissioner pursuant to sections  
604 12 to 21, inclusive, of this act may appeal in accordance with the  
605 provisions of the Uniform Administrative Procedure Act and chapter  
606 54 of the general statutes.

607 Sec. 20. (NEW) (*Effective from passage*) The Commissioner of  
608 Consumer Protection may adopt regulations, in accordance with the  
609 provisions of chapter 54 of the general statutes, to carry out the  
610 provisions of sections 12 to 19, inclusive, of this act.

611 Sec. 21. (NEW) (*Effective from passage*) No provision of this act shall  
612 be construed to prevent any person from obtaining personal  
613 identifying information, except such information contained in personal  
614 telephone records, if such person is attempting to enforce the  
615 provisions of sections 53a-122 to 53a-125, inclusive, 53a-125b, 53-142c  
616 or 29-128f of the general statutes or of 17 USC Sections 501 to 513,  
617 inclusive, or 1201 to 1204, inclusive, or 18 USC Section 2319A or 2319B.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	53a-129a
Sec. 2	<i>October 1, 2008</i>	53a-130
Sec. 3	<i>October 1, 2008</i>	New section
Sec. 4	<i>October 1, 2008</i>	New section
Sec. 5	<i>October 1, 2008</i>	52-571h
Sec. 6	<i>October 1, 2008</i>	54-93a
Sec. 7	<i>October 1, 2008</i>	54-1d(e)
Sec. 8	<i>October 1, 2008</i>	New section
Sec. 9	<i>October 1, 2008</i>	New section
Sec. 10	<i>October 1, 2008</i>	54-36h
Sec. 11	<i>from passage</i>	36a-40
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>from passage</i>	New section
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>from passage</i>	New section

**GL**      *Joint Favorable Subst.*