

Amendments to House Bill No. 732  
3rd Reading Copy

Requested by Representative Don Roberts

For the Senate Business, Labor, and Economic Affairs Committee

Prepared by Greg Petesch  
March 21, 2005 (11:28am)

1. Title, lines 5 and 6.

**Following:** "THEFT;" on line 5**Strike:** remainder of line 5 through line 6 in its entirety

2. Title, line 13.

**Strike:** "AMENDING SECTION 31-3-115, MCA;"**Following:** "PROVIDING"**Strike:** "AN"**Insert:** "A DELAYED"

3. Page 1, line 18 through line 24.

**Strike:** section 1 in its entirety**Re-number:** subsequent sections

4. Page 2, line 10 through line 22.

**Strike:** subsection (4) in its entirety**Re-number:** subsequent subsection

5. Page 3, line 30.

**Strike:** "2"**Insert:** "1"

6. Page 4, line 3.

**Strike:** "4"**Insert:** "3"**Strike:** "9"**Insert:** "8"

7. Page 4, line 6.

**Strike:** "4"**Insert:** "3"**Strike:** "9"**Insert:** "8"

8. Page 4, line 12.

**Following:** "records."

**Insert:** "The term also includes industries regulated by the public service commission or the state auditor."

9. Page 4, lines 17 and 18.

**Following:** "signature," on line 17

**Strike:** remainder of line 17 through "description," on line 18

**Following:** "address,"

**Insert:** "or"

**Following:** "telephone number,"

**Insert:** "in combination with one or more additional pieces of information about the individual, which may include the individual's"

10. Page 4, lines 19 and 20.

**Following:** "policy number," on line 19

**Strike:** remainder of line 19 through "history," on line 20

**Strike:** "any other financial information"

**Insert:** "passwords or personal identification numbers required to obtain access to the individual's finances"

**Following:** "."

**Insert:** "A social security number, in and of itself, constitutes personal information."

11. Page 5, lines 18 and 19.

**Following:** "section," on line 18

**Strike:** remainder of line 18 through "(a)" on line 19

**Strike:** "Breach"

**Insert:** "breach"

12. Page 5, line 20.

**Following:** "that"

**Insert:** "materially"

13. Page 5, line 21.

**Following:** the first "business"

**Insert:** "and causes or is reasonably believed to cause loss or injury to a Montana resident"

14. Page 5, line 24 through page 6, line 2.

**Strike:** subsection (4) (b) in its entirety

15. Page 6, lines 18 and 19.

**Following:** "and that" on line 18

**Strike:** remainder of line 18 through "9]" on line 19

**Insert:** "does not unreasonably delay notice"

16. Page 6, line 22.

**Following:** line 21

**Insert:** "(7) If a business discloses a security breach to any individual pursuant to this section and gives a notice to the individual that suggests, indicates, or implies to the individual that the individual may obtain a copy of the file on the individual from a consumer credit reporting agency, the business shall coordinate with the consumer reporting agency as to the timing, content, and distribution of the notice to the individual. The coordination may not unreasonably delay the notice to the affected individuals."

17. Page 6, line 23 through page 15, line 2.

**Strike:** section 8 in its entirety

**Insert:** "NEW SECTION. **Section 7. Business disclosure -- recordkeeping -- applicability -- rulemaking.** (1) A business shall maintain a list of all third parties to which it gives a customer's personal information for any type of consideration.

(2) The list must include the categories of information that is provided to the third party, the nature of the third party's trade, and a contact address for the third party.

(3) The list must be made available to a customer or to law enforcement upon request, but need not be provided to a customer free of charge more than once a year.

(4) A customer's personal information received by a business for consideration from a third party must be considered a customer's personal information held by the business for the purposes of [sections 3 through 8].

(5) (a) A business that is in compliance with the opt-out mechanism provided for in 47 U.S.C. 222 is considered to be in compliance with this section.

(b) This section does not apply to a bank or trust company chartered under Title 32, chapter 1, or under Title 12, chapter 2, of the United States Code, a building and loan association chartered under Title 32, chapter 2, a savings and loan association chartered under the Title 12, chapter 12, of the United States Code, or a credit union chartered under Title 32, chapter 3, or under Title 12, chapter 14, of the United States Code.

(6) The department may adopt rules allowing businesses to comply with relevant state or federal consumer privacy laws as an alternative to compliance with this section."

18. Page 15, line 4.

**Strike:** "4"

**Insert:** "3"

19. Page 15, line 5.

**Strike:** "9"

**Insert:** "8"

20. Page 15, line 6.

**Strike:** "4"

**Insert:** "3"

**Strike:** "9"

**Insert:** "8"

21. Page 15, line 7.

**Following:** "damages."

**Insert:** "A business is not liable, in a year, for damages for a willful, intentional, or reckless violation in an amount greater than \$250,000 or in an amount greater than \$50,000 in damages for other violations, regardless of the number of violations in that year. A cause of action for damages may not be brought as a class action."

22. Page 15, line 8.

**Strike:** "8"

**Insert:** "7"

23. Page 15, line 10.

**Strike:** "\$500"

**Insert:** "\$250"

**Strike:** "8"

**Insert:** "7"

24. Page 15, line 12.

**Strike:** "8(1)"

**Insert:** "7"

**Following:** "]"

**Strike:** ", "

**Insert:** "or"

25. Page 15, lines 13 and 14.

**Strike:** "8(1)" on line 13

**Insert:** "7"

**Following:** "information in" on line 13

**Strike:** remainder of line 13 through "8(2)]" on line 14

**Insert:** "a timely manner"

26. Page 15, line 17.

**Strike:** "4"

**Insert:** "3"

**Strike:** "9"

**Insert:** "8"

27. Page 15, line 19.

**Strike:** "8"

**Insert:** "7"

28. Page 15, line 24.

**Strike:** "2"

**Insert:** "1"

**Strike:** "9"

**Insert:** "8"

29. Page 15, line 26.

**Strike:** "2"

**Insert:** "1"

**Strike:** "9"

**Insert:** "8"

30. Page 16, line 2.

**Strike:** "July 1, 2005"

**Insert:** "March 1, 2006"

- END -