

Personal Identification Information on Negotiable Instruments

§ 59.1-443.1. Recording ~~date of birth~~ *personal identification information* as condition of accepting ~~checks~~ *negotiable instruments* prohibited.

A. As used in this section:

1. ~~"Check"~~ shall have the same meaning as defined in § 8.3A-104.

2. ~~"Person"~~ shall have the same meaning as defined in § 1-13.19.

1. "Negotiable instrument" shall have the same meaning as defined in § 8.3A-104.

2. "Personal identification information" shall include but not be limited to: (i) month and day of birth (**current law**); (ii) social security number (**NOTE: Virginia Driver's Licenses may contain SSNs until July 1, 2008 – Until July 1, 2008, a social security number that is also the individual's driver's license number shall not be considered a social security number for the purposes of this act**); (iii) bank account numbers; (iv) credit or debit card numbers; (v) personal identification numbers (PIN); (vi) biometric data; (vii) fingerprints; (viii) passwords; or (ix) any other numbers or information that can be used to access a person's financial resources.

B. Except as provided in subsection C, no person who accepts ~~checks~~ *negotiable instruments* for the transaction of business shall, as a condition of accepting the ~~check~~ *negotiable instrument*, record, or request or require a person to record, ~~his or her date of birth~~ *any personal identification information* upon the ~~check~~ *negotiable instrument* or otherwise.

C. This section does not:

1. Require a person to accept ~~checks~~ *negotiable instruments* for the transaction of business.

2. Prohibit a person from requiring that the name and address be printed or pre-printed on the negotiable instrument;

3. Prohibit a person from requiring the production of positive identification, provided that none of the personal identification information contained thereon is written or recorded on the negotiable instrument or otherwise; or

4. Prohibit recording, on a document other than the negotiable instrument, the personal identification information required (i) by law or (ii) for a special purpose incidental but related to the transaction for which the negotiable instrument is being accepted, including, but not limited to, information relating to shipping, delivery, servicing, or installation, or for special orders.

~~Nothing in this section shall apply to (i) the collection or use of a date of birth that is unrelated to accepting payment by check or (ii) a requirement that the person paying by check provide the year of his birth.~~