

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section*  
3 *numbered 40.1-28.7:10, relating to prohibited use of employee's social security number by employer;*  
4 *civil penalty.*

5 [S 1040]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a**  
9 **section numbered 40.1-28.7:10 as follows:**

10 **§ 40.1-28.7:10. Prohibited use of employee's social security number; civil penalty.**

11 *A. No employer shall (i) use an employee's social security number or any derivative thereof as such*  
12 *employee's identification number or (ii) include an employee's social security number or any number*  
13 *derived thereof on any identification card or badge, any access card or badge, or any other similar*  
14 *card or badge issued to such employee.*

15 *B. Any employer that knowingly violates the provisions of this section shall be subject to a civil*  
16 *penalty not to exceed \$100 for each violation. The Commissioner shall notify any employer that he*  
17 *alleges has violated any provision of this section by certified mail. Such notice shall contain a*  
18 *description of the alleged violation. Within 15 days of receipt of notice of the alleged violation, the*  
19 *employer may request an informal conference regarding such violation with the Commissioner. In*  
20 *determining the amount of any penalty to be imposed, the Commissioner shall consider the size of the*  
21 *business of the employer charged and the gravity of the violation. The decision of the Commissioner*  
22 *shall be final. Civil penalties under this section shall be assessed by the Commissioner and paid to the*  
23 *Literary Fund. The Commissioner shall prescribe procedures for the payment of proposed penalties that*  
24 *are not contested by employers.*

25 *C. The Commissioner or his authorized representative shall have the right to petition a circuit court*  
26 *for injunctive or such other relief as may be necessary for enforcement of this section.*

ENROLLED

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