

(1) NOTWITHSTANDING SUBSECTION (A)(5)(III) OF THIS SECTION, A DISCLOSURE FOR MARKETING PURPOSES MAY NOT BE MADE IF THE HOLDER OF AN ACTIVE CREDIT CARD NUMBER OR PAYMENT DEVICE NUMBER, OTHER THAN AN ENCODED CREDIT CARD NUMBER OR ENCODED PAYMENT DEVICE NUMBER, HAS NOTIFIED THE ISSUER IN WRITING AT AN ADDRESS SPECIFIED BY THE ISSUER, THAT DISCLOSURE FOR MARKETING PURPOSES IS NOT ALLOWED.

(2) THE ISSUER SHALL NOTIFY EACH HOLDER OF AN ACTIVE CREDIT CARD NUMBER OR PAYMENT DEVICE NUMBER OF THE NONDISCLOSURE OPTION AND THE SPECIFIED ADDRESS ON A PERIODIC BASIS AT THE ISSUER'S DISCRETION AT LEAST ONCE EACH YEAR.

(3) THE ISSUER SHALL COMPLY WITH THE HOLDER'S ELECTION WITHIN 45 DAYS AFTER RECEIVING THE HOLDER'S RESPONSE.

(4) THE ELECTION SHALL REMAIN IN EFFECT UNTIL THE HOLDER RESCINDS THE ELECTION OR UNTIL THERE HAVE BEEN NO DEBITS OR CREDITS TO THE CREDIT CARD NUMBER OR PAYMENT DEVICE NUMBER FOR A 12-MONTH PERIOD.

(D) DISCLOSURE RELATING TO CREDIT REPORTING — REQUIREMENTS.

NOTWITHSTANDING SUBSECTION (A)(7) OF THIS SECTION, AND EXCEPT AS PROVIDED IN § 14-1202(3)(I) OF THE COMMERCIAL LAW ARTICLE, A PERSON MAY NOT FURNISH A REPORT CONTAINING A CREDIT CARD NUMBER OR PAYMENT DEVICE NUMBER BEFORE RECEIVING AN INDIVIDUAL WRITTEN, ELECTRONIC, OR OTHER TANGIBLE RECORD OF A CERTIFICATION FROM THE REQUESTOR:

(1) CONTAINING THE REASON THAT THE CREDIT CARD NUMBER OR PAYMENT DEVICE NUMBER IS REQUIRED; AND

(2) STATING THAT THE CREDIT CARD NUMBER OR PAYMENT DEVICE NUMBER:

(I) CANNOT BE OBTAINED UNDER A CIRCUMSTANCE SPECIFIED UNDER THIS PART OR TITLE 14 OF THE COMMERCIAL LAW ARTICLE; OR

(II) IS NEEDED FOR SECURITY, OR LOSS OR FRAUD PREVENTION PURPOSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former CL § 14-1402 and the second sentence of § 14-1401(c).

In subsection (a)(3)(i) of this section, the reference to a disclosure "required by" federal or State law is substituted for the former reference to a disclosure "pursuant to obligation under" federal or State law for brevity.

In subsection (c)(2) and (4) of this section, the references to a "credit card number or payment device number" are substituted for the former references to an "account" for consistency within this part.

In subsection (d)(2)(i) of this section, the reference to "this part or Title 14