

BILL ANALYSIS

Senate Research Center

S.B. 1445
By: Averitt
Infrastructure Development and Security
6/10/2003
Enrolled

DIGEST AND PURPOSE

The USA Patriot Act, which is intended to help fight terrorist funding, requires financial institutions to have comprehensive customer identification programs in place. These programs include verifying the identity of all customers. There is commercially available equipment which reads the magnetic stripe on a driver's license or a personal identification certificate to determine whether it matches the information on the front of the license or certificate. S.B. 1445 facilitates compliance with the USA Patriot Act and provides a penalty for compiling or maintaining a database of the electronically readable information from a driver's license, commercial driver's license, or personal identification certificate.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Section 521.126, Transportation Code, as follows:

- (a) Inserts the word "personal" before identification.
- (b) Provides that except as provided by Subsection (d), a person commits an offense if the person accesses or uses the electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate or compiles or maintains a database of electronically readable information from driver's licenses, commercial driver's licenses, or personal identification certificates. Deletes language requiring the Texas Department of Transportation to take necessary steps to ensure that the information is used for law enforcement or government purposes.
- (c) Provides that an offense under Subsection (b), rather than unauthorized information, is a Class A misdemeanor.
- (d) Creates a new proposed Subsection (d) providing that the prohibition provided by Subsection (b) does not apply to certain individuals.
- (e) Creates a new proposed Subsection (e) providing that the prohibition provided by Subsection (b)(1) does not apply to a financial institution if the information is accessed and used only for purposes of identification of an individual. Provides that the prohibition provided by Subsection (b)(2) does not apply to a financial institution if each license or certificate holder whose information is included in the compilation or database consents to the inclusion of the person's information in the compilation or database. Defines "financial institution."
- (f) Creates a new proposed Subsection (f) prohibiting a person from using information derived from electronically readable information from a driver's license, commercial driver's license, or personal identification certificate to engage in telephone solicitation to encourage the purchase or rental of, or investment in, goods, other property, or services.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2003.