

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 78th Legislature, Regular Session, 2003, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on Senate Bill 473, relating to assisting
6 consumers to prevent identity theft; providing penalties, to
7 consider and take action on the following matter:

8 (1) House Rule 13, Sections 9(a)(3) and (4), are suspended
9 to permit the committee to add new text to Section 35.58, Business &
10 Commerce Code, as added by the bill, so that the section reads as
11 follows:

12 Sec. 35.58. CONFIDENTIALITY OF SOCIAL SECURITY NUMBER. (a)
13 A person, other than government or a governmental subdivision or
14 agency, may not:

15 (1) intentionally communicate or otherwise make
16 available to the general public an individual's social security
17 number;

18 (2) display an individual's social security number on
19 a card or other device required to access a product or service
20 provided by the person;

21 (3) require an individual to transmit the individual's
22 social security number over the Internet unless the connection with
23 the Internet is secure or the number is encrypted;

1 (4) require an individual's social security number for
2 access to an Internet website, unless a password or unique personal
3 identification number or other authentication device is also
4 required for access; or

5 (5) print an individual's social security number on
6 any materials, except as provided by Subsection (f), that are sent
7 by mail, unless state or federal law requires that the individual's
8 social security number be included in the materials.

9 (b) A person that is using an individual's social security
10 number before January 1, 2005, in a manner prohibited by Subsection
11 (a) may continue that use if:

12 (1) the use is continuous; and

13 (2) the person provides annual disclosure to the
14 individual, beginning January 1, 2006, stating that on written
15 request from the individual the person will cease to use the
16 individual's social security number in a manner prohibited by
17 Subsection (a).

18 (c) A person, other than government or a governmental
19 subdivision or agency, may not deny services to an individual
20 because the individual makes a written request under Subsection
21 (b).

22 (d) If a person receives a written request from an
23 individual directing the person to stop using the individual's
24 social security number in a manner prohibited by Subsection (a),
25 the person shall comply with the request not later than the 30th day
26 after the date the request is received. The person may not impose a
27 fee or charge for complying with the request.

1 (e) This section does not apply to:

2 (1) the collection, use, or release of a social
3 security number that is required by state or federal law, including
4 Chapter 552, Government Code;

5 (2) the use of a social security number for internal
6 verification or administrative purposes;

7 (3) documents that are recorded or required to be open
8 to the public under Chapter 552, Government Code;

9 (4) court records; or

10 (5) an institution of higher education if the use of a
11 social security number by the institution is regulated by Chapter
12 51, Education Code, or another provision of the Education Code.

13 (f) Subsection (a)(5) does not apply to an application or
14 form sent by mail, including a document sent:

15 (1) as part of an application or enrollment process;

16 (2) to establish, amend, or terminate an account,
17 contract, or policy; or

18 (3) to confirm the accuracy of a social security
19 number.

20 Explanation: The addition is necessary to establish a date
21 on which disclosure to an individual concerning use of the
22 individual's social security number must begin, to allow
23 institutions of higher education to use an individual's social
24 security number to comply with provisions of the Education Code,
25 and to provide that a person who receives a request to stop using an
26 individual's social security number must honor that request free of
27 charge by a certain time.

1 (2) House Rule 13, Sections 9(a)(3) and (4), are suspended
2 to permit the committee to add a new Subsection (f) to SECTION 10 of
3 the bill, to read as follows:

4 (f) An institution of higher education that is not subject
5 to the exemption prescribed by Section 35.58(e)(5), Business &
6 Commerce Code, as added by this Act, shall begin acting in
7 compliance with Section 35.58, Business & Commerce Code, as added
8 by this Act, on or before September 1, 2007.

9 Explanation: The added text is necessary to explain when
10 institutions of higher education must comply with Section 35.58,
11 Business & Commerce Code.

Giddings

H.R. No. 1706

Speaker of the House

I certify that H.R. No. 1706 was adopted by the House on May 31, 2003, by a non-record vote.

Chief Clerk of the House