

AN ACT

relating to printing a social security number on an identification card or other identification device; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 35, Business & Commerce Code, is amended by adding Section 35.58 to read as follows:

Sec. 35.58. CONFIDENTIALITY OF SOCIAL SECURITY NUMBER.

(a) A person may not print an individual's social security number on a card or other device required to access a product or service provided by the person unless the individual has requested in writing such printing. A person may not require a request for such printing as a condition to receipt of or access to a product or service provided by the person.

(b) A person who violates this section is liable to the state for a civil penalty in an amount not to exceed \$500 for each violation. The attorney general or the prosecuting attorney in the county in which the violation occurs may bring suit to recover the civil penalty imposed under this section. The attorney general may bring an action in the name of the state to restrain or enjoin a person from violating this section.

(c) This section does not apply to:

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

1 (2) the use of a social security number for internal
2 verification or administrative purposes.

3 SECTION 2. (a) This Act takes effect March 1, 2005.

4 (b) This Act applies to a card or other device that is issued
5 in connection with an insurance policy only if the policy is
6 delivered, issued for delivery, or renewed on or after March 1,
7 2005. A card or other device issued in connection with a policy
8 delivered, issued for delivery, or renewed before March 1, 2005, is
9 governed by the law as it existed immediately before the effective
10 date of this Act, and that law is continued in effect for that
11 purpose.

12 (c) A person described in Subdivision (1), Subsection (b),
13 Section 149.001, Finance Code, may request a hearing before the
14 credit union commissioner for additional time to comply with this
15 Act. If the commissioner makes a determination that the person is
16 unable to comply with the provisions in this Act by March 1, 2005,
17 and has made a good faith attempt to comply with this Act, the
18 commissioner shall issue an order for the person to take the actions
19 required and provide for up to one year for the person to come into
20 compliance with this Act. Any person not provided additional time
21 to comply will be subject to all provisions of this Act as of the
22 effective date. Any hearing conducted and all materials related to
23 such hearing are deemed confidential. Any request for a hearing
24 shall be made not less than 60 days prior to March 1, 2005.

S.B. No. 611

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 611 passed the Senate on April 9, 2003, by a viva-voce vote; and that the Senate concurred in House amendment on June 1, 2003, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 611 passed the House, with amendment, on May 23, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor