

By: Nelson, Ellis

S.B. No. 611

A BILL TO BE ENTITLED

AN ACT

1
2 relating to printing a social security number on an identification
3 card or other identification device; providing a civil penalty.

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

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

7 Sec. 35.58. CONFIDENTIALITY OF SOCIAL SECURITY NUMBER.

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

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

21 (c) This section does not apply to:

22 (1) the collection, use, or release of a social
23 security number that is required by state or federal law, including
24 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.

COMMITTEE AMENDMENT NO. 1

Amend SECTION 2 of SB 611 by adding:

(c) A person described in Section 149.001(b)(1) of the Finance Code may request a hearing before the Credit Union Commissioner for additional time to comply with this section. If the Commissioner makes a determination that the person is unable to comply with the provisions in this section by March 1, 2005 and has made a good faith attempt to comply with this section, the Commissioner shall issue an order for the person to take the actions required and provide for up to one year for the person to come into compliance with this section. Any person not provided additional time to comply will be subject to all provisions of this section as of the effective date. Any hearing conducted and all materials related to such hearing are deemed confidential. Any request for a hearing shall be made not less than 60 days prior to March 1, 2005.

Elkins