

AN ACT

relating to electronically readable information on a driver's license, commercial driver's license, or personal identification certificate; providing a penalty.

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

SECTION 1. Section 521.126, Transportation Code, is amended to read as follows:

Sec. 521.126. ELECTRONICALLY READABLE INFORMATION.

(a) The department may not include any information on a driver's license, commercial driver's license, or personal identification certificate in an electronically readable form other than the information printed on the license and a physical description of the licensee.

(b) Except as provided by Subsection (d), a person commits an offense if the person:

(1) accesses or uses electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate; or

(2) compiles or maintains a database of electronically readable information derived from driver's licenses, commercial driver's licenses, or personal identification certificates [~~The department shall take necessary steps to ensure that the information is used only for law enforcement or governmental purposes~~].

1           (c) An offense under Subsection (b) [~~Unauthorized use of the~~  
2 information] is a Class A misdemeanor.

3           (d) The prohibition provided by Subsection (b) does not  
4 apply to:

5                 (1) an officer or employee of the department who  
6 accesses or uses the information for law enforcement or government  
7 purposes;

8                 (2) a peace officer, as defined by Article 2.12, Code  
9 of Criminal Procedure, acting in the officer's official capacity;

10                (3) a license deputy, as defined by Section 12.702,  
11 Parks and Wildlife Code, issuing a license, stamp, tag, permit, or  
12 other similar item through use of a point-of-sale system under  
13 Section 12.703, Parks and Wildlife Code; or

14                (4) a person acting as authorized by Section 109.61,  
15 Alcoholic Beverage Code.

16           (e) The prohibition provided by Subsection (b)(1) does not  
17 apply to a financial institution if the information is accessed and  
18 used only for purposes of identification of an individual. The  
19 prohibition provided by Subsection (b)(2) does not apply to a  
20 financial institution if each license or certificate holder whose  
21 information is included in the compilation or database consents to  
22 the inclusion of the person's information in the compilation or  
23 database. Consent under this subsection must be on a separate  
24 document, signed by the license or certificate holder, that  
25 explains in at least 14-point bold type the information that will be  
26 included in the compilation or database. For the purposes of this  
27 subsection, "financial institution" has the meaning assigned by 31

1 U.S.C. Section 5312(a)(2), as amended.

2 (f) A person may not use information derived from  
3 electronically readable information from a driver's license,  
4 commercial driver's license, or personal identification  
5 certificate to engage in telephone solicitation to encourage the  
6 purchase or rental of, or investment in, goods, other property, or  
7 services.

8 SECTION 2. (a) The change in law made by this Act applies  
9 only to an offense committed on or after the effective date of this  
10 Act. For the purposes of this section, an offense is committed  
11 before the effective date of this Act if any element of the offense  
12 occurs before that date.

13 (b) An offense committed before the effective date of this  
14 Act is governed by the law in effect when the offense was committed,  
15 and the former law is continued in effect for that purpose.

16 SECTION 3. This Act takes effect September 1, 2003.

S.B. No. 1445

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1445 passed the Senate on April 25, 2003, by a viva-voce vote.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1445 passed the House on May 24, 2003, by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor