

By: Averitt

S.B. No. 1445

A BILL TO BE ENTITLED

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AN ACT

relating to electronically readable information on a driver's license or personal identification certificate; providing penalties

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 (e), a person commits an offense if the person knowingly:

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

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

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

3           (d) An offense under Subsection (b)(2) is a state jail  
4 felony.

5           (e) The prohibition provided Subsection (b) does not apply a  
6 financial institution, as defined by 31 USC Section 5312(a)(2), as  
7 amended.

8           (f) In no event, shall any person use the information  
9 derived from the electronically readable information on the  
10 driver's license in order to engage in telephone solicitation for  
11 the purpose of encouraging the purchase or rental of, or investment  
12 in, property, goods, or services.

13           SECTION 2. The change in law made by this Act applies only  
14 to an offense committed on or after the effective date of this Act.  
15 For the purposes of this section, an offense is committed before the  
16 effective date of this Act if any element of the offense occurs  
17 before that date.

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

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