

1-1 By: Averitt S.B. No. 1445  
1-2 (In the Senate - Filed March 13, 2003; March 20, 2003, read  
1-3 first time and referred to Committee on Infrastructure Development  
1-4 and Security; April 16, 2003, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 April 16, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1445 By: Lindsay

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to electronically readable information on a driver's  
1-11 license, commercial driver's license, or personal identification  
1-12 certificate; providing a penalty.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 521.126, Transportation Code, is amended  
1-15 to read as follows:

1-16 Sec. 521.126. ELECTRONICALLY READABLE INFORMATION.

1-17 (a) The department may not include any information on a driver's  
1-18 license, commercial driver's license, or personal identification  
1-19 certificate in an electronically readable form other than the  
1-20 information printed on the license and a physical description of  
1-21 the licensee.

1-22 (b) Except as provided by Subsection (d), a person commits  
1-23 an offense if the person:

1-24 (1) accesses or uses electronically readable  
1-25 information derived from a driver's license, commercial driver's  
1-26 license, or personal identification certificate; or

1-27 (2) compiles or maintains a database of electronically  
1-28 readable information derived from driver's licenses, commercial  
1-29 driver's licenses, or personal identification certificates [~~The~~  
1-30 ~~department shall take necessary steps to ensure that the~~  
1-31 ~~information is used only for law enforcement or governmental~~  
1-32 ~~purposes].~~

1-33 (c) An offense under Subsection (b) [~~Unauthorized use of the~~  
1-34 ~~information]~~ is a Class A misdemeanor.

1-35 (d) The prohibition provided by Subsection (b) does not  
1-36 apply to:

1-37 (1) an officer or employee of the department who  
1-38 accesses or uses the information for law enforcement or government  
1-39 purposes;

1-40 (2) a peace officer, as defined by Article 2.12, Code  
1-41 of Criminal Procedure, acting in the officer's official capacity;

1-42 (3) a license deputy, as defined by Section 12.702,  
1-43 Parks and Wildlife Code, issuing a license, stamp, tag, permit, or  
1-44 other similar item through use of a point-of-sale system under  
1-45 Section 12.703, Parks and Wildlife Code; or

1-46 (4) a person acting as authorized by Section 109.61,  
1-47 Alcoholic Beverage Code.

1-48 (e) The prohibition provided by Subsection (b)(1) does not  
1-49 apply to a financial institution if the information is accessed and  
1-50 used only for purposes of identification of an individual. The  
1-51 prohibition provided by Subsection (b)(2) does not apply to a  
1-52 financial institution if each license or certificate holder whose  
1-53 information is included in the compilation or database consents to  
1-54 the inclusion of the person's information in the compilation or  
1-55 database. For the purposes of this subsection, "financial  
1-56 institution" has the meaning assigned by 31 U.S.C. Section  
1-57 5312(a)(2), as amended.

1-58 (f) A person may not use information derived from  
1-59 electronically readable information from a driver's license,  
1-60 commercial driver's license, or personal identification  
1-61 certificate to engage in telephone solicitation to encourage the  
1-62 purchase or rental of, or investment in, goods, other property, or  
1-63 services.

2-1 SECTION 2. (a) The change in law made by this Act applies  
2-2 only to an offense committed on or after the effective date of this  
2-3 Act. For the purposes of this section, an offense is committed  
2-4 before the effective date of this Act if any element of the offense  
2-5 occurs before that date.

2-6 (b) An offense committed before the effective date of this  
2-7 Act is governed by the law in effect when the offense was committed,  
2-8 and the former law is continued in effect for that purpose.

2-9 SECTION 3. This Act takes effect September 1, 2003.

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