

Suspending limitations on conference committee  
jurisdiction, S.B. No. 473

By: Ellis

S.R. No. 1008

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 78th  
2 Legislature, Regular Session, 2003, That Senate Rule 12.03 be  
3 suspended in part as provided by Senate Rule 12.08 to enable the  
4 conference committee appointed to resolve the differences on Senate  
5 Bill 473, relating to assisting consumers to prevent identity  
6 theft; providing penalties, to consider and take action on the  
7 following matter:

8 (1) Senate Rules 12.03(3) and (4) are suspended to permit  
9 the committee to add new text to Section 35.58, Business & Commerce  
10 Code, as added by the bill, so that the section reads as follows:

11 Sec. 35.58. CONFIDENTIALITY OF SOCIAL SECURITY NUMBER. (a)  
12 A person, other than government or a governmental subdivision or  
13 agency, may not:

14 (1) intentionally communicate or otherwise make  
15 available to the general public an individual's social security  
16 number;

17 (2) display an individual's social security number on  
18 a card or other device required to access a product or service  
19 provided by the person;

20 (3) require an individual to transmit the individual's  
21 social security number over the Internet unless the connection with  
22 the Internet is secure or the number is encrypted;

23 (4) require an individual's social security number for  
24 access to an Internet website, unless a password or unique personal

1 identification number or other authentication device is also  
2 required for access; or

3 (5) print an individual's social security number on  
4 any materials, except as provided by Subsection (f), that are sent  
5 by mail, unless state or federal law requires that the individual's  
6 social security number be included in the materials.

7 (b) A person that is using an individual's social security  
8 number before January 1, 2005, in a manner prohibited by Subsection  
9 (a) may continue that use if:

10 (1) the use is continuous; and

11 (2) the person provides annual disclosure to the  
12 individual, beginning January 1, 2006, stating that on written  
13 request from the individual the person will cease to use the  
14 individual's social security number in a manner prohibited by  
15 Subsection (a).

16 (c) A person, other than government or a governmental  
17 subdivision or agency, may not deny services to an individual  
18 because the individual makes a written request under Subsection  
19 (b).

20 (d) If a person receives a written request from an  
21 individual directing the person to stop using the individual's  
22 social security number in a manner prohibited by Subsection (a),  
23 the person shall comply with the request not later than the 30th day  
24 after the date the request is received. The person may not impose a  
25 fee or charge for complying with the request.

26 (e) This section does not apply to:

27 (1) the collection, use, or release of a social

1 security number that is required by state or federal law, including  
2 Chapter 552, Government Code;

3 (2) the use of a social security number for internal  
4 verification or administrative purposes;

5 (3) documents that are recorded or required to be open  
6 to the public under Chapter 552, Government Code;

7 (4) court records; or

8 (5) an institution of higher education if the use of a  
9 social security number by the institution is regulated by Chapter  
10 51, Education Code, or another provision of the Education Code.

11 (f) Subsection (a)(5) does not apply to an application or  
12 form sent by mail, including a document sent:

13 (1) as part of an application or enrollment process;

14 (2) to establish, amend, or terminate an account,  
15 contract, or policy; or

16 (3) to confirm the accuracy of a social security  
17 number.

18 Explanation: The addition is necessary to establish a date  
19 on which disclosure to an individual concerning use of the  
20 individual's social security number must begin, to allow  
21 institutions of higher education to use an individual's social  
22 security number to comply with provisions of the Education Code,  
23 and to provide that a person who receives a request to stop using an  
24 individual's social security number must honor that request free of  
25 charge by a certain time.

26 (2) Senate Rules 12.03(3) and (4) are suspended to permit  
27 the committee to add a new Subsection (f) to SECTION 10 of the bill,

1 to read as follows:

2 (f) An institution of higher education that is not subject  
3 to the exemption prescribed by Section 35.58(e)(5), Business &  
4 Commerce Code, as added by this Act, shall begin acting in  
5 compliance with Section 35.58, Business & Commerce Code, as added  
6 by this Act, on or before September 1, 2007.

7 Explanation: The added text is necessary to explain when  
8 institutions of higher education must comply with Section 35.58,  
9 Business & Commerce Code.