

BILL ANALYSIS

C.S.H.B. 2013
By: Giddings
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, it is perfectly legal to discriminate against a victim of identity theft in the extension of credit by a financial entity. That discrimination is unwarranted as a victim of identity theft is not the guilty party and should not be punished for the conduct of someone else.

RULEMAKING AUTHORITY

It is the opinion of the Committee on Business & Industry that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill provides that a victim of identity theft may not be denied access to credit that would otherwise be approved in the absence of the identity theft.

EFFECTIVE DATE

The bill would take effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill proposed to amend Section 341.401(a) of the Finance Code, whereas the substitute proposes, instead, to add a new Section 35.585 to the Business and Commerce Code. The substitute goes further to specify that a license-holder or "authorized lender" as found in Title 4, Subtitle B of the Finance Code, who denies credit to a victim of identity theft (who would otherwise be extended credit in the absence of that identity theft) can have that license revoked or suspended as provided in said Title 4, Subtitle B.