

By: Reyna

H.B. No. 982

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to posting a sign warning restaurant or bar employees  
3 against fraudulent use or possession of identifying information;  
4 providing a criminal penalty.

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

6 SECTION 1. Subchapter D, Chapter 35, Business & Commerce  
7 Code, is amended by adding Section 35.60 to read as follows:

8 Sec. 35.60. WARNING SIGN ABOUT IDENTITY THEFT FOR  
9 RESTAURANT OR BAR EMPLOYEES. (a) In this section:

10 (1) "Credit card" means an identification card, plate,  
11 coupon, book, number, or any other device authorizing a designated  
12 person or bearer to obtain property or service on credit.

13 (2) "Debit card" means an identification card, plate,  
14 coupon, book, number, or any other device authorizing a designated  
15 person or bearer to communicate a request to an unmanned teller  
16 machine or a customer convenience terminal or obtain property or  
17 services by debit to an account at a financial institution.

18 (b) This section applies only to a restaurant or bar that  
19 accepts credit cards or debit cards from customers in the ordinary  
20 course of business.

21 (c) A restaurant or bar owner shall display in a prominent  
22 place on the premises of the restaurant or bar a sign stating in  
23 letters at least 1/2 inch high: "UNDER SECTION 32.51, PENAL CODE,  
24 IT IS A STATE JAIL FELONY (PUNISHABLE BY CONFINEMENT IN A STATE JAIL

1 FOR NOT MORE THAN TWO YEARS) TO OBTAIN, POSSESS, TRANSFER, OR USE A  
2 CUSTOMER'S DEBIT CARD OR CREDIT CARD NUMBER WITHOUT THE CUSTOMER'S  
3 CONSENT."

4 (d) A restaurant or bar owner shall display the sign in  
5 English and in another language spoken by a substantial portion of  
6 the employees of the restaurant or bar as their familiar language.

7 (e) A restaurant or bar owner who fails to comply with this  
8 section commits an offense. An offense under this subsection is a  
9 misdemeanor punishable by a fine of not more than \$25.

10 (f) It is a defense to prosecution under this section that  
11 the person charged produces to the court satisfactory evidence that  
12 the person displayed a sign as required by Subsection (c) not later  
13 than 48 hours after the person received a citation for an offense  
14 under Subsection (e). If the court is satisfied with the evidence  
15 produced by the person, the court shall dismiss the charge.

16 SECTION 2. This Act takes effect September 1, 2005.