

By: Reyna

H.B. No. 982

A BILL TO BE ENTITLED

AN ACT

1
2 relating to posting a sign warning restaurant employees against
3 fraudulent use or possession of identifying information; providing
4 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 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 that accepts
19 credit cards or debit cards from customers in the ordinary course of
20 business.

21 (c) A restaurant owner shall display in a prominent place on
22 the premises of the restaurant a sign stating in letters at least
23 two inches high: "UNDER SECTION 32.51, PENAL CODE, IT IS A STATE
24 JAIL FELONY (PUNISHABLE BY CONFINEMENT IN A STATE JAIL FOR NOT MORE

1 THAN TWO YEARS) TO OBTAIN, POSSESS, TRANSFER, OR USE A CUSTOMER'S
2 DEBIT CARD OR CREDIT CARD NUMBER WITHOUT THE CUSTOMER'S CONSENT."

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

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

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