

1-1 By: Reyna (Senate Sponsor - Van de Putte) H.B. No. 982
1-2 (In the Senate - Received from the House April 6, 2005;
1-3 April 7, 2005, read first time and referred to Committee on
1-4 Business and Commerce; May 9, 2005, reported favorably by the
1-5 following vote: Yeas 6, Nays 0; May 9, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to posting a sign warning restaurant or bar employees
1-9 against fraudulent use or possession of identifying information;
1-10 providing a criminal penalty.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter D, Chapter 35, Business & Commerce
1-13 Code, is amended by adding Section 35.60 to read as follows:

1-14 Sec. 35.60. WARNING SIGN ABOUT IDENTITY THEFT FOR
1-15 RESTAURANT OR BAR EMPLOYEES. (a) In this section:

1-16 (1) "Credit card" means an identification card, plate,
1-17 coupon, book, number, or any other device authorizing a designated
1-18 person or bearer to obtain property or service on credit.

1-19 (2) "Debit card" means an identification card, plate,
1-20 coupon, book, number, or any other device authorizing a designated
1-21 person or bearer to communicate a request to an unmanned teller
1-22 machine or a customer convenience terminal or obtain property or
1-23 services by debit to an account at a financial institution.

1-24 (b) This section applies only to a restaurant or bar that
1-25 accepts credit cards or debit cards from customers in the ordinary
1-26 course of business.

1-27 (c) A restaurant or bar owner shall display in a prominent
1-28 place on the premises of the restaurant or bar a sign stating in
1-29 letters at least 1/2 inch high: "UNDER SECTION 32.51, PENAL CODE,
1-30 IT IS A STATE JAIL FELONY (PUNISHABLE BY CONFINEMENT IN A STATE JAIL
1-31 FOR NOT MORE THAN TWO YEARS) TO OBTAIN, POSSESS, TRANSFER, OR USE A
1-32 CUSTOMER'S DEBIT CARD OR CREDIT CARD NUMBER WITHOUT THE CUSTOMER'S
1-33 CONSENT."

1-34 (d) A restaurant or bar owner shall display the sign in
1-35 English and in another language spoken by a substantial portion of
1-36 the employees of the restaurant or bar as their familiar language.

1-37 (e) A restaurant or bar owner who fails to comply with this
1-38 section commits an offense. An offense under this subsection is a
1-39 misdemeanor punishable by a fine of not more than \$25.

1-40 (f) It is a defense to prosecution under this section that
1-41 the person charged produces to the court satisfactory evidence that
1-42 the person displayed a sign as required by Subsection (c) not later
1-43 than 48 hours after the person received a citation for an offense
1-44 under Subsection (e). If the court is satisfied with the evidence
1-45 produced by the person, the court shall dismiss the charge.

1-46 SECTION 2. This Act takes effect September 1, 2005.

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