

By: Whitmire

S.B. No. 1466

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the use of certain electronically readable information
3 on a driver's license to verify the identity of a payment
4 cardholder; providing a 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 35.64 to read as follows:

8 Sec. 35.64. USE OF CERTAIN ELECTRONICALLY READABLE
9 INFORMATION. (a) In this section, "payment card" means a credit
10 card, a debit card, a check card, or any other card that is issued to
11 an authorized user to purchase or obtain goods, services, money, or
12 any other thing of value.

13 (b) A person that accepts a payment card for the transaction
14 of business may access electronically readable information on a
15 driver's license, commercial driver's license, or identification
16 certificate for the purpose of verifying a cardholder's identity.

17 (c) A person may not retain information accessed under this
18 section.

19 (d) Information accessed under this section may not be
20 marketed in any manner.

21 (e) A person who violates this section commits an offense.
22 An offense under this section is a Class A misdemeanor.

23 SECTION 2. Section 521.126(d), Transportation Code, is
24 amended to read as follows:

1 (d) The prohibition provided by Subsection (b) does not
2 apply to:

3 (1) an officer or employee of the department who
4 accesses or uses the information for law enforcement or government
5 purposes;

6 (2) a peace officer, as defined by Article 2.12, Code
7 of Criminal Procedure, acting in the officer's official capacity;

8 (3) a license deputy, as defined by Section 12.702,
9 Parks and Wildlife Code, issuing a license, stamp, tag, permit, or
10 other similar item through use of a point-of-sale system under
11 Section 12.703, Parks and Wildlife Code; ~~or~~

12 (4) a person acting as authorized by Section 109.61,
13 Alcoholic Beverage Code; or

14 (5) a person acting as authorized by Section 35.64,
15 Business & Commerce Code.

16 SECTION 3. This Act takes effect September 1, 2005.