

BILL ANALYSIS

S.B. 1251
By: Averitt
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a person commits a Class A misdemeanor if the person accesses, uses, compiles, or maintains electronically readable information from a driver's license, commercial driver's license, or personal identification certificate, except in certain circumstances. A database of the information derived from the preceding documents can currently be accessed, used, compiled, or maintained only for law enforcement or governmental purposes. If the license holder gives consent, only a financial institution is authorized to access, maintain, compile and use the electronically readable information.

As proposed, S.B. 1251 authorizes access, retention, and compilation of electronically readable information on a driver's license, commercial driver's license, or personal identification certificate if the license or certificate holder consents to the disclosure. S.B. 1251 also prohibits any sharing of the collected or compiled information, and it provides for a separate consent form.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 521.126(b), Transportation Code, to provide that, except as provided by Subsections (d), (e), and (g), a person commits an offense if the person accesses or uses electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate without the consent of the license or certificate holder, or compiles or maintains a database of such information without the consent of each license or certificate holder whose information is accessed, used, compiled, or maintained.

Adds Section 521.126 (b-1) to provide that consent occurs only by signing a separate document or using an electronic signature, as defined by Section 43.002, Business & Commerce Code, on an electronic record that states: "I consent to allow (insert name of person) to access or include information from my driver 's license or personal identification certificate in a compilation or database."

Adds Section 521.126 (b-2) to require that a person may not sell or otherwise disclose electronically readable information accessed, compiled, or described by Subsection (b) to another person or an affiliate of the person. This subsection does not apply to a financial institution described by Subsection (e).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.