

BILL ANALYSIS

S.B. 1252
By: Averitt
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a retailer who sells an age-restricted product, such as alcohol, cigarettes, or tobacco, is generally governed by a criminal negligence standard to enforce the legal age of the purchaser by use of a government issued identification card or document required to prove age. However, the potential exists for such identification cards or documents to be duplicated and used by an underage person. Use of an electronic fingerprint verification system may eliminate the problem of fake identification documents. The use of this system, coupled with legitimate identification, may allow a retailer to ascertain the customer's eligibility to purchase the product by using a scan of the customer's fingerprint to access the age verification records electronically.

SB 1252 authorizes a retailer of age-restricted products to satisfy the standards of the statutes and administrative rules applicable to the product by using an electronic fingerprint verification system to determine whether the customer is of legal age. This bill provides for a person's fingerprint to be coupled with government-issued identification.

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.

S.B. 1252 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. The consent must be obtained in a separate document or using an electronic signature. SB 1252 also contains a provision prohibiting the sale or other disclosure of the electronically readable information the license or certificate holder consents to disclose.

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. Creates a new subchapter in Chapter 35 of the Business and Commerce Code related to age verification through electronic fingerprint analysis.

SECTION 2. Amends the Alcoholic Beverage Code by establishing a criminal negligence standard related to the improper use of an electronic fingerprint verification system.

SECTION 3. Amends the Alcoholic Beverage Code to allow for the use of electronic fingerprint analysis for age verification.

SECTION 4. Amends the Health and Safety Code to allow for the use of electronic fingerprint analysis for age verification.

SECTION 5. Amends the Transportation Code to allow a person to access or use the electronically readable information on a driver's license with the consent of the license holder.

SECTION 6. Establishes an effective date for the change in law made to Section 521.126, Transportation Code.

SECTION 7. Effective date.

EFFECTIVE DATE

September 1, 2007.