

By: Averitt

S.B. No. 1251

A BILL TO BE ENTITLED

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AN ACT

relating to the access, use, or retention of certain electronically readable information on a driver's license, commercial driver's license, or personal identification certificate; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 521.126, Transportation Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) Except as provided by Subsections (d), (e), and (g), a person commits an offense if the person:

(1) 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

(2) compiles or maintains a database of electronically readable information derived from driver's licenses, commercial driver's licenses, or personal identification certificates without the consent of each license or certificate holder whose information is compiled or maintained.

(b-1) For the purposes of Subsection (b), a license or certificate holder provides consent 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

1 states:

2 "I consent to allow (insert name of person) to access or
3 include information from my driver's license or personal
4 identification certificate in a compilation or database."

5 (b-2) A person may not sell or otherwise disclose
6 electronically readable information accessed, compiled, or
7 described by Subsection (b) to another person or an affiliate of the
8 person. This subsection does not apply to a financial institution
9 described by Subsection (e).

10 SECTION 2. (a) The change in law made by this Act applies
11 only to an offense committed on or after the effective date of this
12 Act. For the purposes of this section, an offense is committed
13 before the effective date of this Act if any element of the offense
14 occurs before that date.

15 (b) An offense committed before the effective date of this
16 Act is covered by the law in effect when the offense was committed,
17 and the former law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2007.