

By: Carona

S.B. No. 1787

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the Department of Public Safety to contract to provide certain fingerprint information.

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

SECTION 1. Subchapter C, Chapter 521, Transportation Code, is amended by adding Section 521.060 to read as follows:

Sec. 521.060. CONTRACT TO PROVIDE FINGERPRINT INFORMATION.

(a) Notwithstanding Section 521.059 or Chapter 730, the department may contract to provide fingerprint information from the department's driver's license and personal identification certificate records to a private entity or governmental entity for use in an electronic system through which, by scanning a customer's fingerprint:

(1) a retailer may:

(A) complete or subsidize a commercial transaction, with or without use of a credit card, debit card, check, or similar token; or

(B) verify a customer's age for the purpose of complying with a law providing an age requirement for certain transactions;

(2) the governmental entity may distribute public benefits; or

(3) a health care provider may maintain and distribute health care records.

1 (b) A contract under this section must provide that a person
2 receiving the fingerprint information from the department may not
3 retain, store, or transfer to another person an actual image of a
4 fingerprint. The mathematical algorithms used by the electronic
5 system to collect fingerprint data and to identify a person from the
6 data must be reasonably designed to prevent reproduction of an
7 actual image of the fingerprint from which the data is collected.

8 (c) A contract under this section with a private entity may
9 provide that:

10 (1) the department may collect a fee for providing
11 information under the contract in an amount based on a percentage of
12 the amount received by the private entity for use of the information
13 in commercial transactions described by Subsection (a)(1)(A); and

14 (2) the department may accept from the private entity
15 equipment for use under the contract.

16 (d) The department may accept unsolicited proposals for a
17 proposed contract under this section or may solicit competing
18 proposals as provided by applicable law. The department shall
19 establish rules and procedures for accepting unsolicited proposals
20 that specify the information required in a proposal and the
21 criteria for evaluating the proposal.

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2007.