

By: Whitmire

S.B. No. 1828

A BILL TO BE ENTITLED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

AN ACT

relating to the use of certain electronically readable information on a driver's license to comply with certain alcohol related laws.

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

SECTION 1. Section 109.61, Alcoholic Beverage Code, is amended as follows:

Sec. 109.61. USE OF CERTAIN ELECTRONICALLY READABLE INFORMATION. (a) A person may access electronically readable information on a driver's license, commercial driver's license, or identification certificate for the purpose of complying with this code or a rule of the commission, including for the purpose of preventing the person from committing an offense under this code.

(b) A person may not retain information accessed under this section unless the commission by rule requires the information to be retained. The person may not retain the information longer than the commission requires.

(c) Information accessed under this section may not be marketed in any manner.

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

(e) It is an affirmative defense to prosecution under this code, for an offense having as an element the age of a person, that:

(1) a transaction scan device identified ~~[a]~~ the license or certificate of the purchaser as valid and that the person

1 is over 21, and the defendant accessed the information and relied on
2 the results in good faith; or

3 (2) if the defendant is the owner of a store in which
4 alcoholic beverages are sold at retail, the offense occurs in
5 connection with a sale by an employee of the owner, and the owner
6 had provided the employee with:

7 (A) a transaction scan device in working
8 condition; and

9 (B) adequate training in the use of the
10 transaction scan device; and

11 (C) the defendant did not directly or indirectly
12 encourage the employee to violate the law.

13 (f) The defense offered in subsection (e) does not apply in
14 actions to cancel, deny or suspend the license or permit.

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