

1-1 By: Whitmire S.B. No. 1828
1-2 (In the Senate - Filed March 9, 2007; March 22, 2007, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 10, 2007, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; April 10, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the use of certain electronically readable information
1-9 on a driver's license to comply with certain alcohol-related laws.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 109.61, Alcoholic Beverage Code, is
1-12 amended to read as follows:

1-13 Sec. 109.61. USE OF CERTAIN ELECTRONICALLY READABLE
1-14 INFORMATION. (a) A person may access electronically readable
1-15 information on a driver's license, commercial driver's license, or
1-16 identification certificate for the purpose of complying with this
1-17 code or a rule of the commission, including for the purpose of
1-18 preventing the person from committing an offense under this code.

1-19 (b) A person may not retain information accessed under this
1-20 section unless the commission by rule requires the information to
1-21 be retained. The person may not retain the information longer than
1-22 the commission requires.

1-23 (c) Information accessed under this section may not be
1-24 marketed in any manner.

1-25 (d) A person who violates this section commits an offense.
1-26 An offense under this section is a Class A misdemeanor.

1-27 (e) It is an affirmative defense to prosecution under this
1-28 code, for an offense having as an element the age of a person, that:

1-29 (1) a transaction scan device identified the [a]
1-30 license or certificate of the purchaser as valid and that the person
1-31 is over 21, and the defendant accessed the information and relied on
1-32 the results in good faith; or

1-33 (2) if the defendant is the owner of a store in which
1-34 alcoholic beverages are sold at retail, the offense occurs in
1-35 connection with a sale by an employee of the owner, and the owner
1-36 had provided the employee with:

1-37 (A) a transaction scan device in working
1-38 condition; ~~and~~

1-39 (B) adequate training in the use of the
1-40 transaction scan device; and

1-41 (C) the defendant did not directly or indirectly
1-42 encourage the employee to violate the law.

1-43 (f) The defense offered in Subsection (e) does not apply in
1-44 actions to cancel, deny, or suspend the license or permit.

1-45 SECTION 2. This Act takes effect immediately if it receives
1-46 a vote of two-thirds of all the members elected to each house, as
1-47 provided by Section 39, Article III, Texas Constitution. If this
1-48 Act does not receive the vote necessary for immediate effect, this
1-49 Act takes effect September 1, 2007.

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