

By: Jackson

H.B. No. 1034

A BILL TO BE ENTITLED

AN ACT

relating to requiring a sexually oriented business to maintain certain photographic identification records; providing a criminal penalty.

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

SECTION 1. Chapter 102, Business & Commerce Code, as effective April 1, 2009, is amended by adding Section 102.0031 to read as follows:

Sec. 102.0031. REQUIREMENT TO MAINTAIN PHOTOGRAPHIC IDENTIFICATION RECORDS. (a) A sexually oriented business shall maintain at the business a record that contains a copy of a valid proof of identification of each employee or independent contractor working at the business.

(b) A proof of identification satisfies the requirements of Subsection (a) if the identification:

(1) contains a physical description and photograph consistent with the person's appearance;

(2) contains the date of birth of the person; and

(3) was issued by a government agency.

(c) The form of identification under Subsection (a) may include:

(1) a driver's license issued by this state or another state;

(2) a passport; or

1 (3) an identification card issued by this or another
2 state or the federal government.

3 (d) A sexually oriented business shall maintain a record
4 under this section for at least five years after the date the
5 employee or independent contractor ends employment with or a
6 contractual obligation to the business.

7 (e) The requirements of this section do not apply with
8 regard to an independent contractor who contracts with a sexually
9 oriented business solely to perform repair, maintenance, or
10 construction services at the business.

11 SECTION 2. Section 102.005(b), Business & Commerce Code, as
12 effective April 1, 2009, is amended to read as follows:

13 (b) A sexually oriented business commits an offense if the
14 business violates Section 102.003 or 102.0031.

15 SECTION 3. Chapter 102, Business & Commerce Code, as
16 effective September 1, 2009, is amended by adding Subchapter C to
17 read as follows:

18 SUBCHAPTER C. REQUIREMENT TO MAINTAIN CERTAIN RECORDS

19 Sec. 102.101. DEFINITION. In this subchapter, "sexually
20 oriented business" has the meaning assigned by Section 243.002,
21 Local Government Code.

22 Sec. 102.102. REQUIREMENT TO MAINTAIN PHOTOGRAPHIC
23 IDENTIFICATION RECORDS. (a) A sexually oriented business shall
24 maintain at the business a record that contains a copy of a valid
25 proof of identification of each employee or independent contractor
26 working at the business.

27 (b) A proof of identification satisfies the requirements of

1 Subsection (a) if the identification:

2 (1) contains a physical description and photograph
3 consistent with the person's appearance;

4 (2) contains the date of birth of the person; and

5 (3) was issued by a government agency.

6 (c) The form of identification under Subsection (a) may
7 include:

8 (1) a driver's license issued by this state or another
9 state;

10 (2) a passport; or

11 (3) an identification card issued by this or another
12 state or the federal government.

13 (d) A sexually oriented business shall maintain a record
14 under this section for at least five years after the date the
15 employee or independent contractor ends employment with or a
16 contractual obligation to the business.

17 (e) The requirements of this section do not apply with
18 regard to an independent contractor who contracts with a sexually
19 oriented business solely to perform repair, maintenance, or
20 construction services at the business.

21 Sec. 102.103. CRIMINAL PENALTY. (a) A sexually oriented
22 business commits an offense if the business violates Section
23 102.102.

24 (b) An offense under this section is a Class A misdemeanor.

25 SECTION 4. (a) Sections 1 and 2 of this Act take effect only
26 if the Act of the 81st Legislature, Regular Session, 2009, relating
27 to nonsubstantive additions to and corrections in existing codes

1 does not become law.

2 (b) Section 3 of this Act takes effect only if the Act of
3 the 81st Legislature, Regular Session, 2009, relating to
4 nonsubstantive additions to and corrections in existing codes
5 becomes law.

6 SECTION 5. This Act takes effect September 1, 2009.