

By: Vo, et al.

H.B. No. 2014

A BILL TO BE ENTITLED

AN ACT

relating to credit card marketing activities at postsecondary educational institutions.

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

SECTION 1. Subchapter L, Chapter 35, Business & Commerce Code, as added by Chapter 130 (H.B. 85), Acts of the 80th Legislature, Regular Session, 2007, is amended by adding Section 35.1315 to read as follows:

Sec. 35.1315. APPLICABILITY OF SUBCHAPTER. (a) This subchapter does not apply to credit card marketing activities conducted by credit card issuers at events held on the campus of a postsecondary educational institution that are not primarily for students or are not exclusively student-related activities, and that either are open to the general public or are conducted for persons who are not required to be students, such as athletics events, concerts, other special events, or alumni meetings.

(b) This section does not prohibit the governing board of a postsecondary educational institution from establishing restrictions on campus credit card marketing activities within the scope of the general authority of the governing board.

SECTION 2. Subchapter L, Chapter 35, Business & Commerce Code, as added by Chapter 130 (H.B. 85), Acts of the 80th Legislature, Regular Session, 2007, is amended by adding Section 35.1325 to read as follows:

1 Sec. 35.1325. PROHIBITION AGAINST DISCLOSURE OF STUDENT
2 CONTACT INFORMATION FOR PURPOSES OF CREDIT CARD SOLICITATION. A
3 postsecondary educational institution may not disclose to a credit
4 card issuer contact information regarding any student of the
5 institution. For purposes of this section, a student's contact
6 information includes the student's name, telephone number, e-mail
7 address, permanent or campus residence address, and mailing
8 address. If the institution is subject to Chapter 552, Government
9 Code, the institution is not required to seek a decision from the
10 attorney general under that chapter in order to withhold student
11 contact information from a credit card issuer that makes a written
12 request for the information.

13 SECTION 3. Section 35.135, Business & Commerce Code, as
14 added by Chapter 130 (H.B. 85), Acts of the 80th Legislature,
15 Regular Session, 2007, is amended to read as follows:

16 Sec. 35.135. RESTRICTION ON GIFTS OR INCENTIVES FOR
17 COMPLETING CREDIT CARD APPLICATION. A credit card issuer may not
18 offer a gift or other incentive in exchange for the completion of a
19 credit card application as part of a campus credit card marketing
20 activity [~~unless the credit card issuer, at the time the credit card~~
21 ~~issuer provides a credit card application to an individual,~~
22 ~~provides financial educational material developed under Section~~
23 ~~35.133 to the individual].~~

24 SECTION 4. Subchapter A, Chapter 761, Business & Commerce
25 Code, as effective September 1, 2009, is amended by adding Section
26 761.0015 to read as follows:

27 Sec. 761.0015. APPLICABILITY OF CHAPTER. (a) This chapter

1 does not apply to credit card marketing activities conducted by
2 credit card issuers at events held on the campus of a postsecondary
3 educational institution that are not primarily for students or are
4 not exclusively student-related activities, and that either are
5 open to the general public or are conducted for persons who are not
6 required to be students, such as athletics events, concerts, other
7 special events, or alumni meetings.

8 (b) This section does not prohibit the governing board of a
9 postsecondary educational institution from establishing
10 restrictions on campus credit card marketing activities within the
11 scope of the general authority of the governing board.

12 SECTION 5. Subchapter B, Chapter 761, Business & Commerce
13 Code, as effective September 1, 2009, is amended by adding Section
14 761.0515 to read as follows:

15 Sec. 761.0515. PROHIBITION AGAINST DISCLOSURE OF STUDENT
16 CONTACT INFORMATION FOR PURPOSES OF CREDIT CARD SOLICITATION. A
17 postsecondary educational institution may not disclose to a credit
18 card issuer contact information regarding any student of the
19 institution. For purposes of this section, a student's contact
20 information includes the student's name, telephone number, e-mail
21 address, permanent or campus residence address, and mailing
22 address. If the institution is subject to Chapter 552, Government
23 Code, the institution is not required to seek a decision from the
24 attorney general under that chapter in order to withhold student
25 contact information from a credit card issuer that makes a written
26 request for the information.

27 SECTION 6. Section 761.052, Business & Commerce Code, as

1 effective September 1, 2009, is amended to read as follows:

2 Sec. 761.052. RESTRICTION ON GIFTS OR INCENTIVES FOR
3 COMPLETING CREDIT CARD APPLICATION. A credit card issuer may not
4 offer a gift or other incentive in exchange for the completion of a
5 credit card application as part of a campus credit card marketing
6 activity [~~unless the credit card issuer, at the time the credit card
7 issuer provides a credit card application to an individual,
8 provides financial educational material developed under Section
9 761.101 to the individual~~].

10 SECTION 7. (a) Sections 1, 2, and 3 of this Act take effect
11 only if the Act of the 81st Legislature, Regular Session, 2009,
12 relating to nonsubstantive additions to and corrections in existing
13 codes does not become law.

14 (b) Sections 4, 5, and 6 of this Act take effect only if the
15 Act of the 81st Legislature, Regular Session, 2009, relating to
16 nonsubstantive additions to and corrections in existing codes
17 becomes law.

18 SECTION 8. This Act takes effect September 1, 2009.