

By: Vo

H.B. No. 2014

Substitute the following for H.B. No. 2014:

By: Christian

C.S.H.B. No. 2014

A BILL TO BE ENTITLED

1 AN ACT

2 relating to credit card marketing activities at postsecondary  
3 educational institutions.

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

5 SECTION 1. Subchapter L, Chapter 35, Business & Commerce  
6 Code, as added by Chapter 130 (H.B. 85), Acts of the 80th  
7 Legislature, Regular Session, 2007, is amended by adding Section  
8 35.1315 to read as follows:

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

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

21 SECTION 2. Subchapter L, Chapter 35, Business & Commerce  
22 Code, as added by Chapter 130 (H.B. 85), Acts of the 80th  
23 Legislature, Regular Session, 2007, is amended by adding Section  
24 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.