

By: Harper-Brown

H.B. No. 3672

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure of personal information under the Motor Vehicle Records Disclosure Act; providing a penalty.

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

SECTION 1. Section 730.005, Transportation Code, is amended to read as follows:

Sec. 730.005. REQUIRED DISCLOSURE. (a) Personal information obtained by an agency in connection with a motor vehicle record shall be disclosed for use in connection with any matter of:

(1) motor vehicle or motor vehicle operator safety;

(2) motor vehicle theft;

(3) motor vehicle emissions;

(4) motor vehicle product alterations, recalls, or advisories;

(5) performance monitoring of motor vehicles or motor vehicle dealers by a motor vehicle manufacturer;

(6) removal of nonowner records from the original owner records of a motor vehicle manufacturer to carry out the purposes of:

(A) the Automobile Information Disclosure Act, 15 U.S.C. Section 1231 et seq.;

(B) 49 U.S.C. Chapters 301, 305, 323, 325, 327, 329, and 331;

1 (C) the Anti Car Theft Act of 1992, 18 U.S.C.  
2 Sections 553, 981, 982, 2119, 2312, 2313, and 2322, 19 U.S.C.  
3 Sections 1646b and 1646c, and 42 U.S.C. Section 3750a et seq., all  
4 as amended;

5 (D) the Clean Air Act, 42 U.S.C. Section 7401 et  
6 seq., as amended; and

7 (E) any other statute or regulation enacted or  
8 adopted under or in relation to a law included in Paragraphs  
9 (A)-(D); or

10 (7) child support enforcement under Chapter 231,  
11 Family Code.

12 (b) Personal information obtained by an agency in  
13 connection with a motor vehicle record shall be disclosed for use in  
14 the normal course of the business of a recipient who obtains  
15 personal information for the purpose of processing, collating,  
16 organizing, and providing that personal information for a fee to  
17 others, but only if the recipient:

18 (1) requires those others to clearly establish their  
19 authority to obtain the personal information under this chapter;

20 (2) in writing informs those others of the limitations  
21 in this chapter on the subsequent use of the personal information;

22 (3) requires those others to agree in writing that any  
23 subsequent use of the personal information obtained from the  
24 authorized recipient will be in compliance with this chapter,  
25 including Section 730.013;

26 (4) requires each of those others to post a surety bond  
27 with the requestor, in the amount of \$5,000, conditioned and

1 payable to the State of Texas on the faithful performance of the  
2 written agreement under Subdivision (3);

3 (5) retains and makes available for inspection by the  
4 applicable agency for at least five years:

5 (A) the evidence or documents used under  
6 Subdivision (1) to establish another's authority to obtain the  
7 personal information and each writing required by Subdivision (2)  
8 or (3);

9 (B) the Internet IP addresses used by a person  
10 who establishes the person's authority over the Internet; and

11 (C) the Internet IP address and query of each  
12 search performed over the Internet; and

13 (6) is not ineligible to receive personal information  
14 under Section 730.016.

15 (c) An agency may not release an individual's social  
16 security number or an individual's medical or disability  
17 information under this section.

18 SECTION 2. Section 730.012, Transportation Code, is amended  
19 by amending Subsection (b) and adding Subsections (c) and (d) to  
20 read as follows:

21 (b) An agency may require the requestor to make or file a  
22 written application in the form and containing any reasonable  
23 certification requirement the agency may prescribe.

24 (c) The provisions of this chapter are exclusive and must be  
25 applied uniformly by an agency. An agency may not adopt or enforce  
26 a rule or policy that is inconsistent with this chapter or 18 U.S.C.  
27 Chapter 123.

1       (d) The office of the attorney general shall develop, in  
2 coordination with the agencies of this state that compile or  
3 maintain motor vehicle records, and distribute one or more model  
4 agreements to be used by all agencies in connection with the  
5 disclosure to requestors of personal information in motor vehicle  
6 records maintained by those agencies. A model agreement developed  
7 under this subsection supersedes a written application developed by  
8 an agency under Subsection (b).

9       SECTION 3. Chapter 730, Transportation Code, is amended by  
10 adding Section 730.0125 to read as follows:

11       Sec. 730.0125. SURETY BOND; OFFENSE. (a) This section  
12 applies only to a requestor of personal information who requests  
13 the information for a use described by Section 730.007(a)(2)(C).

14       (b) In addition to any other requirement imposed under this  
15 chapter, a requestor shall be required to post a surety bond with  
16 the agency from which the personal information is requested, in the  
17 amount of \$5,000, conditioned and payable to the State of Texas on  
18 the person's faithful performance of the terms and conditions for  
19 the release of personal information to the requestor.

20       (c) A person who knowingly violates the terms and conditions  
21 for the release of personal information to the requestor commits an  
22 offense. An offense under this subsection is a Class A misdemeanor.

23       SECTION 4. Section 730.015, Transportation Code, is amended  
24 by adding Subsections (c), (c-1), and (d) to read as follows:

25       (c) A person commits an offense if the person:

26               (1) requests personal information from an authorized  
27 recipient who obtained the information in compliance with Section

1 730.005(b); and

2 (2) misrepresents the requestor's identity or makes a  
3 false statement to the authorized recipient in connection with the  
4 request for personal information.

5 (c-1) A person commits an offense if the person knowingly  
6 provides personal information to another in violation of this  
7 chapter.

8 (d) An offense under Subsection (c) or (c-1) is a  
9 misdemeanor punishable by a fine not to exceed \$35,000.

10 SECTION 5. Section 730.016(a), Transportation Code, is  
11 amended to read as follows:

12 (a) A person who is convicted of an offense under this  
13 chapter, or who violates a rule adopted by an agency relating to the  
14 terms or conditions for a release of personal information to the  
15 person, is ineligible to receive personal information under Section  
16 730.005(b) or 730.007.

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