

By: Harper-Brown

H.B. No. 3672

Substitute the following for H.B. No. 3672:

By: Pickett

C.S.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; and

26 (4) retains and makes available for inspection by the
27 applicable agency for at least five years the evidence or documents

1 used under Subdivision (1) to establish another's authority to
2 obtain the personal information and each writing required by
3 Subdivision (2) or (3).

4 SECTION 2. Section 730.012, Transportation Code, is amended
5 by amending Subsection (b) and adding Subsection (c) to read as
6 follows:

7 (b) An agency may require the requestor to make or file a
8 written application in the form and containing any necessary and
9 reasonable certification requirement the agency may prescribe.

10 (c) The provisions of this chapter are exclusive and must be
11 applied uniformly by an agency. An agency may not adopt or enforce
12 a rule or policy that is inconsistent with this chapter.

13 SECTION 3. Section 730.015, Transportation Code, is amended
14 by adding Subsections (c) and (d) to read as follows:

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

16 (1) requests personal information from an authorized
17 recipient who obtained the information in compliance with Section
18 730.005(b); and

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

22 (d) An offense under Subsection (c) is a misdemeanor
23 punishable by a fine not to exceed \$25,000.

24 SECTION 4. This Act takes effect September 1, 2009.