

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 730.007(a), Transportation Code, is amended to read as follows:

(a) Personal information obtained by an agency in connection with a motor vehicle record may be disclosed to any requestor by an agency if the requestor:

(1) provides the requestor's name and address and any proof of that information required by the agency; and

(2) represents that the use of the personal information will be strictly limited to:

(A) use by:

(i) a government agency, including any court or law enforcement agency, in carrying out its functions; or

(ii) a private person or entity acting on behalf of a government agency in carrying out the functions of the agency;

(B) use in connection with a matter of:

(i) motor vehicle or motor vehicle operator safety;

(ii) motor vehicle theft;

(iii) motor vehicle product alterations,

1 recalls, or advisories;

2 (iv) performance monitoring of motor
3 vehicles, motor vehicle parts, or motor vehicle dealers;

4 (v) motor vehicle market research
5 activities, including survey research; or

6 (vi) removal of nonowner records from the
7 original owner records of motor vehicle manufacturers;

8 (C) use in the normal course of business by a
9 legitimate business or an authorized agent of the business, but
10 only:

11 (i) to verify the accuracy of personal
12 information submitted by the individual to the business or the
13 agent of the business; and

14 (ii) if the information is not correct, to
15 obtain the correct information, for the sole purpose of preventing
16 fraud by, pursuing a legal remedy against, or recovering on a debt
17 or security interest against the individual;

18 (C-1) use in the normal course of business by a
19 person who obtains personal information for the purpose of
20 processing, collating, organizing, and providing that personal
21 information for a fee to others, but only if the person:

22 (i) requires those others to clearly
23 establish their authority to obtain the personal information under
24 this section;

25 (ii) in writing informs those others of the
26 limitations in this chapter on the subsequent use of the personal
27 information;

1 (iii) requires those others to agree in
2 writing that any subsequent use of the personal information will be
3 in compliance with this chapter, including Section 730.013; and

4 (iv) retains and makes available for
5 inspection by the applicable agency for at least five years the
6 evidence or documents used under Subparagraph (i) to establish
7 another's authority to obtain the personal information and each
8 writing required by Subparagraph (ii) or (iii);

9 (D) use in conjunction with a civil, criminal,
10 administrative, or arbitral proceeding in any court or government
11 agency or before any self-regulatory body, including service of
12 process, investigation in anticipation of litigation, execution or
13 enforcement of a judgment or order, or under an order of any court;

14 (E) use in research or in producing statistical
15 reports, but only if the personal information is not published,
16 redisclosed, or used to contact any individual;

17 (F) use by an insurer or insurance support
18 organization, or by a self-insured entity, or an authorized agent
19 of the entity, in connection with claims investigation activities,
20 antifraud activities, rating, or underwriting;

21 (G) use in providing notice to an owner of a towed
22 or impounded vehicle;

23 (H) use by a licensed private investigator agency
24 or licensed security service for a purpose permitted under this
25 section;

26 (I) use by an employer or an agent or insurer of
27 the employer to obtain or verify information relating to a holder of

1 a commercial driver's license that is required under 49 U.S.C.
2 Chapter 313;

3 (J) use in connection with the operation of a
4 private toll transportation facility;

5 (K) use by a consumer reporting agency, as
6 defined by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et
7 seq.), for a purpose permitted under that Act; or

8 (L) use for any other purpose specifically
9 authorized by law that relates to the operation of a motor vehicle
10 or to public safety.

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

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

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

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

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

23 (1) requests personal information from a person who
24 obtained the information in compliance with Section 730.007(a); and

25 (2) misrepresents the requestor's identity or makes a
26 false statement to the person in connection with the request for
27 personal information.

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

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