

By: Anchia

H.B. No. 3453

A BILL TO BE ENTITLED

AN ACT

relating to the regulatory authority of the consumer credit commissioner.

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

SECTION 1. Section 14.2015, Finance Code, is amended to read as follows:

Sec. 14.2015. CONFIDENTIALITY OF CERTAIN INFORMATION. (a) Except as provided by Subsection (b), information or material obtained or compiled by the commissioner in relation to an examination or investigation by the commissioner or the commissioner's representative of a license holder, ~~or~~ registrant, applicant, or other person under Subtitle B or C, Title 4, or Chapter 394 is confidential and may not be disclosed by the commissioner or an officer or employee of the Office of Consumer Credit Commissioner, including:

(1) information obtained from a license holder, ~~or~~ registrant, applicant, or other person examined or investigated under Subtitle B or C, Title 4, or Chapter 394;

(2) work performed by the commissioner or the commissioner's representative on information obtained from a license holder, ~~or~~ registrant, applicant, or other person for the purposes of an examination or investigation conducted under Subtitle B or C, Title 4, or Chapter 394;

(3) a report on an examination or investigation of a

1 license holder, ~~[or]~~ registrant, applicant, or other person
2 conducted under Subtitle B or C, Title 4, or Chapter 394; and

3 (4) any written communications between the license
4 holder, ~~[or]~~ registrant, applicant, or other person, as applicable,
5 and the commissioner or the commissioner's representative relating
6 to or referencing an examination or investigation conducted under
7 Subtitle B or C, Title 4, or Chapter 394.

8 (b) The commissioner or the commissioner's representative
9 may disclose the confidential information or material described by
10 Subsection (a):

11 (1) to a department, agency, or instrumentality of
12 this state or the United States if the commissioner considers
13 disclosure to be necessary or proper to the enforcement of the laws
14 of this state or the United States and in the best interest of the
15 public;

16 (2) if the license holder, ~~[or]~~ registrant, applicant,
17 or other person consents to the release of the information or has
18 published the information contained in the release; or

19 (3) if the commissioner determines that release of the
20 information is required for an administrative hearing.

21 SECTION 2. Subchapter E, Chapter 14, Finance Code, is
22 amended by adding Section 14.2016 to read as follows:

23 Sec. 14.2016. INFORMATION SHARING WITH DEPARTMENTS AND
24 AGENCIES. To ensure consistent enforcement of law and minimization
25 of regulatory burdens, the commissioner may share information,
26 including criminal history or confidential information, relating
27 to a license holder, registrant, applicant, or other person

1 investigated or examined under the commissioner's authority with a
2 department, agency, or instrumentality of this state, another
3 state, or the United States if the commissioner considers the
4 disclosure of the information to be necessary or proper to the
5 enforcement of the laws of this state or the United States and in
6 the best interest of the public. Information otherwise confidential
7 remains confidential after the information is shared under this
8 section.

9 SECTION 3. Section 348.006, Finance Code, is amended by
10 adding Subsections (e-1), (e-2), and (e-3) to read as follows:

11 (e-1) Except as provided by Subsections (e-2) and (e-3), the
12 following information and documents are confidential and not
13 subject to disclosure:

14 (1) all information provided by a retail seller to the
15 commissioner under Subsection (e), including the maximum
16 documentary fee a retail seller intends to charge, the written
17 notice of an increased documentary fee, and any financial
18 information submitted with the notice; and

19 (2) all correspondence between a retail seller and the
20 commissioner or the commissioner's representative relating to the
21 notice of an increased documentary fee under Subsection (e) and a
22 review for reasonableness of the amount of the documentary fee to be
23 charged.

24 (e-2) The commissioner may disclose information or
25 documents that are confidential under Subsection (e-1) if:

26 (1) the commissioner determines that release of the
27 information or documents is required for an administrative hearing;

1 (2) the retail seller consents to the release of the
2 information or documents; or

3 (3) the disclosure is required by a court order.

4 (e-3) The commissioner or the commissioner's representative
5 may disclose whether a retail seller has filed written notice of an
6 increased documentary fee and the proposed amount of the increased
7 fee to:

8 (1) a holder that provides written proof, signed by
9 the retail seller, that the retail seller has agreed to assign or
10 transfer one or more retail installment contracts to the holder; or

11 (2) a prospective retail buyer that provides to the
12 commissioner:

13 (A) a buyer's order executed by the prospective
14 buyer and the retail seller;

15 (B) a draft of a retail installment contract
16 provided by the retail seller to the prospective buyer; or

17 (C) a written statement by the retail seller
18 acknowledging that the person is a prospective buyer of a motor
19 vehicle from the retail seller.

20 SECTION 4. Section 411.081(i), Government Code, as amended
21 by Chapters 183 (H.B. 1830), 780 (S.B. 1056), 816 (S.B. 1599), and
22 1027 (H.B. 4343), Acts of the 81st Legislature, Regular Session,
23 2009, is reenacted and amended to read as follows:

24 (i) A criminal justice agency may disclose criminal history
25 record information that is the subject of an order of nondisclosure
26 under Subsection (d) to the following noncriminal justice agencies
27 or entities only:

- 1 (1) the State Board for Educator Certification;
- 2 (2) a school district, charter school, private school,
- 3 regional education service center, commercial transportation
- 4 company, or education shared service arrangement;
- 5 (3) the Texas Medical Board;
- 6 (4) the Texas School for the Blind and Visually
- 7 Impaired;
- 8 (5) the Board of Law Examiners;
- 9 (6) the State Bar of Texas;
- 10 (7) a district court regarding a petition for name
- 11 change under Subchapter B, Chapter 45, Family Code;
- 12 (8) the Texas School for the Deaf;
- 13 (9) the Department of Family and Protective Services;
- 14 (10) the Texas Youth Commission;
- 15 (11) the Department of Assistive and Rehabilitative
- 16 Services;
- 17 (12) the Department of State Health Services, a local
- 18 mental health service, a local mental retardation authority, or a
- 19 community center providing services to persons with mental illness
- 20 or retardation;
- 21 (13) the Texas Private Security Board;
- 22 (14) a municipal or volunteer fire department;
- 23 (15) the Texas Board of Nursing;
- 24 (16) a safe house providing shelter to children in
- 25 harmful situations;
- 26 (17) a public or nonprofit hospital or hospital
- 27 district;

(18) the Texas Juvenile Probation Commission;

(19) the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, the consumer credit commissioner, or the credit union commissioner;

(20) the Texas State Board of Public Accountancy;

(21) the Texas Department of Licensing and Regulation;

(22) the Health and Human Services Commission;

(23) the Department of Aging and Disability Services;

(24) the Texas Education Agency; ~~and~~

(25) the Guardianship Certification Board; ~~and~~

(26) a county clerk's office in relation to a proceeding for the appointment of a guardian under Chapter XIII, Texas Probate Code;

(27) ~~[(25)]~~ the Department of Information Resources but only regarding an employee, applicant for employment, contractor, subcontractor, intern, or volunteer who provides network security services under Chapter 2059 to:

(A) the Department of Information Resources; or

(B) a contractor or subcontractor of the Department of Information Resources;

(28) ~~[(25)]~~ the Court Reporters Certification Board; and

(29) ~~[(25)]~~ the Texas Department of Insurance.

SECTION 5. Section 53.0211(a), Occupations Code, is amended to read as follows:

(a) This section does not apply to an applicant for a license that would allow the applicant to provide:

- 1 (1) law enforcement services;
- 2 (2) public health, education, or safety services; or
- 3 (3) financial services in an industry regulated by the
- 4 securities commissioner, the banking commissioner, the savings and
- 5 mortgage lending commissioner, the consumer credit commissioner,
- 6 or the credit union commissioner.

7 SECTION 6. The change in law made by this Act to Section
8 53.0211(a), Occupations Code, applies only to an application for a
9 license filed on or after the effective date of this Act. An
10 application for a license filed before the effective date of this
11 Act is governed by the law in effect on the date the application was
12 filed, and the former law is continued in effect for that purpose.

13 SECTION 7. To the extent of any conflict, this Act prevails
14 over another Act of the 82nd Legislature, Regular Session, 2011,
15 relating to nonsubstantive additions to and corrections in enacted
16 codes.

17 SECTION 8. This Act takes effect September 1, 2011.