

By: Anchia

H.B. No. 3453

Substitute the following for H.B. No. 3453:

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C.S.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;

- 1           (18) the Texas Juvenile Probation Commission;
- 2           (19) the securities commissioner, the banking  
3 commissioner, the savings and mortgage lending commissioner, the  
4 consumer credit commissioner, or the credit union commissioner;
- 5           (20) the Texas State Board of Public Accountancy;
- 6           (21) the Texas Department of Licensing and Regulation;
- 7           (22) the Health and Human Services Commission;
- 8           (23) the Department of Aging and Disability Services;
- 9           (24) the Texas Education Agency; [~~and~~]
- 10          (25) the Guardianship Certification Board; [~~and~~]
- 11          (26) a county clerk's office in relation to a  
12 proceeding for the appointment of a guardian under Chapter XIII,  
13 Texas Probate Code;
- 14          (27) [~~(25)~~] the Department of Information Resources  
15 but only regarding an employee, applicant for employment,  
16 contractor, subcontractor, intern, or volunteer who provides  
17 network security services under Chapter 2059 to:
- 18               (A) the Department of Information Resources; or
- 19               (B) a contractor or subcontractor of the  
20 Department of Information Resources;
- 21          (28) [~~(25)~~] the Court Reporters Certification Board;
- 22 and
- 23          (29) [~~(25)~~] the Texas Department of Insurance.

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

26          (a) This section does not apply to an applicant for a  
27 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.