

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 411.081(i), Government Code, as amended
10 by Chapters 183 (H.B. 1830), 780 (S.B. 1056), 816 (S.B. 1599), and
11 1027 (H.B. 4343), Acts of the 81st Legislature, Regular Session,
12 2009, is reenacted and amended to read as follows:

13 (i) A criminal justice agency may disclose criminal history
14 record information that is the subject of an order of nondisclosure
15 under Subsection (d) to the following noncriminal justice agencies
16 or entities only:

- 17 (1) the State Board for Educator Certification;
- 18 (2) a school district, charter school, private school,
19 regional education service center, commercial transportation
20 company, or education shared service arrangement;
- 21 (3) the Texas Medical Board;
- 22 (4) the Texas School for the Blind and Visually
23 Impaired;
- 24 (5) the Board of Law Examiners;
- 25 (6) the State Bar of Texas;
- 26 (7) a district court regarding a petition for name
27 change under Subchapter B, Chapter 45, Family Code;

- 1 (8) the Texas School for the Deaf;
- 2 (9) the Department of Family and Protective Services;
- 3 (10) the Texas Youth Commission;
- 4 (11) the Department of Assistive and Rehabilitative
- 5 Services;
- 6 (12) the Department of State Health Services, a local
- 7 mental health service, a local mental retardation authority, or a
- 8 community center providing services to persons with mental illness
- 9 or retardation;
- 10 (13) the Texas Private Security Board;
- 11 (14) a municipal or volunteer fire department;
- 12 (15) the Texas Board of Nursing;
- 13 (16) a safe house providing shelter to children in
- 14 harmful situations;
- 15 (17) a public or nonprofit hospital or hospital
- 16 district;
- 17 (18) the Texas Juvenile Probation Commission;
- 18 (19) the securities commissioner, the banking
- 19 commissioner, the savings and mortgage lending commissioner, the
- 20 consumer credit commissioner, or the credit union commissioner;
- 21 (20) the Texas State Board of Public Accountancy;
- 22 (21) the Texas Department of Licensing and Regulation;
- 23 (22) the Health and Human Services Commission;
- 24 (23) the Department of Aging and Disability Services;
- 25 (24) the Texas Education Agency; ~~and~~
- 26 (25) the Guardianship Certification Board; ~~and~~
- 27 (26) a county clerk's office in relation to a

1 proceeding for the appointment of a guardian under Chapter XIII,
2 Texas Probate Code;

3 (27) [~~(25)~~] the Department of Information Resources
4 but only regarding an employee, applicant for employment,
5 contractor, subcontractor, intern, or volunteer who provides
6 network security services under Chapter 2059 to:

7 (A) the Department of Information Resources; or

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

10 (28) [~~(25)~~] the Court Reporters Certification Board;
11 and

12 (29) [~~(25)~~] the Texas Department of Insurance.

13 SECTION 4. Section 53.0211(a), Occupations Code, is amended
14 to read as follows:

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

17 (1) law enforcement services;

18 (2) public health, education, or safety services; or

19 (3) financial services in an industry regulated by the
20 securities commissioner, the banking commissioner, the savings and
21 mortgage lending commissioner, the consumer credit commissioner,
22 or the credit union commissioner.

23 SECTION 5. The change in law made by this Act to Section
24 53.0211(a), Occupations Code, applies only to an application for a
25 license filed on or after the effective date of this Act. An
26 application for a license filed before the effective date of this
27 Act is governed by the law in effect on the date the application was

1 filed, and the former law is continued in effect for that purpose.

2 SECTION 6. To the extent of any conflict, this Act prevails
3 over another Act of the 82nd Legislature, Regular Session, 2011,
4 relating to nonsubstantive additions to and corrections in enacted
5 codes.

6 SECTION 7. This Act takes effect September 1, 2011.