

By: Deshotel

H.B. No. 346

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the electronic storage of personal identification
3 information obtained from driver's licenses or personal
4 identification certificates.

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

6 SECTION 1. Section 521.126, Transportation Code, is amended
7 by amending Subsection (e) and adding Subsection (1) to read as
8 follows:

9 (e) The prohibition provided by Subsection (b) [~~(b)(1)~~]
10 does not apply to a financial institution or a business that
11 accesses or uses electronically readable information or compiles or
12 maintains a database of that information if:

13 (1) the information is accessed and used [only] for
14 purposes of identification verification of an individual or check
15 verification at the point of sale for a purchase of a good or
16 service by check;

17 (2) the information is accessed and used as part of a
18 transaction initiated by the license or certificate holder to
19 provide information to a check services company or fraud prevention
20 services company governed by the Fair Credit Reporting Act (15
21 U.S.C. Section 1681 et seq.) for the purpose of effecting,
22 administering, or enforcing the transaction; or

23 (3) in the case of [The prohibition provided by
24 Subsection (b)(2) does not apply to] a financial institution, [if]

1 each license or certificate holder whose information is included in
2 the compilation or database consents to the inclusion of the
3 person's information in the compilation or database [~~Consent~~
4 ~~under this subsection must be~~] on a separate document, signed by the
5 license or certificate holder, that explains in at least 14-point
6 bold type the information that will be included in the compilation
7 or database. [~~For the purposes of this subsection, "financial~~
8 ~~institution" has the meaning assigned by 31 U.S.C. Section~~
9 ~~5312(a)(2), as amended.~~]

10 (1) For the purposes of this section, "financial
11 institution" has the meaning assigned by 31 U.S.C. Section
12 5312(a)(2).

13 SECTION 2. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2013.