

1-1 By: Deshotel (Senate Sponsor - Carona) H.B. No. 346
 1-2 (In the Senate - Received from the House May 1, 2013;
 1-3 May 2, 2013, read first time and referred to Committee on Business
 1-4 and Commerce; May 15, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 May 15, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 346 By: Carona

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the accessing and use of electronically readable
 1-22 personal identification information obtained from driver's
 1-23 licenses or personal identification certificates.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 521.126, Transportation Code, is amended
 1-26 by amending Subsections (b) and (e) and adding Subsection (l) to
 1-27 read as follows:

1-28 (b) Except as provided by Subsections (d), (e), (g), (i),
 1-29 and (j), and Section 501.101, Business & Commerce Code, a person
 1-30 commits an offense if the person:

1-31 (1) accesses or uses electronically readable
 1-32 information derived from a driver's license, commercial driver's
 1-33 license, or personal identification certificate; or

1-34 (2) compiles or maintains a database of electronically
 1-35 readable information derived from driver's licenses, commercial
 1-36 driver's licenses, or personal identification certificates.

1-37 (e) The prohibition provided by Subsection (b) ~~[(b)(1)]~~
 1-38 does not apply to a financial institution or a business that:

1-39 (1) accesses or uses electronically readable
 1-40 information [if the information is accessed and used only] for
 1-41 purposes of identification verification of an individual or check
 1-42 verification at the point of sale for a purchase of a good or
 1-43 service by check;

1-44 (2) accesses or uses electronically readable
 1-45 information as part of a transaction initiated by the license or
 1-46 certificate holder to provide information to a check services
 1-47 company or fraud prevention services company governed by the Fair
 1-48 Credit Reporting Act (15 U.S.C. Section 1681 et seq.) for the
 1-49 purpose of effecting, administering, or enforcing the transaction;

1-50 (3) is a check services company or a fraud prevention
 1-51 services company governed by the Fair Credit Reporting Act (15
 1-52 U.S.C. Section 1681 et seq.) that accesses or uses electronically
 1-53 readable information or compiles or maintains a database of that
 1-54 information for the purpose of effecting, administering, or
 1-55 enforcing the transaction; or

1-56 (4) is [. ~~The prohibition provided by Subsection~~
 1-57 ~~(b)(2) does not apply to] a financial institution that compiles or
 1-58 maintains a database of electronically readable information, if
 1-59 each license or certificate holder whose information is included in
 1-60 the compilation or database consents to the inclusion of the~~

2-1 person's information in the compilation or database [~~Consent~~
2-2 ~~under this subsection must be~~] on a separate document, signed by the
2-3 license or certificate holder, that explains in at least 14-point
2-4 bold type the information that will be included in the compilation
2-5 or database.

2-6 (1) For the purposes of this section [~~subsection~~],
2-7 "financial institution" has the meaning assigned by 31 U.S.C.
2-8 Section 5312(a)(2) [~~as amended~~].

2-9 SECTION 2. This Act takes effect immediately if it receives
2-10 a vote of two-thirds of all the members elected to each house, as
2-11 provided by Section 39, Article III, Texas Constitution. If this
2-12 Act does not receive the vote necessary for immediate effect, this
2-13 Act takes effect September 1, 2013.

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