

By: Laubenberg

H.J.R. No. 112

A JOINT RESOLUTION

1 proposing a constitutional amendment limiting the authority of the
2 state to collect, receive, or store certain consumer information.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article XVI, Texas Constitution, is amended by
5 adding Section 74 to read as follows:

6 Sec. 74. (a) In this section, "consumer-related
7 information" means information that relates to a sale or purchase
8 made or obligation incurred by an individual for personal, family,
9 or household purposes and that documents an individual's:

10 (1) personal or family income;

11 (2) outstanding debts;

12 (3) purchasing history; or

13 (4) creditworthiness.

14 (b) This state or an agency of this state may collect,
15 receive, or store, regardless of the method or source,
16 consumer-related information specific to an individual only if the
17 individual provides written authorization for the collection,
18 receipt, and storage of the information.

19 (c) For purposes of Subsection (b) of this section,
20 consumer-related information is specific to an individual if the
21 information is collected or received from the individual at the
22 same time as or stored with information that identifies the
23 individual by name, address, social security number, driver's
24 license or personal identification card number, or unique number

1 assigned to the individual by the person or entity collecting,
2 receiving, or storing the information.

3 (d) Information collected, received, or stored in violation
4 of this section may not be used or stored by this state or an agency
5 of this state for any purpose.

6 (e) This section does not apply to the collection of
7 information for a purpose relating to an investigation of a
8 violation of law or the enforcement of a law.

9 SECTION 2. This proposed constitutional amendment shall be
10 submitted to the voters at an election to be held November 5, 2013.
11 The ballot shall be printed to provide for voting for or against the
12 proposition: "The constitutional amendment providing that the
13 state must receive permission from an individual to collect,
14 receive, or store consumer-related information specific to the
15 individual in connection with a purchase or loan for personal,
16 family, or household purposes."