

By: Kolkhorst

S.B. No. 1208

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the disclosure of personal information contained in
3 motor vehicle records; creating a criminal offense; providing
4 penalties.

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

6 SECTION 1. The heading to Section 730.013, Transportation
7 Code, is amended to read as follows:

8 Sec. 730.013. [~~RESALE OR~~] REDISCLOSURE.

9 SECTION 2. Sections 730.013(a), (b), and (c),
10 Transportation Code, are amended to read as follows:

11 (a) An authorized recipient of personal information may not
12 [~~resell or~~] redisclose the personal information in the identical or
13 a substantially identical format the personal information was
14 disclosed to the recipient by the applicable agency.

15 (b) An authorized recipient of personal information may
16 [~~resell or~~] redisclose the information only for a use permitted
17 under Section 730.007.

18 (c) Any authorized recipient who [~~resells or~~] rediscloses
19 personal information obtained from an agency shall be required by
20 that agency to:

21 (1) maintain for a period of not less than five years
22 records as to any person or entity receiving that information and
23 the permitted use for which it was obtained; and

24 (2) provide copies of those records to the agency on

1 request.

2 SECTION 3. Chapter 730, Transportation Code, is amended by
3 adding Section 730.0135 to read as follows:

4 Sec. 730.0135. CERTAIN SALES PROHIBITED. (a)

5 Notwithstanding any other law, an agency may not sell personal
6 information about any person obtained by the agency in connection
7 with a motor vehicle record unless the agency has:

8 (1) obtained the written consent of the person who is
9 the subject of the information; and

10 (2) obtained and verified the identity of the
11 purchaser of the information.

12 (b) An authorized recipient of personal information may not
13 resell the personal information disclosed to the recipient by the
14 applicable agency. A person commits an offense if the person
15 violates this subsection. An offense under this subsection is a
16 misdemeanor punishable by a fine not to exceed \$25,000.

17 SECTION 4. (a) Section 730.013(c), Transportation Code, as
18 amended by this Act, does not affect an obligation to maintain
19 records imposed under that section before the effective date of
20 this Act. An obligation to maintain records imposed before the
21 effective date of this Act is governed by the law as it existed
22 immediately before the effective date of this Act, and that law is
23 continued in effect for that purpose.

24 (b) The change in law made by this Act applies only to an
25 offense committed on or after the effective date of this Act. An
26 offense committed before the effective date of this Act is governed
27 by the law in effect on the date the offense was committed, and the

1 former law is continued in effect for that purpose. For purposes of
2 this section, an offense was committed before the effective date of
3 this Act if any element of the offense occurred before that date.

4 SECTION 5. This Act takes effect September 1, 2015.