By:  Lambert, et al. (Senate Sponsor - Menéndez) H.B. No. 3510

(In the Senate - Received from the House May 3, 2021; May 10, 2021, read first time and referred to Committee on Business & Commerce; May 20, 2021, reported favorably by the following vote: Yeas 9, Nays 0; May 20, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton            X

Johnson              X

Menéndez             X

Paxton               X

Schwertner           X

Whitmire             X

A BILL TO BE ENTITLED

AN ACT

relating to work from remote locations by certain employees of certain entities licensed by the Office of Consumer Credit Commissioner.

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

SECTION 1.  Subchapter F, Chapter 341, Finance Code, is amended by adding Section 341.503 to read as follows:

Sec. 341.503.  WORK FROM REMOTE LOCATIONS. (a) Notwithstanding provisions of this subtitle that prohibit conducting business at an unlicensed location and except as provided by Subsection (b), a person licensed under this subtitle may allow an employee of the license holder to work from a remote location if the license holder:

(1)  ensures that in-person consumer interactions will be conducted at a licensed location;

(2)  maintains appropriate safeguards for license holder and consumer data, information, and records, including the use of secure virtual private networks where appropriate;

(3)  employs appropriate risk-based monitoring and oversight processes for work performed from a remote location and maintains records of those processes;

(4)  ensures that consumer information and records are not maintained at a remote location;

(5)  ensures that license holder and consumer information and records, including written procedures and training for work from remote locations authorized under this section, are accessible and available to the commissioner or the commissioner's representative on request;

(6)  provides appropriate employee training to:

(A)  keep all conversations about and with consumers conducted from a remote location confidential as if conducted from a licensed location; and

(B)  ensure that remote employees work in an environment conducive and appropriate to consumer privacy; and

(7)  adopts, maintains, and follows written procedures to ensure that:

(A)  the license holder and the license holder's employees comply with this section and applicable law; and

(B)  the employees do not perform an activity that would be prohibited at a licensed location.

(b)  This section applies to an employee of a person licensed under Chapter 348 or 353 only if the employee engages in making, servicing, holding, or collecting a retail installment transaction as defined by Section 348.001 or 353.001, as applicable.

(c)  The finance commission may adopt rules to implement this section.

SECTION 2.  This Act takes effect September 1, 2021.

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