

By: Meyer

H.B. No. 2396

A BILL TO BE ENTITLED

AN ACT

relating to the use of personal driver's license information disclosed by a state agency or political subdivision.

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

SECTION 1. Section 730.007(a), Transportation Code, is amended to read as follows:

(a) Personal information obtained by an agency in connection with a motor vehicle record may be disclosed to any requestor by an agency if the requestor:

(1) provides the requestor's name and address and any proof of that information required by the agency; and

(2) represents that the use of the personal information will be strictly limited to:

(A) use by:

(i) a government agency, including any court or law enforcement agency, in carrying out its functions; or

(ii) a private person or entity acting on behalf of a government agency in carrying out the functions of the agency;

(B) use in connection with a matter of:

(i) motor vehicle or motor vehicle operator safety;

(ii) motor vehicle theft;

(iii) motor vehicle product alterations,

1 recalls, or advisories;

2 (iv) performance monitoring of motor
3 vehicles, motor vehicle parts, or motor vehicle dealers; or

4 (v) [~~motor vehicle market research~~
5 ~~activities, including survey research, or~~

6 [~~(vi)~~] removal of nonowner records from the
7 original owner records of motor vehicle manufacturers;

8 (C) use in the normal course of business by a
9 legitimate business or an authorized agent of the business, but
10 only:

11 (i) to verify the accuracy of personal
12 information submitted by the individual to the business or the
13 agent of the business; and

14 (ii) if the information is not correct, to
15 obtain the correct information, for the sole purpose of preventing
16 fraud by, pursuing a legal remedy against, or recovering on a debt
17 or security interest against the individual;

18 (D) use in conjunction with a civil, criminal,
19 administrative, or arbitral proceeding in any court or government
20 agency or before any self-regulatory body, including service of
21 process, investigation in anticipation of litigation, execution or
22 enforcement of a judgment or order, or under an order of any court;

23 (E) use in research or in producing statistical
24 reports, but only if the personal information is not published,
25 redisclosed, or used to contact any individual;

26 (F) use by an insurer or insurance support
27 organization, or by a self-insured entity, or an authorized agent

1 of the entity, in connection with claims investigation activities,
2 antifraud activities, rating, or underwriting;

3 (G) use in providing notice to an owner of a towed
4 or impounded vehicle;

5 (H) use by a licensed private investigator agency
6 or licensed security service for a purpose permitted under this
7 section;

8 (I) use by an employer or an agent or insurer of
9 the employer to obtain or verify information relating to a holder of
10 a commercial driver's license that is required under 49 U.S.C.
11 Chapter 313;

12 (J) use in connection with the operation of a
13 private toll transportation facility;

14 (K) use by a consumer reporting agency, as
15 defined by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et
16 seq.), for a purpose permitted under that Act; or

17 (L) use for any other purpose specifically
18 authorized by law that relates to the operation of a motor vehicle
19 or to public safety.

20 SECTION 2. Section 730.013, Transportation Code, is amended
21 by adding Subsection (b-1) to read as follows:

22 (b-1) A person or entity who receives personal information
23 that pertains to a driver's license or permit from an authorized
24 recipient under this section may not use the personal information
25 for bulk distribution for surveys, marketing, or solicitations
26 regardless of whether that use would be permitted under Section
27 730.007.

1 SECTION 3. This Act takes effect September 1, 2021.