

1-1 By: Meyer (Senate Sponsor - Zaffirini) H.B. No. 3529  
 1-2 (In the Senate - Received from the House April 27, 2021;  
 1-3 May 3, 2021, read first time and referred to Committee on Business  
 1-4 & Commerce; May 10, 2021, reported favorably by the following vote:  
 1-5 Yeas 7, Nays 0; May 10, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7	X			
1-8	X			
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 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to consent for the use or possession of personal  
 1-20 identifying information under the Identity Theft Enforcement and  
 1-21 Protection Act.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 521.051, Business & Commerce Code, is  
 1-24 amended by amending Subsection (a) and adding Subsection (a-1) to  
 1-25 read as follows:

1-26 (a) A person may not obtain, possess, transfer, or use  
 1-27 personal identifying information of another person without the  
 1-28 other person's consent or effective consent and with intent to  
 1-29 obtain a good, a service, insurance, an extension of credit, or any  
 1-30 other thing of value in the other person's name.

1-31 (a-1) For purposes of this section, "effective consent"  
 1-32 includes consent given by a person legally authorized to act on  
 1-33 behalf of the person from whom consent is required. Consent is not  
 1-34 effective if:

- 1-35 (1) induced by force, threat, fraud, or coercion; or
- 1-36 (2) given by a person who by reason of youth, mental  
 1-37 illness, or intellectual disability is known by the actor to be  
 1-38 unable to make reasonable decisions.

1-39 SECTION 2. Section 521.051, Business & Commerce Code, as  
 1-40 amended by this Act, applies only to a violation that occurs on or  
 1-41 after the effective date of this Act. A violation occurs before the  
 1-42 effective date of this Act if any element of the violation occurs  
 1-43 before that date. A violation that occurs before the effective date  
 1-44 of this Act is governed by the law in effect on the date the  
 1-45 violation occurred, and the former law is continued in effect for  
 1-46 that purpose.

1-47 SECTION 3. This Act takes effect September 1, 2021.

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