international border and in which a municipality with a population of 600,000 or more is located.

(b) Each member of the board of trustees of an independent school district shall file a financial statement with:

(1) the board of trustees; and

(2) the commissioners court of the county in which the school district’s central administrative office is located.

(c) The provisions of Subchapter B, Chapter 572, Government Code, governing the contents, timeliness of filing, and public inspection of a statement apply to a statement filed under this section as if the trustee were a state officer and the commissioners court of the county were the Texas Ethics Commission.

(d) A trustee commits an offense if the trustee fails to file the statement required by this section. An offense under this section is a Class B misdemeanor.

(e) The commissioners court of the county shall determine from any available evidence whether a statement required to be filed under this section is late. On making a determination that the statement is late, the commissioners court shall immediately mail a notice of the determination to the individual responsible for filing the statement. If a statement is determined to be late, the individual responsible for filing the statement is liable to the county for a civil penalty of $500. If a statement is more than 30 days late, the commissioners court shall issue a warning of liability by registered mail to the individual responsible for the filing. If the penalty is not paid before the 10th day after the date on which the warning is received, the individual is liable for a civil penalty in an amount determined by the commissioners court, but not to exceed $10,000.

(f) A trustee is not required to file a statement under this section for financial activity occurring on or after January 1, 2018. This section expires January 1, 2019.

SECTION 3. (a) Section 11.0641, Education Code, as added by this Act, applies beginning January 1, 2015. A trustee is not required to include financial activity occurring before January 1, 2014, in a statement filed under that section.

(b) The change in law made by this Act applies only to an offense committed on or after January 1, 2014. For purposes of this section, an offense is committed before January 1, 2014, if any element of the offense occurs before that date.

(c) An offense committed before January 1, 2014, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

(d) The expiration of Section 11.0641, Education Code, as added by this Act, does not affect the prosecution of an offense under or the collection of a civil penalty for the violation of that section as it existed before it expired, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect January 1, 2014.

Passed by the House on May 2, 2013: Yeas 142, Nays 5, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 343 on May 21, 2013: Yeas 141, Nays 5, 2 present, not voting; passed by the Senate, with amendments, on May 17, 2013: Yeas 30, Nays 0.

Approved June 14, 2013.

Effective January 1, 2014.

CHAPTER 854

H.B. No. 346

AN ACT
relating to the accessing and use of electronically readable personal identification information obtained from driver’s licenses or personal identification certificates.

2201
Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 521.126, Transportation Code, is amended by amending Subsections (b) and (e) and adding Subsections (e-1) and (i) to read as follows:

(b) Except as provided by Subsections (d), (e), (e-1), (g), (i), and (j), and Section 501.101, Business & Commerce Code, a person commits an offense if the person:

(1) accesses or uses electronically readable information derived from a driver’s license, commercial driver’s license, or personal identification certificate; or

(2) compiles or maintains a database of electronically readable information derived from driver’s licenses, commercial driver’s licenses, or personal identification certificates.

(e) The prohibition provided by Subsection (b)(1) does not apply to a financial institution or a business that:

(1) accesses or uses electronically readable information [if the information is accessed and used only] for purposes of identification verification of an individual or check verification at the point of sale for a purchase of a good or service by check; or

(2) accesses or uses electronically readable information a driver’s license number or a name printed on a driver’s license as part of a transaction initiated by the license or certificate holder to provide information encrypted in a manner:

(A) consistent with PCI DSS Standard 3.4 to a check services company or fraud prevention services company governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.) for the purpose of effecting, administering, or enforcing the transaction; and

(B) that does not involve the sale, transfer, or other dissemination of a name or driver’s license number to a third party for any purpose, including any marketing, advertising, or promotional activities.

(e-1) The prohibition provided by Subsection (b) does not apply to:

(1) a check services company or a fraud prevention services company governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.) that, for the purpose of preventing fraud when effecting, administering, or enforcing the transaction:

(A) accesses or uses as electronically readable information a driver’s license number or a name printed on a driver’s license; or

(B) compiles or maintains a database of electronically readable driver’s license numbers or names printed on driver’s licenses and periodically removes the numbers or names from the database that are at least four years old; or

(2) [...]. The prohibition provided by Subsection (b)(2) does not apply to a financial institution that compiles or maintains a database of electronically readable information, if each license or certificate holder whose information is included in the compilation or database consents to the inclusion of the person’s information in the compilation or database. [...]. Consent under this subsection must be on a separate document, signed by the license or certificate holder, that explains in at least 14-point bold type the information that will be included in the compilation or database.

(1) For the purposes of this section [subsection], “financial institution” has the meaning assigned by 31 U.S.C. Section 5312(a)(2)[, as amended].

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on April 30, 2013: Yeas 141, Nays 2, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 346 on May 23, 2013: Yeas 143, Nays 3, 2 present, not voting; passed by the Senate, with amendments, on May 21, 2013: Yeas 24, Nays 7.

Approved June 14, 2013.

Effective June 14, 2013.