SECTION 9. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 10. This Act takes effect September 1, 2013.

Passed by the House on April 18, 2013: Yeas 141, Nays 2, 2 present, not voting; passed by the Senate on May 8, 2013: Yeas 30, Nays 0.

Approved May 18, 2013.

Effective September 1, 2013.

CHAPTER 64

S.B. No. 60

AN ACT
relating to authorizing the placement of a security freeze on the consumer file or other record created or maintained by a consumer reporting agency regarding a person under 16 years of age.

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

SECTION 1. Chapter 20, Business & Commerce Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. SECURITY FREEZE FOR CHILD

Sec. 20.21. DEFINITIONS. In this subchapter:

(1) “Protected consumer” means an individual who resides in this state and is younger than 16 years of age at the time a request for the placement of a security freeze is made.

(2) “Record,” with respect to a protected consumer, means a compilation of information identifying a protected consumer created by a consumer reporting agency solely to comply with this subchapter.

(3) “Representative” means a person who provides to a consumer reporting agency sufficient proof of authority to act on behalf of a protected consumer.

(4) “Security freeze,” with respect to a protected consumer, means:

(A) if a consumer reporting agency does not have a consumer file pertaining to the protected consumer, a restriction that:

(i) is placed on the protected consumer’s record in accordance with this subchapter; and

(ii) prohibits a consumer reporting agency from releasing a consumer report relating to the extension of credit involving the consumer’s record without the express authorization of the consumer’s representative or the consumer, as applicable; or

(B) if a consumer reporting agency has a consumer file pertaining to the protected consumer, a restriction that:

(i) is placed on the protected consumer’s consumer report in accordance with this subchapter; and

(ii) except as otherwise provided by this subchapter, prohibits a consumer reporting agency from releasing the protected consumer’s consumer report relating to the extension of credit involving that consumer file, or any information derived from the protected consumer’s consumer report.

Sec. 20.22. APPLICABILITY; CONFLICT OF LAW. (a) This subchapter does not apply to the use of a protected consumer’s consumer report or record by:

(1) a person administering a credit file monitoring subscription service to which:

(A) the protected consumer has subscribed; or
(B) the representative of the protected consumer has subscribed on behalf of the protected consumer;

(2) a person providing the protected consumer or the protected consumer’s representative with a copy of the protected consumer’s consumer report on request of the protected consumer or the protected consumer’s representative;

(3) a consumer reporting agency with respect to a database or file that consists entirely of information concerning, and is used solely for, one or more of the following:
   (A) criminal history record information;
   (B) personal loss history information;
   (C) fraud prevention or detection;
   (D) tenant screening; or
   (E) employment screening; or

(4) an entity described by Section 20.038(11), (12), or (13).

(b) To the extent of a conflict between a provision of this subchapter relating to a protected consumer and another provision of this chapter, this subchapter controls.

Sec. 20.23. PROOF OF AUTHORITY AND IDENTIFICATION. (a) Documentation that shows a person has authority to act on behalf of a protected consumer is considered sufficient proof of authority for purposes of this subchapter, including:

(1) an order issued by a court; or

(2) a written, notarized statement signed by a representative that expressly describes the authority of the representative to act on behalf of a protected consumer.

(b) Information or documentation that identifies a protected consumer or a representative of a protected consumer is considered sufficient proof of identity for purposes of this subchapter, including:

(1) a social security number or a copy of the social security card issued by the United States Social Security Administration;

(2) a certified or official copy of a birth certificate issued by the entity authorized to issue the birth certificate;

(3) a copy of a driver’s license or identification card issued by the Department of Public Safety; or

(4) any other government-issued identification.

Sec. 20.24. USE OF RECORD TO CONSIDER CREDITWORTHINESS OR FOR OTHER PURPOSES PROHIBITED. A protected consumer’s record may not be created or used to consider the protected consumer’s creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living for any purpose described by Section 20.01(4).

Sec. 20.25. REQUEST TO PLACE A SECURITY FREEZE; CREATION OF RECORD. (a) Except as provided by Subsection (b), a consumer reporting agency shall place a security freeze on a protected consumer’s consumer file if:

(1) the consumer reporting agency receives a request from the protected consumer’s representative for the placement of the security freeze as provided by this section; and

(2) the protected consumer’s representative:
   (A) submits the request to the consumer reporting agency at the address or other point of contact of and in the manner specified by the consumer reporting agency;
   (B) provides to the consumer reporting agency sufficient proof of identification of the protected consumer and the representative;
   (C) provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer; and
   (D) pays to the consumer reporting agency a fee as provided by Section 20.29.

(b) If a consumer reporting agency does not have a consumer file pertaining to a protected consumer when the consumer reporting agency receives a request under Subsection (a) and
if the requirements of Subsection (a) are met, the consumer reporting agency shall create a record for the protected consumer and place a security freeze on the protected consumer's record.

(c) The consumer reporting agency shall place the security freeze on the protected consumer's consumer file or record, as applicable, not later than the 30th day after receiving a request that meets the requirements of Subsection (a).

Sec. 20.26. RELEASE OF CONSUMER REPORT PROHIBITED. Unless a security freeze on a protected consumer's consumer file or record is removed under Section 20.28 or 20.30, a consumer reporting agency may not release any consumer report relating to the protected consumer, any information derived from the protected consumer's consumer report, or any record created for the protected consumer.

Sec. 20.27. PERIOD OF SECURITY FREEZE. A security freeze on a protected consumer's consumer file or record remains in effect until:

(1) the protected consumer or the protected consumer's representative requests that the consumer reporting agency remove the security freeze in accordance with Section 20.28; or

(2) a consumer reporting agency removes the security freeze under Section 20.30.

Sec. 20.28. REMOVAL OF SECURITY FREEZE. (a) A protected consumer or a protected consumer's representative may remove a security freeze on a protected consumer's consumer file or record if the protected consumer or representative:

(1) submits a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact of and in the manner specified by the consumer reporting agency;

(2) provides to the consumer reporting agency:

(A) in the case of a request by the protected consumer:

(i) sufficient proof of identification of the protected consumer; and

(ii) proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid; or

(B) in the case of a request by the representative of a protected consumer:

(i) sufficient proof of identification of the protected consumer and the representative; and

(ii) sufficient proof of authority to act on behalf of the protected consumer; and

(3) pays to the consumer reporting agency a fee as provided by Section 20.29.

(b) The consumer reporting agency shall remove the security freeze on the protected consumer's consumer file or record not later than the 30th day after the date the agency receives a request that meets the requirements of Subsection (a).

Sec. 20.29. FEES. (a) A consumer reporting agency may not charge a fee for any service performed under this subchapter other than a fee authorized by this section.

(b) Except as provided by Subsection (c), a consumer reporting agency may charge a reasonable fee in an amount not to exceed $10 for each placement or removal of a security freeze on the protected consumer's consumer file or record.

(c) A consumer reporting agency may not charge a fee for the placement of a security freeze under this subchapter if:

(1) the protected consumer's representative submits to the consumer reporting agency a copy of a valid police report, investigative report, or complaint involving the commission of an offense under Section 32.51, Penal Code; or

(2) at the time the protected consumer's representative makes the request for a security freeze:

(A) the protected consumer is under the age of 16; and

(B) the consumer reporting agency has created a consumer report pertaining to the protected consumer.

Sec. 20.30. EFFECT OF MATERIAL MISREPRESENTATION OF FACT. A consumer reporting agency may remove a security freeze on a protected consumer's consumer file or
record, or delete a record of a protected consumer, if the security freeze was placed or the
record was created based on a material misrepresentation of fact by the protected consumer
or the protected consumer's representative.

Sec. 20.31. REMEDY FOR VIOLATION. Notwithstanding Subchapter D or any other
law, the exclusive remedy for a violation of this subchapter is a suit filed by the attorney
general under Section 20.11.

SECTION 2. Sections 20.01, 20.02, 20.021, and 20.03, Business & Commerce Code, are
designated as Subchapter A, Chapter 20, Business & Commerce Code, and a heading is added
to that subchapter to read as follows:

SUBCHAPTER A. GENERAL REQUIREMENTS

and 20.039, Business & Commerce Code, are designated as Subchapter B, Chapter 20,
Business & Commerce Code, and a heading is added to that subchapter to read as follows:

SUBCHAPTER B. SECURITY ALERT AND SECURITY FREEZE

SECTION 4. Sections 20.04, 20.05, 20.06, and 20.07, Business & Commerce Code, are
designated as Subchapter C, Chapter 20, Business & Commerce Code, and a heading is added
to that subchapter to read as follows:

SUBCHAPTER C. RESTRICTIONS ON AND AUTHORITY OF
CONSUMERS AND CONSUMER REPORTING AGENCIES

SECTION 5. Sections 20.08, 20.09, 20.10, 20.11, 20.12, and 20.13, Business & Commerce
Code, are designated as Subchapter D, Chapter 20, Business & Commerce Code, and a
heading is added to that subchapter to read as follows:

SUBCHAPTER D. ENFORCEMENT

SECTION 6. This Act takes effect January 1, 2014.
Passed the Senate on March 13, 2013: Yea 31, Nays 0; passed the House on May 4,
2013: Yea 138, Nays 0, two present not voting.
Approved May 18, 2013.
Effective January 1, 2014.

CHAPTER 65

S.B. No. 120

AN ACT
relating to the creation of the Texas Tech University Health Sciences Center at El Paso as a component
institution of the Texas Tech University System.

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

SECTION 1. The heading to Chapter 110, Education Code, is amended to read as follows:

CHAPTER 110. TEXAS TECH UNIVERSITY HEALTH
SCIENCES INSTITUTIONS [CENTER]

SECTION 2. Sections 110.01 through 110.14, Education Code, and Section 110.16, Edu-
cation Code, are designated as Subchapter A, Chapter 110, Education Code, and a heading to
that subchapter is added to read as follows: