

BILL ANALYSIS

Senate Research Center

S.B. 1445
By: Averitt
Infrastructure Development and Security
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DIGEST AND PURPOSE

The USA Patriot Act, which is intended to help fight terrorist funding, requires financial institutions to have comprehensive customer identification programs in place. These programs include verifying the identity of all customers. There is commercially available equipment which reads the magnetic stripe on the license to determine whether it matches the information on the front of the license. As proposed, S.B. 1445 facilitates compliance with the USA Patriot Act and provides a penalty for compiling or maintaining a database of the electronically readable information from a driver's license, commercial driver's license, or personal identification certificate.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Section 521.126, Transportation Code, as follows:

- (a) Inserts the word "personal" before identification.
- (b) Provides that except as provided by Subsection (e), a person commits an offense if the person knowingly accesses or uses the electronically readable information from a driver's license, commercial driver's license, or personal identification certificate or compiles or maintains a database of the electronically readable information from a driver's license, commercial driver's license, or personal identification certificate. Deletes language requiring TxDOT to take necessary steps to ensure that the information is used for law enforcement or government purposes.
- (c) Provides that an offense under Subsection (b)(1) is a Class A misdemeanor.
- (d) Provides that an offense under Subsection (b)(2) is a state jail felony.
- (e) Provides that the prohibition provided Subsection (b) does not apply a financial institution, as defined by 31 USC Section 5312(a)(2), as amended.
- (f) Prohibits any person from using the information derived from the electronically readable information on the driver's license in order to engage in telephone solicitation for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2003.