

## **BILL ANALYSIS**

Senate Research Center  
87R8320 JXC-F

S.B. 15  
By: Nichols  
Transportation  
3/1/2021  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under the Driver's Privacy Protection Act, all states are required to set privacy protections for motor vehicle records. Governmental entities are selling, disclosing, and allowing resale of personal information attached to motor vehicle records to private entities. Personal information includes name, address, and driver's license number of the vehicle owner or lienholder, along with vehicle registration and title. S.B. 15 restricts disclosure of personal information to essential government agencies, and forbids personal information from redisclosure or resale to private entities such as marketing and technology companies.

As proposed, S.B. 15 amends current law relating to the Texas Consumer Privacy Act Phase I, creates criminal offenses, and increases the punishment for an existing criminal offense.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to an applicable agency in SECTION 7 (Section 730.0121, Transportation Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Provides that this Act may be cited as the Texas Consumer Privacy Act Phase I.

SECTION 2. Amends Section 521.0475(a), Transportation Code, as follows:

(a) Requires the Texas Department of Public Safety (DPS), except as provided by Subsection (b) (relating to a statement regarding the nonexistence of an abstract of a complete driving record), to provide a certified abstract of a complete driving record of a license holder, for a fee of \$20, to the license holder or a person eligible to receive the information under Sections 730.007(a)(2)(A), (B), and (E) (relating to disclosure of personal information obtained by an agency in connection with a motor vehicle record in certain circumstances), rather than Sections 730.007(a)(2)(A), (D), and (I) (relating to disclosure of personal information obtained by an agency in connection with a motor vehicle record in certain circumstances).

SECTION 3. Amends Section 730.003, Transportation Code, by adding Subdivision (1-a) and amending Subdivision (6), as follows:

(1-a) Defines "authorized recipient."

(6) Redefines "personal information" to include an individual's date of birth and email address. Deletes existing text relating to including a driver identification number and excluding a zip code.

SECTION 4. Amends Section 730.006, Transportation Code, as follows:

Sec. 730.006. REQUIRED DISCLOSURE WITH CONSENT. Requires that personal information obtained by an agency in connection with a motor vehicle record be disclosed to certain individuals, including a requestor who is the subject of the information. Makes nonsubstantive changes.

SECTION 5. Amends the heading to Section 730.007, Transportation Code, to read as follows:

Sec. 730.007. PERMITTED DISCLOSURES OF CERTAIN PERSONAL INFORMATION.

SECTION 6. Amends Sections 730.007(a) and (c), Transportation Code, as follows:

(a) Authorizes disclosure of personal information obtained by an agency in connection with a motor vehicle record to any requestor by an agency if the requestor provides certain information and represents that the use of the personal information will be strictly limited to certain uses, including use by the Texas Department of Motor Vehicles (TxDMV), DPS, the Texas Department of Transportation (TxDOT), a court, or a law enforcement agency, in carrying out its functions. Deletes existing text authorizing disclosure of personal information obtained by an agency in connection with a motor vehicle record to any requestor if the information will be used for certain purposes by a legitimate business or an authorized agent of the business, an insurer or insurance support organization, or a licensed private investigator agency or licensed security service. Makes conforming and nonsubstantive changes.

(c) Deletes existing text providing that Section 730.007 does not prohibit the disclosure of a person's photographic image to a county tax assessor-collector.

SECTION 7. Amends Chapter 730, Transportation Code, by adding Sections 730.0121, 730.0122, and 730.0123, as follows:

Sec. 730.0121. DELETION OF INFORMATION REQUIRED IF NOT AUTHORIZED RECIPIENT. Requires an agency by rule to require a requestor to delete from the requestor's records personal information received from the agency under Chapter 730 (Motor Vehicle Records Disclosure Act) if the requestor becomes aware that the requestor is not an authorized recipient of that information.

Sec. 730.0122. SALE PROHIBITED. (a) Prohibits a person from selling personal information obtained by an agency in connection with a motor vehicle record.

(b) Provides that a person commits a misdemeanor offense punishable by a fine not to exceed \$100,000 if the person violates Subsection (a).

Sec. 730.0123. CIVIL SUIT. (a) Provides that a person who sells personal information obtained by an agency in connection with a motor vehicle record is liable to the person who is the subject of the information for:

(1) actual damages;

(2) if the actual damages to the person are less than \$2,500, an additional amount so that the total amount of damages equals \$2,500; and

(3) court costs and reasonable attorney's fees incurred by the person who is the subject of the information in bringing the action.

(b) Authorizes a person whose personal information has been sold in violation of this section to sue for the damages, costs, and fees authorized under Subsection (a); injunctive relief; and any other equitable remedy determined to be appropriate by the court.

(c) Provides that a district court has exclusive original jurisdiction over a cause of action brought under this section.

SECTION 8. Amends Section 730.013, Transportation Code, as follows:

Sec. 730.013. New heading: REDISCLOSURE; OFFENSE. (a) Deletes existing text relating to resale by an authorized recipient of the personal information in the identical or a substantially identical format the personal information was disclosed to the recipient by the applicable agency.

(b) Deletes existing text authorizing an authorized recipient of personal information to resell the information only for a use permitted under Section 730.007.

(c) Deletes existing text requiring any authorized recipient who resells personal information obtained from an agency to take certain actions.

(c-1) Prohibits a person who receives personal information from an authorized recipient from redisclosing the personal information.

(c-2) Requires an authorized recipient to notify each person who receives personal information from the authorized recipient that the person is prohibited from redisclosing the personal information.

(d) Provides that a person who violates this section commits a misdemeanor offense punishable by a fine not to exceed \$100,000 per record of personal information that is a subject of the violation, rather than a fine not to exceed \$25,000.

SECTION 9. Amends the heading to Section 730.016, Transportation Code, to read as follows:

Sec. 730.016. INELIGIBILITY OF CERTAIN PERSONS TO RECEIVE, RETAIN, OR REDISCLOSE PERSONAL INFORMATION; OFFENSE.

SECTION 10. Amends Section 730.016, Transportation Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Provides that a person who is convicted of an offense under Chapter 730, or who violates a rule adopted by an agency relating to the terms or conditions for a release of personal information to the person:

(1) creates this subdivision from existing text and makes nonsubstantive changes;

(2) not later than one year after the date of conviction or of the agency's final determination of a rule violation, is required to delete from the person's records all personal information received under Chapter 730; and

(3) is prohibited from redisclosing personal information received under Chapter 730.

(c) Provides that a person who violates this section commits a misdemeanor offense punishable by a fine not to exceed \$100,000 per record of personal information that is subject of the violation.

SECTION 11. Makes application of this Act prospective.

SECTION 12. (a) Provides that Section 730.0121, Transportation Code, as added by this Act, applies to a person who received personal information under Chapter 730, Transportation Code, before the effective date of this Act, and is not an authorized recipient of that personal information under Chapter 730, Transportation Code, as amended by this Act.

(b) Prohibits an agency to which Section 730.0121, Transportation Code, as added by this Act, applies, notwithstanding Subsection (a) of this section, from requiring a person who received personal information from the agency before the effective date of this Act and is

not an authorized recipient, as defined by Section 730.003(1-a), Transportation Code, as added by this Act, of that information to delete the information before the first anniversary of the effective date of this Act.

SECTION 13. Effective date: upon passage or September 1, 2021.