

1-1 By: Rodriguez, et al. (Senate Sponsor - Ellis) H.B. No. 1053
1-2 (In the Senate - Received from the House May 6, 2003;
1-3 May 8, 2003, read first time and referred to Committee on State
1-4 Affairs; May 23, 2003, reported favorably, as amended, by the
1-5 following vote: Yeas 6, Nays 0; May 23, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Ellis

1-7 Amend HB 1053, SECTION 1, Sec. 145.001, Civil Practice and
1-8 Remedies Code, page 1, line 28, by adding new subsection (c) to read
1-9 as follows:

1-10 (c) This chapter does not apply to: (1) court records;
1-11 (2) public records.

1-12 A BILL TO BE ENTITLED
1-13 AN ACT

1-14 relating to the confidentiality of social security numbers in
1-15 certain circumstances.

1-16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-17 SECTION 1. Title 6, Civil Practice and Remedies Code, is
1-18 amended by adding Chapter 145 to read as follows:

1-19 CHAPTER 145. CONFIDENTIALITY OF SOCIAL SECURITY NUMBERS

1-20 Sec. 145.001. APPLICABILITY. (a) This chapter does not
1-21 apply to a governmental body, as defined by Section 552.003,
1-22 Government Code.

1-23 (b) This chapter does not apply to documents that are:

1-24 (1) required or permitted by state or federal law to be
1-25 recorded in public records; or

1-26 (2) required to be collected, used, or disclosed to
1-27 the public by state or federal law.

1-28 Sec. 145.002. PROHIBITED USES. (a) In this section,
1-29 "publicly display" means to intentionally communicate or otherwise
1-30 make available to the general public.

1-31 (b) A person may not:

1-32 (1) publicly display in any manner an individual's
1-33 social security number;

1-34 (2) require an individual to transmit a social
1-35 security number over the Internet, unless the connection is secure
1-36 or the social security number is encrypted;

1-37 (3) require an individual to use a social security
1-38 number to access an Internet website, unless a password or unique
1-39 personal identification number or other authentication device is
1-40 also required to access the website;

1-41 (4) print an individual's social security number on
1-42 any card required for the individual to have access to products or
1-43 services provided by the person; or

1-44 (5) print an individual's social security number on
1-45 any materials that are mailed to the individual, unless state or
1-46 federal law requires the social security number to be printed on the
1-47 document to be mailed.

1-48 (c) Subsection (b)(5) does not apply to applications or
1-49 forms sent by mail, including a document sent:

1-50 (1) as part of an application or enrollment process;

1-51 (2) to establish, amend, or terminate an account,
1-52 contract, or policy; or

1-53 (3) to confirm the accuracy of a social security
1-54 number.

1-55 Sec. 145.003. PERMITTED USES. (a) A person may collect,
1-56 use, or release a social security number for internal verification
1-57 or administrative purposes.

1-58 (b) A person who, before January 1, 2005, has used an
1-59 individual's social security number in a manner prohibited by
1-60 Section 145.002 may continue using that individual's social
1-61 security number in the same manner if:

1-62 (1) the use of the social security number is

2-1 continuous; and
2-2 (2) the person provides the individual with an annual
2-3 disclosure, beginning January 1, 2006, informing the individual of
2-4 the right to stop the use of the social security number in the
2-5 manner prohibited by Section 145.002.

2-6 (c) This chapter does not apply to:

2-7 (1) a person who collects, uses, or releases a social
2-8 security number if the person is required to collect, use, or
2-9 release the social security number by federal or state law,
2-10 including Chapter 552, Government Code; or

2-11 (2) an institution of higher education if the use of a
2-12 social security number by the institution is regulated by
2-13 Subchapter Z, Chapter 51, Education Code, or another provision of
2-14 the Education Code.

2-15 Sec. 145.004. DISCONTINUANCE OF USE ON REQUEST. (a) If a
2-16 person receives a written request from an individual directing the
2-17 person to stop using the individual's social security number in a
2-18 manner prohibited by Section 145.002, the person shall comply with
2-19 the request not later than the 30th day after the date the request
2-20 is received.

2-21 (b) The person may not impose a fee or charge for complying
2-22 with the request.

2-23 Sec. 145.005. DENIAL OF SERVICES PROHIBITED. A person may
2-24 not deny products or services to an individual because the
2-25 individual makes a written request to discontinue use under Section
2-26 145.004.

2-27 SECTION 2. (a) This Act takes effect January 1, 2005.

2-28 (b) An institution of higher education that is not subject
2-29 to the exemption prescribed by Section 145.003(c)(2), Civil
2-30 Practice and Remedies Code, as added by this Act, shall begin acting
2-31 in compliance with Chapter 145, Civil Practice and Remedies Code,
2-32 as added by this Act, on or before September 1, 2007.

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