BILL ANALYSIS

Senate Research Center   S.B. 1526
                                                                          By: Brimer
                                                               Business & Commerce
                                                                          4/5/2003
                                                                          As Filed

DIGEST AND PURPOSE

Currently, information contained in an application for a motor vehicle sales finance license issued by the Office of Consumer Credit Commissioner (CCC) is not confidential and could be subject to open records requests. The CCC may require, as part of an application for a license, that auto dealerships provide fingerprints of persons not involved in the direct sale or finance of vehicles. As proposed, S.B. 1526 provides that information contained in an application for license issued by the CCC or relating to a license holder is confidential and not public record. This bill also prohibits CCC from requiring fingerprints of a person who is not regularly and actively engaged in the conduct of motor vehicle sales finance, or suspending, revoking, or refusing to grant a license based on failure to produce fingerprints.

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. Amends Section 348.502, Finance Code, by adding Subsections (c) and (d), as follows:

> (c) Provides that information contained in an application or other information relating to a license holder or license applicant on file with the consumer credit commissioner (CCC) is not a public record, is confidential, and, except as required by court order, is not subject to public inspection under this or other law.

> (d) Prohibits the CCC, notwithstanding the terms of this code or other law, from requiring the production of fingerprints of a person who is not regularly and actively engaged in the conduct of the business of the applicant or license holder or from suspending revoking, or refusing to grant a license based on the failure of the applicant or license holder to produce the fingerprints of a person who is not regularly and actively engaged in the conduct of the business of the applicant or license holder.

SECTION 2. Effective date: September 1, 2003.