

Title 7. Banking and Securities
Part 5. Office of Consumer Credit Commissioner
Chapter 82. Administration

The Finance Commission of Texas (commission) adopts amendments to §82.2 (relating to Public Information Requests; Charges) in 7 TAC, Chapter 82, concerning Administration.

The commission adopts the amendments to §82.2 without changes to the proposed text as published in the May 6, 2022, issue of the *Texas Register* (47 TexReg 2635).

The commission received no official comments on the proposed amendments.

In general, the purpose of rule changes to 7 TAC Chapter 82 are to implement recent legislative amendments to Texas Transportation Code, Chapter 730, and to provide clarity to public information requestors about the agency's response to requests for motor vehicle records.

In 2021, the Texas Legislature enacted SB 15 (the Texas Consumer Privacy Act Phase I). SB 15 amended Texas Transportation Code, Chapter 730 (the Motor Vehicle Records Disclosure Act), which governs the disclosure of motor vehicle records by state agencies. In particular, SB 15 added new Texas Transportation Code, §730.0121, stating: "An agency by rule shall require a requestor to delete from the requestor's records personal information received from the agency under this chapter if the requestor becomes aware that the requestor is not an authorized recipient of that information."

The adopted amendments to §82.2 implement SB 15 and describe how the OCCC handles requests for motor vehicle

records. In subsection (a), amendments add definitions of "Motor vehicle record" and "Personal information in a motor vehicle record." These definitions are consistent with existing definitions in Texas Transportation Code, Chapter 730, and are intended to provide clarity to public information requestors. The amendments also add a new subsection (g) to §82.2 describing requests for motor vehicle records. The new subsection explains that personal information in a motor vehicle record may be disclosed only to an authorized person described by Texas Transportation Code, Chapter 730. The new subsection also requires a requestor who learns that the requestor is not an authorized recipient of personal information in a motor vehicle record to delete the information from the requestor's records. The new subsection ensures consistency with new Texas Transportation Code, §730.0121 (as added by SB 15).

The rule changes are adopted under Texas Transportation Code, §730.014 and §730.0121, which authorize state agencies to adopt rules to implement and administer requirements for the disclosure of motor vehicle records. In addition, Texas Government Code, §552.230 authorizes governmental bodies to adopt reasonable rules of procedure under which public information may be inspected and copied.

The statutory provisions affected by the adoption are contained in Texas Transportation Code, Chapter 730.

Chapter 82. Administration

§82.2. Public Information Requests; Charges

(a) Definitions. The following words and terms, when used in this section, will have the following meanings, unless the context clearly indicates otherwise.

(1) Agency or OCCC--The Office of Consumer Credit Commissioner of the State of Texas.

(2) Commissioner--The Consumer Credit Commissioner of the State of Texas.

(3) Motor vehicle record--Has the meaning provided by Texas Transportation Code, §730.003(4).

(4) Personal information in a motor vehicle record--Has the meaning provided by Texas Transportation Code, §730.003(6).

(5) [~~3~~] Public information request--A written request made for public information pursuant to Texas Government Code, Chapter 552 (the Texas Public Information Act). Another name for a "public information request" is an "open records request," and these terms may be used synonymously.

(6) [~~4~~] Readily available information--Public information that already exists in printed form, or information that is stored electronically, and is ready to be printed or copied without requiring any programming, but not information that is located in two or more separate buildings that are not physically connected with each other or information that is located in a remote storage facility as per Texas Government Code, §552.261.

(7) [~~5~~] Standard paper copy--A printed impression on one side of a piece of paper that measures up to 8 1/2 inches by 14

inches. A piece of paper that is printed on both sides will be counted as two copies.

(b) - (f) (No change.)

(g) Motor vehicle records.

(1) Generally. Requests for motor vehicle records are subject to Texas Transportation Code, Chapter 730 (the Motor Vehicle Records Disclosure Act).

(2) Disclosure of personal information in a motor vehicle record. Personal information in a motor vehicle record may be disclosed only to an authorized recipient. A requestor is an authorized recipient if the requestor is the subject of the information, has the consent of the person who is the subject of the information, or meets the criteria in Texas Transportation Code, §730.005 or §730.007.

(3) Unauthorized receipt of personal information in a motor vehicle record. If a requestor becomes aware that the requestor is not an authorized recipient of personal information in a motor vehicle record received from the OCCC, then the requestor must delete the information from the requestor's records, as provided by Texas Transportation Code, §730.0121.

Certification

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas on June 24, 2022.

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