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OPINION COMMITTEE

The Senate of The State of Texas

Senator Leticia Van de Putte, R. Ph.

January 17, 2005

District 26

The Honorable Greg Abbott
Attorney General
P.O. Box 308
Austin, Texas 78767

FILE # ML-44579-DL
I.D. # 44579

RQ-0435-GA

Dear Attorney General Abbott,

As the 79th Legislature was addressing the abuses of methamphetamine, we worked with members of the law enforcement community from around the state in crafting and sponsoring legislation which would give state authorities the ability to track retail purchases of products which could be used in the manufacture of methamphetamine. The legislation, H.B. 164, passed overwhelmingly and was signed into law by Governor Perry on June 15, 2005.

It has always been our intent that those retailers who have electronic purchase systems be encouraged to use them to record such purchases and produce copies for law enforcement. The advantages include, most importantly, the accuracy of data recorded, as well as the increased ability to maintain privacy of records and destroy outdated personal data as required by law.

Current Section 521.126 of the Texas Transportation Code provides a law enforcement exemption from the prohibition on electronic recording and storage of driver's license data. We believe that a retailer, electronically compiling the data base required by H.B.164, for use only by law enforcement, is also exempt from the prohibition.

We respectfully request that you issue an Attorney General's opinion clarifying that Section 521.126 allows retailers to electronically record and store the required personal data from the driver's licenses of the purchasers of those products covered under the program established in H.B. 164.

Thank you for your consideration. If we can be of any assistance, please let us know. We look forward to your reply.

Sincerely,


Sen Leticia Van de Putte


Sen Craig Estes