

AN ACT

relating to the authority of a port authority, a navigation district, or certain other persons to use electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate for port security purposes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 521.126, Transportation Code, is amended by amending Subsection (b) and adding Subsections (g) and (h) to read as follows:

(b) Except as provided by Subsections ~~[Subsection]~~ (d), (e), and (g), a person commits an offense if the person:

(1) accesses or uses electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate; or

(2) compiles or maintains a database of electronically readable information derived from driver's licenses, commercial driver's licenses, or personal identification certificates.

(g) If authorized by the executive or administrative head of a maritime facility as defined in the Maritime Transportation Security Act of 2002 (46 U.S.C. Section 70101 et seq.), or of a port, port authority, or navigation district created or operating under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, a person may access, use, compile, or maintain in a

1 database electronically readable information derived from a
2 driver's license, commercial driver's license, or personal
3 identification certificate to secure the facility or port. The
4 information may be used only to:

5 (1) identify an individual;
6 (2) provide official credentials for an individual;
7 (3) track or limit the movement of an individual on
8 facility property;

9 (4) establish a secure database of visitors to the
10 facility;

11 (5) access the information at terminal and gate
12 operations of the facility; or

13 (6) conduct other security or operational activities
14 as determined by the executive or administrative head.

15 (h) Except as provided by Section 418.183, Government Code,
16 the electronically readable information derived from a driver's
17 license, commercial driver's license, or personal identification
18 certificate for the purposes of Subsection (g) is confidential and
19 not subject to disclosure, inspection, or copying under Chapter
20 552, Government Code.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2005.

H.B. No. 1009

President of the Senate

Speaker of the House

I certify that H.B. No. 1009 was passed by the House on April 14, 2005, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1009 was passed by the Senate on May 17, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor