

1-1 By: Corte, et al. (Senate Sponsor - Gallegos) H.B. No. 1009  
1-2 (In the Senate - Received from the House April 18, 2005;  
1-3 April 19, 2005, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 6, 2005, reported  
1-5 favorably by the following vote: Yeas 7, Nays 0; May 6, 2005, sent  
1-6 to printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to the authority of a port authority, a navigation  
1-10 district, or certain other persons to use electronically readable  
1-11 information derived from a driver's license, commercial driver's  
1-12 license, or personal identification certificate for port security  
1-13 purposes.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 521.126, Transportation Code, is amended  
1-16 by amending Subsection (b) and adding Subsections (g) and (h) to  
1-17 read as follows:

1-18 (b) Except as provided by Subsections [~~Subsection~~] (d),  
1-19 (e), and (g), a person commits an offense if the person:

1-20 (1) accesses or uses electronically readable  
1-21 information derived from a driver's license, commercial driver's  
1-22 license, or personal identification certificate; or

1-23 (2) compiles or maintains a database of electronically  
1-24 readable information derived from driver's licenses, commercial  
1-25 driver's licenses, or personal identification certificates.

1-26 (g) If authorized by the executive or administrative head of  
1-27 a maritime facility as defined in the Maritime Transportation  
1-28 Security Act of 2002 (46 U.S.C. Section 70101 et seq.), or of a  
1-29 port, port authority, or navigation district created or operating  
1-30 under Section 52, Article III, or Section 59, Article XVI, Texas  
1-31 Constitution, a person may access, use, compile, or maintain in a  
1-32 database electronically readable information derived from a  
1-33 driver's license, commercial driver's license, or personal  
1-34 identification certificate to secure the facility or port. The  
1-35 information may be used only to:

1-36 (1) identify an individual;

1-37 (2) provide official credentials for an individual;

1-38 (3) track or limit the movement of an individual on  
1-39 facility property;

1-40 (4) establish a secure database of visitors to the  
1-41 facility;

1-42 (5) access the information at terminal and gate  
1-43 operations of the facility; or

1-44 (6) conduct other security or operational activities  
1-45 as determined by the executive or administrative head.

1-46 (h) Except as provided by Section 418.183, Government Code,  
1-47 the electronically readable information derived from a driver's  
1-48 license, commercial driver's license, or personal identification  
1-49 certificate for the purposes of Subsection (g) is confidential and  
1-50 not subject to disclosure, inspection, or copying under Chapter  
1-51 552, Government Code.

1-52 SECTION 2. This Act takes effect immediately if it receives  
1-53 a vote of two-thirds of all the members elected to each house, as  
1-54 provided by Section 39, Article III, Texas Constitution. If this  
1-55 Act does not receive the vote necessary for immediate effect, this  
1-56 Act takes effect September 1, 2005.

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