

1-1 By: Parker, et al. (Senate Sponsor - Harris) H.B. No. 1060  
1-2 (In the Senate - Received from the House March 29, 2007;  
1-3 April 3, 2007, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 3, 2007, reported  
1-5 adversely, with favorable Committee Substitute by the following  
1-6 vote: Yeas 6, Nays 0; May 3, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1060 By: Brimer

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the use of electronically readable information from a  
1-11 driver's license or personal identification certificate by  
1-12 hospitals.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 521.126, Transportation Code, is amended  
1-15 by amending Subsection (b) and adding Subsections (i), (j), and (k)  
1-16 to read as follows:

1-17 (b) Except as provided by Subsections (d), (e), ~~and~~ (g),  
1-18 (i), and (j), a person commits an offense if the person:

1-19 (1) accesses or uses electronically readable  
1-20 information derived from a driver's license, commercial driver's  
1-21 license, or personal identification certificate; or

1-22 (2) compiles or maintains a database of electronically  
1-23 readable information derived from driver's licenses, commercial  
1-24 driver's licenses, or personal identification certificates.

1-25 (i) The prohibition provided by Subsection (b) does not  
1-26 apply to a hospital that accesses, uses, compiles, or maintains a  
1-27 database of the information to provide health care services to the  
1-28 individual who holds the driver's license, commercial driver's  
1-29 license, or personal identification certificate.

1-30 (j) Except as otherwise provided by this subsection, a  
1-31 hospital may not sell, transfer, or otherwise disseminate the  
1-32 information described by Subsection (i) to a third party for any  
1-33 purpose, including any marketing, advertising, or promotional  
1-34 activities. A hospital that obtains information described by  
1-35 Subsection (i) may transfer the information only to a person with  
1-36 whom the hospital has entered into a business associate contract in  
1-37 accordance with the rules implementing the federal Health Insurance  
1-38 Portability and Accountability Act of 1996 (Pub. L. No. 104-191).  
1-39 The business associate, and any subcontractor of the business  
1-40 associate who receives the transferred information, may use the  
1-41 information only to service or maintain the hospital's database of  
1-42 the information.

1-43 (k) If an individual objects to the hospital collecting the  
1-44 individual's information from the individual's driver's license as  
1-45 described by Subsection (i), the hospital must use an alternative  
1-46 method for collecting the individual's information.

1-47 SECTION 2. This Act takes effect September 1, 2007.

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