

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Parker, McClendon, Zerwas, et al.

H.B. No. 1060

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the use of electronically readable information from a  
3 driver's license or personal identification certificate by certain  
4 health care providers and hospitals.

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

6 SECTION 1. Section 521.126, Transportation Code, is amended  
7 by amending Subsection (b) and adding Subsection (i) to read as  
8 follows:

9 (b) Except as provided by Subsections (d), (e), ~~and~~ (g),  
10 and (i), a person commits an offense if the person:

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

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

17 (i) The prohibition provided by Subsection (b)(1) does not  
18 apply to a hospital that accesses or uses the information that is  
19 printed on the license or personal identification certificate to  
20 complete a form that is required to provide health care services to  
21 the individual who holds the driver's license, commercial driver's  
22 license, or personal identification certificate.

23 SECTION 2. This Act takes effect September 1, 2007.

ADOPTED

MAY 15 2007

*Atay Spaw*  
Secretary of the Senate

By: Parker/Harris

H.B. No. 1060

Substitute the following for H.B. No. 1060:

By: Brimer

C.S. H.B. No. 1060

A BILL TO BE ENTITLED

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AN ACT

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relating to the use of electronically readable information from a  
3 driver's license or personal identification certificate by  
4 hospitals.

5

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

6

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

9

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

11

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

14

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

17

(i) The prohibition provided by Subsection (b) does not  
18 apply to a hospital that accesses, uses, compiles, or maintains a  
19 database of the information to provide health care services to the  
20 individual who holds the driver's license, commercial driver's  
21 license, or personal identification certificate.

22

(j) Except as otherwise provided by this subsection, a  
23 hospital may not sell, transfer, or otherwise disseminate the  
24 information described by Subsection (i) to a third party for any

1 purpose, including any marketing, advertising, or promotional  
2 activities. A hospital that obtains information described by  
3 Subsection (i) may transfer the information only to a person with  
4 whom the hospital has entered into a business associate contract in  
5 accordance with the rules implementing the federal Health Insurance  
6 Portability and Accountability Act of 1996 (Pub. L. No. 104-191).  
7 The business associate, and any subcontractor of the business  
8 associate who receives the transferred information, may use the  
9 information only to service or maintain the hospital's database of  
10 the information.

11 (k) If an individual objects to the hospital collecting the  
12 individual's information from the individual's driver's license as  
13 described by Subsection (i), the hospital must use an alternative  
14 method for collecting the individual's information.

15 SECTION 2. This Act takes effect September 1, 2007.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 2, 2007**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1060** by Parker (Relating to the use of electronically readable information from a driver's license or personal identification certificate by hospitals.), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KJG, DB

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 27, 2007**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1060** by Parker (Relating to the use of electronically readable information from a driver's license or personal identification certificate by certain health care providers and hospitals.),  
**As Engrossed**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KJG, DB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 13, 2007**

**TO:** Honorable Mike Krusee, Chair, House Committee on Transportation

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB1060** by Parker (Relating to the use of electronically readable information from a driver's license or personal identification certificate by certain health care providers and hospitals.),  
**Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KJG, DB

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**February 23, 2007**

**TO:** Honorable Mike Krusee, Chair, House Committee on Transportation

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1060** by Parker (Relating to the use of electronically readable information from a driver's license or personal identification certificate by certain health care providers and hospitals.),  
**As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KJG, DB