

House Bill 1060
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(b) Except as provided by Subsections (d), (e), ~~[and]~~ (g), and (i), 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.

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

SENATE VERSION

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

(b) Except as provided by Subsections (d), (e), ~~[and]~~ (g), (i), and (j), 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.

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

(j) Except as otherwise provided by this subsection, a hospital may not sell, transfer, or otherwise disseminate the information described by Subsection (i) to a third party for any purpose, including any marketing, advertising, or promotional activities. A hospital that obtains information described by Subsection (i) may transfer the information only to a person with whom the hospital has entered into a business associate contract in accordance with the rules implementing the federal Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191). The business associate, and

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any subcontractor of the business associate who receives the transferred information, may use the information only to service or maintain the hospital's database of the information.

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

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

Same as House version.