

## **BILL ANALYSIS**

Senate Research Center  
79R1794 JRJ-D

H.B. 1009  
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Transportation & Homeland Security  
4/26/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Provisions included in the United States Transportation Security Act of 2002, the International Maritime Organization's International Ship and Port-Facility Code (ISPS), and federal regulations require all ports to control access and maintain an account of who is on their property. Violation of either the act or code could result in fines or immediate shut down of the port by the United States Coast Guard.

Texas ports have a number of employees, truckers, laborers, vendors, stevedores, and other maritime professionals who come to work at the port everyday. The ports also get many first-time visitors who come to visit or conduct business infrequently. To efficiently manage and track these first time or infrequent visitors without disrupting port operations, a system is needed that is quick, accurate, and secure.

H.B. 1009 allows Texas port authorities to access the information on the magnetic strips on the back of driver's licenses and to use them to provide a temporary pass to a visitor and to monitor the movement of those individuals within port facilities. The bill provides that the is data confidential and its release to unauthorized persons is subject to criminal prosecution.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

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

(b) Creates exceptions to this subsection, as provided by Subsections (e) and (g).

(g) Authorizes a person to access, use, compile, or maintain in a database electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate to secure the facility or port, 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 (Counties, Cities, or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds) or section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Texas Constitution. Authorizes the information to be used only for certain purposes.

(h) Provides that except as provided by Section 418.183, Government Code, the electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate for the purposes of Subsection (g) is confidential and not subject to disclosure, inspection, or copying under Chapter 552 (Public Information), Government Code.

SECTION 2. Effective date: upon passage or September 1, 2005.