

1-1 By: Johnson, Paxton S.B. No. 858
 1-2 (In the Senate - Filed February 26, 2021; March 11, 2021,
 1-3 read first time and referred to Committee on Transportation;
 1-4 April 9, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 9, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 858 By: Seliger

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the disclosure of information collected by a
 1-22 metropolitan rapid transit authority, regional transportation
 1-23 authority, municipal transit department, or coordinated county
 1-24 transportation authority under the public information law.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 451.061, Transportation Code, is amended
 1-27 by amending Subsection (f) and adding Subsection (g) to read as
 1-28 follows:

1-29 (f) Except as provided by Subsection (g), personal
 1-30 ~~Personal~~ identifying information collected by an authority is
 1-31 confidential and not subject to disclosure under Chapter 552,
 1-32 Government Code, including a person's:

1-33 (1) name, address, e-mail address, and phone number;

1-34 (2) account number, password, payment transaction
 1-35 activity, toll or charge record, or credit, debit, or other payment
 1-36 card number; ~~and~~

1-37 (3) trip data, including the time, date, origin, and
 1-38 destination of a trip, and demographic information collected when
 1-39 the person purchases a ticket or schedules a trip; and

1-40 (4) other personal ~~financial~~ information, including
 1-41 financial information.

1-42 (g) Personal identifying information described by
 1-43 Subsection (f)(3) may be disclosed to a governmental agency or
 1-44 institution of higher education, as defined by Section 61.003,
 1-45 Education Code, by an authority if the requestor confirms in
 1-46 writing that the use of the information will be strictly limited to
 1-47 use in research or in producing statistical reports, but only if the
 1-48 information is not published, redisclosed, sold, or used to contact
 1-49 any individual.

1-50 SECTION 2. Section 452.061, Transportation Code, is amended
 1-51 by amending Subsection (e) and adding Subsection (f) to read as
 1-52 follows:

1-53 (e) Except as provided by Subsection (f), personal
 1-54 ~~Personal~~ identifying information collected by an authority is
 1-55 confidential and not subject to disclosure under Chapter 552,
 1-56 Government Code, including a person's:

1-57 (1) name, address, e-mail address, and phone number;

1-58 (2) account number, password, payment transaction
 1-59 activity, toll or charge record, or credit, debit, or other payment
 1-60 card number; ~~and~~

2-1 (3) trip data, including the time, date, origin, and
 2-2 destination of a trip, and demographic information collected when
 2-3 the person purchases a ticket or schedules a trip; and

2-4 (4) other personal [~~financial~~] information, including
 2-5 financial information.

2-6 (f) Personal identifying information described by
 2-7 Subsection (e)(3) may be disclosed to a governmental agency or
 2-8 institution of higher education, as defined by Section 61.003,
 2-9 Education Code, by an authority if the requestor confirms in
 2-10 writing that the use of the information will be strictly limited to
 2-11 use in research or in producing statistical reports, but only if the
 2-12 information is not published, redisclosed, sold, or used to contact
 2-13 any individual.

2-14 SECTION 3. Section 453.104, Transportation Code, is amended
 2-15 to read as follows:

2-16 Sec. 453.104. FARES AND OTHER CHARGES. (a) The board shall,
 2-17 after a public hearing, impose reasonable and nondiscriminatory
 2-18 fares, tolls, charges, rents, or other compensation for the use of
 2-19 the transit department system sufficient to produce revenue,
 2-20 together with receipts from taxes imposed by the transit
 2-21 department, in an amount adequate to:

2-22 (1) pay all the expenses necessary to operate and
 2-23 maintain the transit department system;

2-24 (2) pay when due the principal of and interest on, and
 2-25 sinking fund and reserve fund payments agreed to be made with
 2-26 respect to, all bonds that are issued by the board and payable in
 2-27 whole or part from the revenue; and

2-28 (3) fulfill the terms of any other agreement with the
 2-29 holders of bonds described by Subdivision (2) or with a person
 2-30 acting on behalf of the bondholders.

2-31 (b) Except as provided by Subsection (c), personal
 2-32 identifying information collected by a transit department is
 2-33 confidential and not subject to disclosure under Chapter 552,
 2-34 Government Code, including a person's:

2-35 (1) name, address, e-mail address, and phone number;

2-36 (2) account number, password, payment transaction
 2-37 activity, toll or charge record, or credit, debit, or other payment
 2-38 card number;

2-39 (3) trip data, including the time, date, origin, and
 2-40 destination of a trip, and demographic information collected when
 2-41 the person purchases a ticket or schedules a trip; and

2-42 (4) other personal information, including financial
 2-43 information.

2-44 (c) Personal identifying information described by
 2-45 Subsection (b)(3) may be disclosed to a governmental agency or
 2-46 institution of higher education, as defined by Section 61.003,
 2-47 Education Code, by a transit department if the requestor confirms
 2-48 in writing that the use of the information will be strictly limited
 2-49 to use in research or in producing statistical reports, but only if
 2-50 the information is not published, redisclosed, sold, or used to
 2-51 contact any individual.

2-52 SECTION 4. Section 460.109, Transportation Code, is amended
 2-53 by amending Subsection (e) and adding Subsection (f) to read as
 2-54 follows:

2-55 (e) Except as provided by Subsection (f), personal
 2-56 [~~Personal~~] identifying information collected by an authority is
 2-57 confidential and not subject to disclosure under Chapter 552,
 2-58 Government Code, including a person's:

2-59 (1) name, address, e-mail address, and phone number;

2-60 (2) account number, password, payment transaction
 2-61 activity, toll or charge record, or credit, debit, or other payment
 2-62 card number; [~~and~~]

2-63 (3) trip data, including the time, date, origin, and
 2-64 destination of a trip, and demographic information collected when
 2-65 the person purchases a ticket or schedules a trip; and

2-66 (4) other personal [~~financial~~] information, including
 2-67 financial information.

2-68 (f) Personal identifying information described by
 2-69 Subsection (e)(3) may be disclosed to a governmental agency or

3-1 institution of higher education, as defined by Section 61.003,
3-2 Education Code, by an authority if the requestor confirms in
3-3 writing that the use of the information will be strictly limited to
3-4 use in research or in producing statistical reports, but only if the
3-5 information is not published, redisclosed, sold, or used to contact
3-6 any individual.

3-7 SECTION 5. The changes in law made by this Act apply only to
3-8 a request for information that is received by a regional
3-9 transportation authority, metropolitan rapid transit authority,
3-10 municipal transit department, or coordinated county transportation
3-11 authority on or after the effective date of this Act. A request for
3-12 information that was received before the effective date of this Act
3-13 is governed by the law in effect on the date the request was
3-14 received, and the former law is continued in effect for that
3-15 purpose.

3-16 SECTION 6. This Act takes effect immediately if it receives
3-17 a vote of two-thirds of all the members elected to each house, as
3-18 provided by Section 39, Article III, Texas Constitution. If this
3-19 Act does not receive the vote necessary for immediate effect, this
3-20 Act takes effect September 1, 2021.

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