

BILL ANALYSIS

Senate Research Center
86R4224 SLB-D

H.B. 547
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Water & Rural Affairs
4/23/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas law requires the carrying of a physical copy of a hunting and fishing license. Interested parties claim that Texas game wardens often allow Texans to show a picture of their receipt or license as proof of their valid licensure. H.B. 547 aims to change Texas law to reflect the ability of Texans to show their license digitally on their phone.

H.B. 547 amends current law relating to verification of hunting and fishing license information.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Parks and Wildlife Commission is modified in SECTION 1 (Section 42.006, Parks and Wildlife Code), SECTION 2 (Section 46.0085, Parks and Wildlife Code), and SECTION 3 (Section 50.004, Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.006, Parks and Wildlife Code, as follows:

Sec. 42.006. New heading: POSSESSION OF LICENSE; RULES. (a) Creates this subsection from existing text and makes no further changes to it.

(b) Requires rules adopted under Subsection (a) to allow for a person to present for the purpose of verification of possession a hunting license as an image displayed on a wireless communication device. Authorizes the image displayed to be either an image of information from the Internet website of the Texas Parks and Wildlife Department (TPWD) or a photograph of a hunting license.

(c) Provides that the display of an image that includes hunting license information on a wireless communication device under this section does not constitute effective consent for a law enforcement officer, or any other person, to access the contents of the wireless communication device except to view the hunting license information.

(d) Provides that the authorization of the use of a wireless communication device to display hunting license information under Subsection (b) does not prevent a court of competent jurisdiction from requiring a person to provide a paper copy of the person's hunting license in a hearing or trial or in connection with discovery proceedings.

(e) Prohibits a telecommunications provider, as defined by Section 51.002 (Definitions), Utilities Code, from being held liable to the holder of a hunting license for the failure of a wireless communication device to display hunting license information under Subsection (b).

SECTION 2. Amends Section 46.0085, Parks and Wildlife Code, by adding Subsections (d), (e), (f), and (g), as follows:

(d) Requires rules adopted under Subsection (a) (relating to TPWD's issuance of a general fishing license) to allow for a person to present for the purpose of verification of possession a fishing license as an image displayed on a wireless communication device. Authorizes the image displayed to be either an image of information from the Internet website of TPWD or a photograph of a fishing license.

(e) Provides that the display of an image that includes fishing license information on a wireless communication device under this section (Form and Issuance of Licenses and Tags) does not constitute effective consent for a law enforcement officer, or any other person, to access the contents of the wireless communication device except to view the fishing license information.

(f) Provides that the authorization of the use of a wireless communication device to display fishing license information under Subsection (d) does not prevent a court of competent jurisdiction from requiring a person to provide a paper copy of the person's fishing license in a hearing or trial or in connection with discovery proceedings.

(g) Prohibits a telecommunications provider, as defined by Section 51.002, Utilities Code, from being held liable to the holder of a fishing license for the failure of a wireless communication device to display fishing license information under Subsection (d).

SECTION 3. Amends Section 50.004, Parks and Wildlife Code, by adding Subsections (c), (d), (e), and (f), as follows:

(c) Requires rules adopted under Subsection (a) (relating to TPWD's issuance of a combination hunting and fishing license) to allow for a person to present for the purpose of verification of possession a combination hunting and fishing license as an image displayed on a wireless communication device. Authorizes the image displayed to be either an image of information from the Internet website of TPWD or a photograph of a combination hunting and fishing license.

(d) Provides that the display of an image that includes combination hunting and fishing license information on a wireless communication device under this section (Form; Duplicate License) does not constitute effective consent for a law enforcement officer, or any other person, to access the contents of the wireless communication device except to view the combination hunting and fishing license information.

(e) Provides that the authorization of the use of a wireless communication device to display combination hunting and fishing license information under Subsection (c) does not prevent a court of competent jurisdiction from requiring a person to provide a paper copy of the person's combination hunting and fishing license in a hearing or trial or in connection with discovery proceedings.

(f) Prohibits a telecommunications provider, as defined by Section 51.002, Utilities Code, from being held liable to the holder of a combination hunting and fishing license for the failure of a wireless communication device to display combination hunting and fishing license information under Subsection (c).

SECTION 4. Effective date: September 1, 2019.