

By: Van de Putte

S.B. No. 1417

A BILL TO BE ENTITLED

AN ACT

relating to change of name and vital statistics information based on gender reassignment.

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

SECTION 1. Section 45.101, Family Code, is amended to read as follows:

Sec. 45.101. WHO MAY FILE; VENUE. An adult, regardless of nationality or place of origin or birth, may file a petition requesting a change of name in the county of the adult's place of residence.

SECTION 2. Subsection (a), Section 45.106, Family Code, is amended to read as follows:

(a) A person whose name is changed under Section 6.706, ~~[or]~~ 45.105, or 45.107, may apply to the clerk of the court ordering the name change for a change of name certificate.

SECTION 3. Subchapter B, Chapter 45, Family Code, is amended by adding Section 45.107 to read as follows:

Sec. 45.107. CHANGE OF NAME AND VITAL STATISTICS INFORMATION BASED ON GENDER REASSIGNMENT. (a) Notwithstanding Section 45.103(a), the court shall order a name change under this subchapter for a person other than a person with a final felony conviction if the person's completed petition is accompanied by:

(1) a notarized affidavit executed by a licensed mental health professional attesting that the person identifies as

1 a gender other than the gender indicated on the person's driver's
2 license, birth certificate, or other official document and is
3 seeking gender reassignment surgery; and

4 (2) a notarized affidavit executed by a licensed
5 physician attesting that the person has completed at least six
6 months of hormonal replacement therapy for the purpose of gender
7 adjustment.

8 (b) An order granted under this section shall include:

9 (1) if this state has issued the person a driver's
10 license or identification certificate, a provision ordering the
11 Department of Public Safety of the State of Texas, on receipt of a
12 certified copy of the order and an affidavit executed by a licensed
13 physician attesting that the person has completed gender
14 reassignment surgery, to change the person's driver's license or
15 identification certificate to reflect the person's corrected name
16 and gender; and

17 (2) if this state has issued the person a birth
18 certificate, a provision ordering the Texas Department of Health,
19 on receipt of a certified copy of the order and an affidavit
20 executed by a licensed physician attesting that the person has
21 completed gender reassignment surgery, to issue the person a new
22 birth certificate to reflect the person's corrected name and
23 gender.

24 (c) A person whose name is changed under this section may
25 apply for a change of name certificate from the clerk of the court
26 as provided by Section 45.106.

27 (d) A document issued by the state under an order granted

1 under this section, including a birth certificate or driver's
2 license, is valid in law and has the same force and effect for all
3 purposes as the original document.

4 (e) A court of this state shall give full faith and credit to
5 an order or other official document, including a birth certificate,
6 marriage certificate, or driver's license, issued by another state
7 that is consistent with this section.

8 SECTION 4. Section 192.011, Health and Safety Code, is
9 amended by redesignating Subsection (c) as new Subsection (e) and
10 adding Subsections (c) and (d) to read as follows:

11 (c) If an amending birth certificate filed under Section
12 191.028 is subject to a court order granted under Section 45.107,
13 Family Code, the state registrar, local registrar, or other person
14 who issues birth certificates shall issue an amended birth
15 certificate after receiving a certified copy of the order and an
16 affidavit executed by a licensed physician attesting that the
17 petitioner has completed gender reassignment surgery.

18 (d) After issuing an amended birth certificate under
19 Subsection (c), the state registrar shall prohibit access to the
20 original birth certificate and all correspondence, affidavits,
21 court orders, and other documents related to the application for
22 the amended certificate except for access required under a court
23 order or by the department for recordkeeping purposes. The state
24 registrar shall send a copy of the amended birth certificate to
25 local registrars who maintain on file the applicant's original
26 birth certificate. On receipt of the amended certificate, the
27 local registrar shall destroy the original certificate and file the

1 amended certificate.

2 (e) The department shall prescribe the form for
3 certificates issued under this section.

4 SECTION 5. Section 521.054, Transportation Code, is amended
5 by amending the section heading and Subsection (a) and adding
6 Subsection (g) to read as follows:

7 Sec. 521.054. NOTICE OF CHANGE OF ADDRESS, ~~[OR]~~ NAME, OR
8 GENDER. (a) This section applies to a person who:

9 (1) after applying for the license or certificate
10 moves from the address stated in the person's application for a
11 license or certificate;

12 (2) moves from the address shown on the license or
13 certificate held by the person; ~~[or]~~

14 (3) changes the person's name by marriage, court
15 order, or otherwise; or

16 (4) changes the person's gender.

17 (g) A person changing the person's gender shall present to
18 the department:

19 (1) an affidavit executed by a licensed physician
20 attesting that the person has completed gender reassignment
21 surgery; and

22 (2) the number of the license or certificate held by
23 the person.

24 SECTION 6. Section 521.1425, Transportation Code, is
25 amended by amending Subsection (a) and adding Subsection (c) to
26 read as follows:

27 (a) Except as provided by Subsections ~~[Subsection]~~ (b) and

1 (c), the department may require each applicant for an original,
2 renewal, or duplicate driver's license to furnish to the department
3 the information required by Section 521.142.

4 (c) The department shall require an applicant for an
5 original, renewal, or duplicate driver's license whose name was
6 changed under a court order granted under Section 45.107, Family
7 Code, to furnish to the department an affidavit executed within the
8 previous 60 days by a licensed physician attesting that the
9 applicant is undergoing hormonal replacement therapy for the
10 purpose of gender adjustment. This subsection applies only to an
11 applicant who has not filed with the department a notice of change
12 of gender under Section 521.054(g).

13 SECTION 7. Section 521.146, Transportation Code, is amended
14 by adding Subsection (e) to read as follows:

15 (e) An applicant for a corrected driver's license or
16 certificate who has undergone gender reassignment surgery and is
17 requesting a correction in the applicant's gender status must
18 submit to the department an affidavit executed by a licensed
19 physician attesting that the applicant has undergone gender
20 reassignment surgery.

21 SECTION 8. This Act takes effect September 1, 2003.