

By: White, Klick, Miller, Minjarez, Rose,  
et al.

H.B. No. 123

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to personal identification documents for foster children  
3 or youth or homeless children or youth.

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

5 SECTION 1. Section 264.121, Family Code, is amended by  
6 adding Subsection (e-3) to read as follows:

7 (e-3) When obtaining a copy of a birth certificate to  
8 provide to a foster youth or assisting a foster youth in obtaining a  
9 copy of a birth certificate, the department shall obtain the birth  
10 certificate from the state registrar. If the department is unable  
11 to obtain the birth certificate from the state registrar, the  
12 department may obtain the birth certificate from a local registrar  
13 or county clerk.

14 SECTION 2. Subchapter A, Chapter 191, Health and Safety  
15 Code, is amended by adding Section 191.0049 to read as follows:

16 Sec. 191.0049. BIRTH RECORD ISSUED TO FOSTER CHILD OR YOUTH  
17 OR HOMELESS CHILD OR YOUTH. On request of a child or youth  
18 described by this section, the state registrar, a local registrar,  
19 or a county clerk shall issue, without fee or parental consent, a  
20 certified copy of the child's or youth's birth record to:

21 (1) a homeless child or youth as defined by 42 U.S.C.  
22 Section 11434a;

23 (2) a child in the managing conservatorship of the  
24 Department of Family and Protective Services; and

1           (3) a young adult who:

2                   (A) is at least 18 years of age, but younger than  
3 21 years of age; and

4                   (B) resides in a foster care placement, the cost  
5 of which is paid by the Department of Family and Protective  
6 Services.

7           SECTION 3. Subchapter E, Chapter 521, Transportation Code,  
8 is amended by adding Section 521.1015 to read as follows:

9           Sec. 521.1015. PERSONAL IDENTIFICATION CERTIFICATE ISSUED  
10 TO FOSTER CHILD OR YOUTH OR HOMELESS CHILD OR YOUTH. (a) In this  
11 section:

12                   (1) "Foster child or youth" means:

13                           (A) a child in the managing conservatorship of  
14 the Department of Family and Protective Services; or

15                           (B) a young adult who:

16                                   (i) is at least 18 years of age, but younger  
17 than 21 years of age; and

18                                   (ii) resides in a foster care placement,  
19 the cost of which is paid by the Department of Family and Protective  
20 Services.

21                   (2) "Homeless child or youth" has the meaning assigned  
22 by 42 U.S.C. Section 11434a.

23                   (b) This section applies to the application for a personal  
24 identification certificate only for a foster child or youth or a  
25 homeless child or youth.

26                   (c) Notwithstanding Section 521.101, Section 521.1426, or  
27 any other provision of this chapter, a child or youth described by

1 Subsection (b) may, in applying for a personal identification  
2 certificate:

3 (1) provide a copy of the child's or youth's birth  
4 certificate as proof of the child's or youth's identity and United  
5 States citizenship, as applicable; and

6 (2) if the child or youth does not have a residence or  
7 domicile:

8 (A) provide a letter certifying the child or  
9 youth is a homeless child or youth issued by:

10 (i) the school district in which the child  
11 or youth is enrolled;

12 (ii) the director of an emergency shelter  
13 or transitional housing program funded by the United States  
14 Department of Housing and Urban Development; or

15 (iii) the director of:

16 (a) a basic center for runaway and  
17 homeless youth; or

18 (b) a transitional living program; or

19 (B) use the address of the regional office where  
20 the Department of Family and Protective Services caseworker for the  
21 child or youth is based.

22 (d) A child or youth described by Subsection (b) may apply  
23 for and the department may issue a personal identification  
24 certificate without the signature or presence of or permission from  
25 a parent or guardian of the child or youth.

26 (e) A child or youth described by Subsection (b) is exempt  
27 from the payment of any fee for the issuance of a personal

1 identification certificate under this chapter.

2 SECTION 4. Section 521.1811, Transportation Code, is  
3 amended to read as follows:

4 Sec. 521.1811. WAIVER OF FEES FOR FOSTER CHILD OR YOUTH OR  
5 HOMELESS CHILD OR ~~CARE~~ YOUTH. A person is exempt from the payment  
6 of any fee for the issuance of a driver's license, as provided under  
7 this chapter, if that person is:

8 (1) younger than 18 years of age and in the managing  
9 conservatorship of the Department of Family and Protective  
10 Services; ~~or~~

11 (2) at least 18 years of age, but younger than 21 years  
12 of age, and resides in a foster care placement, the cost of which is  
13 paid by the Department of Family and Protective Services; or

14 (3) a homeless child or youth as defined by 42 U.S.C.  
15 Section 11434a.

16 SECTION 5. Section 521.421, Transportation Code, is amended  
17 by adding Subsection (k) to read as follows:

18 (k) A person applying for the issuance or renewal of a  
19 license, including a duplicate license or a license issued or  
20 renewed over the Internet or by other electronic means, may elect to  
21 contribute \$1 or more to the identification fee exemption account  
22 established under Section 521.4265.

23 SECTION 6. Section 521.422, Transportation Code, is amended  
24 by adding Subsection (d) to read as follows:

25 (d) A person applying for the issuance or renewal of a  
26 personal identification card, including a duplicate personal  
27 identification card or a personal identification card issued or

1 renewed over the Internet or by other electronic means, may elect to  
2 contribute \$1 or more to the identification fee exemption account  
3 established under Section 521.4265.

4 SECTION 7. Subchapter R, Chapter 521, Transportation Code,  
5 is amended by adding Section 521.4265 to read as follows:

6 Sec. 521.4265. IDENTIFICATION FEE EXEMPTION ACCOUNT. (a)  
7 The identification fee exemption account is created as an account  
8 in the general revenue fund of the state treasury. The fund consists  
9 of grants and donations made to the department for the purposes of  
10 this section, including donations received under Sections  
11 521.421(k) and 521.422(d). The department shall administer the  
12 account. Money in the account may be appropriated for the purposes  
13 of Subsection (b).

14 (b) For each exemption granted under Section 521.1015 or  
15 521.1811, the department shall deposit to the credit of the Texas  
16 mobility fund an amount from the identification fee exemption  
17 account under Subsection (a) that is equal to the amount of the  
18 waived fee that would otherwise be deposited to the mobility fund.

19 (c) The department may not grant an exemption under Section  
20 521.1015 or 521.1811 if money is not available in the  
21 identification fee exemption account to meet the requirements of  
22 Subsection (b).

23 SECTION 8. The changes in law made by this Act apply to an  
24 application for a driver's license, personal identification  
25 certificate, or birth record submitted on or after the effective  
26 date of this Act. An application for a driver's license, personal  
27 identification certificate, or birth record submitted before the

1 effective date of this Act is governed by the law in effect on the  
2 date the application was submitted, and the former law is continued  
3 in effect for that purpose.

4 SECTION 9. This Act takes effect September 1, 2019.