87R5485 MCF-D

By:  Hinojosa H.B. No. 1196

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a certified birth record, driver's license, or personal identification certificate to a homeless individual.

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

SECTION 1.  Subchapter A, Chapter 191, Health and Safety Code, is amended by adding Section 191.00495 to read as follows:

Sec. 191.00495.  BIRTH RECORD ISSUED TO HOMELESS INDIVIDUAL. (a) In this section, "homeless individual":

(1)  means an individual who:

(A)  lacks a fixed, regular, and adequate nighttime residence; or

(B)  has a primary nighttime residence that is:

(i)  a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for persons with mental illness;

(ii)  an institution that provides a temporary residence for individuals intended to be institutionalized; or

(iii)  a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; and

(2)  does not include an individual who is imprisoned or otherwise detained in a correctional facility.

(b)  On request of a homeless individual, the state registrar, a local registrar, or a county clerk shall issue, without fee, a certified copy of the individual's birth record to the individual.

(c)  The department by rule shall:

(1)  adopt a process to verify a person's status as a homeless individual; and

(2)  prescribe the documentation necessary for the issuance of a certified copy of a birth record to a homeless individual whose status is verified through the process adopted under Subdivision (1).

(d)  In adopting a verification process under Subsection (c), the department shall allow a person requesting a birth record to provide a letter certifying the person is a homeless individual that is issued by:

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

(2)  the director of:

(A)  a shelter for homeless individuals; or

(B)  a transitional living program.

(e)  Notwithstanding any other law of this state, the department may not require a homeless individual to provide a physical address of the individual's residence to satisfy any requirement of this section.

SECTION 2.  Subchapter I, Chapter 521, Transportation Code, is amended by adding Section 521.184 to read as follows:

Sec. 521.184.  ISSUANCE OF LICENSE OR CERTIFICATE TO HOMELESS INDIVIDUAL. (a) In this section, "homeless individual" has the meaning assigned by Section 191.00495, Health and Safety Code.

(b)  The department by rule shall:

(1)  adopt a process to verify a person's status as a homeless individual;

(2)  prescribe the documentation necessary for the issuance of a driver's license or personal identification certificate to a homeless individual; and

(3)  exempt a homeless individual from the payment of fees under this chapter for the issuance of a driver's license or personal identification certificate, subject to Section 521.4265.

(c)  In adopting a verification process under Subsection (b), the department shall allow a person applying for a driver's license or personal identification certificate to provide a letter certifying the person is a homeless individual that is issued by:

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

(2)  the director of:

(A)  a shelter for homeless individuals; or

(B)  a transitional living program.

(d)  Notwithstanding any other law of this state and to the extent permitted under federal law, the department may not require a homeless individual to provide a physical address of the individual's residence to satisfy any requirement of this chapter.

(e)  Rules adopted under this section regarding the issuance of a personal identification certificate to a homeless child or youth, as defined by Section 521.1015, must be consistent with the provisions of that section.

SECTION 3.  Sections 521.4265(b) and (c), Transportation Code, are amended to read as follows:

(b)  For each exemption granted under Section 521.1015, [~~or~~] 521.1811, or 521.184, the department shall deposit to the credit of the Texas mobility fund an amount from the identification fee exemption account under Subsection (a) that is equal to the amount of the waived fee that would otherwise be deposited to the mobility fund.

(c)  The department may not grant an exemption under Section 521.1015, [~~or~~] 521.1811, or 521.184 if money is not available in the identification fee exemption account to meet the requirements of Subsection (b).

SECTION 4.  The changes in law made by this Act apply to an application for a birth record, driver's license, or personal identification certificate submitted on or after the effective date of this Act. An application for a birth record, driver's license, or personal identification certificate submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2021.