

By: Hinojosa

H.B. No. 1196

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

8 Sec. 191.00495. BIRTH RECORD ISSUED TO HOMELESS INDIVIDUAL.

9 (a) In this section, "homeless individual":

10 (1) means an individual who:

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

13 (B) has a primary nighttime residence that is:

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

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

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

24 (2) does not include an individual who is imprisoned

1 or otherwise detained in a correctional facility.

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

6 (c) The department by rule shall:

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

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

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

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

20 (2) the director of:

21 (A) a shelter for homeless individuals; or

22 (B) a transitional living program.

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

27 SECTION 2. Subchapter I, Chapter 521, Transportation Code,

1 is amended by adding Section 521.184 to read as follows:

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

6 (b) The department by rule shall:

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

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

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

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

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

22 (2) the director of:

23 (A) a shelter for homeless individuals; or

24 (B) a transitional living program.

25 (d) Notwithstanding any other law of this state and to the
26 extent permitted under federal law, the department may not require
27 a homeless individual to provide a physical address of the

1 individual's residence to satisfy any requirement of this chapter.

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

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

8 (b) For each exemption granted under Section 521.1015, ~~[or]~~
9 521.1811, or 521.184, the department shall deposit to the credit of
10 the Texas mobility fund an amount from the identification fee
11 exemption account under Subsection (a) that is equal to the amount
12 of the waived fee that would otherwise be deposited to the mobility
13 fund.

14 (c) The department may not grant an exemption under Section
15 521.1015, ~~[or]~~ 521.1811, or 521.184 if money is not available in the
16 identification fee exemption account to meet the requirements of
17 Subsection (b).

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

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