

By: Zaffirini, Menéndez

S.B. No. 1107

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a 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. Section 191.0049, Health and Safety Code, is amended to read as follows:

Sec. 191.0049. BIRTH RECORD ISSUED TO FOSTER CHILD OR YOUTH OR HOMELESS INDIVIDUAL [~~CHILD OR YOUTH~~]. (a) On request of an individual [~~a child or youth~~] described by this section, the state registrar, a local registrar, or a county clerk shall issue, without fee or parental consent, a certified copy of the individual's [~~child's or youth's~~] birth record to:

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

(2) a child in the managing conservatorship of the Department of Family and Protective Services; [~~and~~]

(3) a young adult who:

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

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

(4) a homeless individual as defined by Section 521.184, Transportation Code.

1 (b) The department by rule shall:

2 (1) adopt a process to verify a person's status as a  
3 homeless individual described by Subsection (a)(4); and

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

8 (c) Notwithstanding any other law of this state, the  
9 department may not require a homeless individual described by  
10 Subsection (a)(4) to provide a physical address of the individual's  
11 residence to satisfy any requirement of this section.

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

14 Sec. 521.184. ISSUANCE OF LICENSE OR CERTIFICATE TO  
15 HOMELESS INDIVIDUAL. (a) In this section, "homeless individual":

16 (1) means an individual who:

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

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

20 (i) a supervised publicly or privately  
21 operated shelter designed to provide temporary living  
22 accommodations, including welfare hotels, congregate shelters, and  
23 transitional housing for the mentally ill;

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

27 (iii) a public or private place not

1 designed for, or ordinarily used as, a regular sleeping  
2 accommodation for human beings; and

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

5 (b) The department by rule shall:

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

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

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

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

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

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

24 (b) For each exemption granted under Section 521.1015, ~~[or]~~  
25 521.1811, or 521.184, the department shall deposit to the credit of  
26 the Texas mobility fund an amount from the identification fee  
27 exemption account under Subsection (a) that is equal to the amount

1 of the waived fee that would otherwise be deposited to the mobility  
2 fund.

3 (c) The department may not grant an exemption under Section  
4 521.1015, [~~or~~] 521.1811, or 521.184 if money is not available in the  
5 identification fee exemption account to meet the requirements of  
6 Subsection (b).

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

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