88R4811 JAM-D

By:  Neave Criado H.B. No. 5228

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a driver's license or personal identification certificate to certain individuals and the use of the identification fee exemption account to fund the fee waivers for those individuals.

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

SECTION 1.  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":

(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 the mentally ill;

(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)  Except as provided by Subsection (f) and subject to Section 521.4265, a homeless individual is entitled to an exemption from the payment of fees under this chapter for the issuance of a driver's license or personal identification certificate.

(c)  For the purposes of this section, a person's status as a homeless individual must be confirmed by a notarized affidavit from:

(1)  an employee of a homeless shelter or transitional housing facility;

(2)  an employee of an organization that provides to homeless individuals or assists homeless individuals in obtaining services such as health services, mental or behavioral health services, substance abuse services, public assistance services, or employment services;

(3)  an attorney licensed to practice law in this state;

(4)  a peace officer who is an official homeless liaison;

(5)  an employee of a faith-based organization that provides benefits or services to homeless individuals; or

(6)  a counselor or administrator at a school attended by the homeless individual.

(d)  A person may not charge a fee for the affidavit described by Subsection (c).

(e)  An affidavit described by Subsection (c) may not be used for a driver's license or personal identification certificate application if the affidavit was signed more than 60 days before the date the application is submitted.

(f)  Subsection (b) does not apply to a person subject to the registration requirements of Chapter 62, Code of Criminal Procedure.

(g)  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 2.  Sections 521.4265(b) and (c), Transportation Code, are amended to read as follows:

(b)  From the money in the identification fee exemption account the department shall:

(1)  request that the comptroller transfer to the Texas Workforce Commission amounts sufficient to cover the cost of implementing the program under Section 521.168, including amounts sufficient for the payment by the Texas Workforce Commission of:

(A)  fees to entities other than the department; and

(B)  the Texas Workforce Commission's implementation costs; and

(2)  for each exemption granted under Section 521.1015, 521.1016, [~~or~~] 521.1811, or 521.184, deposit to the credit of the Texas mobility fund an amount that is equal to the amount of the waived fee that would otherwise be deposited to the mobility fund.

(c)  The department may not:

(1)  request a transfer under Subsection (b)(1) if the balance of the account for the fiscal year is less than three times the amount expended in the previous fiscal year for the waivers provided by Sections 521.1015(e), 521.1016, [~~and~~] 521.1811, and 521.184; or

(2)  grant an exemption under Section 521.1015, 521.1016, [~~or~~] 521.1811, or 521.184 if money is not available in the identification fee exemption account to meet the requirements of Subsection (b)(2).

SECTION 3.  The changes in law made by this Act apply to an application for a driver's license or personal identification certificate submitted on or after the effective date of this Act. An application for a 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 4.  This Act takes effect September 1, 2023.