

By: Jetton, Reynolds, Collier, et al.

H.B. No. 1677

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, unless the  
2 individual satisfies the conditions described by Subdivision (1) at  
3 the time of the individual's arrest.

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

8 (c) The department by rule shall:

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

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

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

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

22 (2) a shelter for homeless individuals;

23 (3) a transitional living program; or

24 (4) a law enforcement agency of a political  
25 subdivision of this state that appoints or employs peace officers  
26 as described by Article 2.12, Code of Criminal Procedure.

27 (e) Notwithstanding any other law of this state, the

1 department may not require a homeless individual to provide a  
2 physical address of the individual's residence to satisfy any  
3 requirement of this section.

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

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

10 (b) The department by rule shall:

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

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

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

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

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

27 (2) a shelter for homeless individuals;

1           (3) a transitional living program; or

2           (4) a law enforcement agency of a political  
3 subdivision of this state that appoints or employs peace officers  
4 as described by Article 2.12, Code of Criminal Procedure.

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

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

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

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

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

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

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

25           (2) for each exemption granted under Section 521.1015,  
26 521.1016, ~~or~~ 521.1811, or 521.184, deposit to the credit of the  
27 Texas mobility fund an amount that is equal to the amount of the

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

2 (c) The department may not:

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

7 (2) grant an exemption under Section 521.1015,  
8 521.1016, ~~[or]~~ 521.1811, or 521.184, if money is not available in  
9 the identification fee exemption account to meet the requirements  
10 of Subsection (b)(2).

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

19 SECTION 5. This Act takes effect September 1, 2023.