

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

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

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

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

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

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

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

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

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

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

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

27           (e) An affidavit described by Subsection (c) may not be used

1 for a driver's license or personal identification certificate  
2 application if the affidavit was signed more than 60 days before the  
3 date the application is submitted.

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

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

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

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

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

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

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

23 (2) for each exemption granted under Section 521.1015,  
24 521.1016, ~~or~~ 521.1811, or 521.184, deposit to the credit of the  
25 Texas mobility fund an amount that is equal to the amount of the  
26 waived fee that would otherwise be deposited to the mobility fund.

27 (c) The department may not:

1           (1) request a transfer under Subsection (b)(1) if the  
2 balance of the account for the fiscal year is less than three times  
3 the amount expended in the previous fiscal year for the waivers  
4 provided by Sections 521.1015(e), 521.1016, [and] 521.1811, and  
5 521.184; or

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

10       SECTION 3. The changes in law made by this Act apply to an  
11 application for a driver's license or personal identification  
12 certificate submitted on or after the effective date of this Act.  
13 An application for a driver's license or personal identification  
14 certificate submitted before the effective date of this Act is  
15 governed by the law in effect on the date the application was  
16 submitted, and the former law is continued in effect for that  
17 purpose.

18       SECTION 4. This Act takes effect September 1, 2023.