

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 25, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1733**

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**Introduced by Assembly Members Quirk-Silva, Atkins, and  
Maienschein**

**(Coauthors: Assembly Members Achadjian, Ammiano, Chau,  
Chesbro, Fong, Gonzalez, Gorell, Nestande, Pan, Stone, and Ting  
Ting, and Yamada)**

February 14, 2014

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An act to add Section 103577 to the Health and Safety Code, and to ~~add Section 14903 to amend Section 14902 of~~ the Vehicle Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1733, as amended, Quirk-Silva. Public records: fee waiver.

(1) Existing law establishes the State Department of Public Health and sets forth its powers and duties, including, but not limited to, the duties as State Registrar relating to the uniform administration of provisions relating to vital records and health statistics. Existing law requires the State Registrar, local registrar, or county recorder to, upon request and payment of the required fee, supply to an applicant a certified copy of the record of a birth, fetal death, death, marriage, or marriage dissolution registered with the official.

Existing law authorizes the issuance of certain records without payment of the fee.

This bill would require ~~the State Registrar~~ *each county registrar or recorder* to issue, without a fee, a *certified* certificate of live birth to an

applicant who certifies, and provides sufficient corroborating evidence to demonstrate, that he or she is a homeless person, *or a homeless child or youth*, as defined. *The bill would require the department to develop an affidavit attesting to the fact that a person is homeless, and would provide that the affidavit is sufficient corroborating evidence for purposes of obtaining the certificate. By imposing additional duties on county employees, the bill would impose a state-mandated local program.*

(2) Existing law authorizes the Department of Motor Vehicles to issue an identification card to any person attesting to the true full name, correct age, and other identifying data as certified by the applicant for the identification card, and authorizes the assessment of related fees.

This bill would, *on and after January 1, 2016*, require the department to issue, without a fee, an *original or replacement* identification card to ~~an applicant who certifies, and provides sufficient corroborating evidence to demonstrate, that he or she is a homeless person, as defined~~ *a person who can verify his or her status as a homeless person or homeless child or youth, as defined. The bill would authorize a homeless services provider, as described, that has knowledge of a person’s housing status to verify the person’s status as a homeless person or homeless child or youth for purposes of this provision.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 103577 is added to the Health and Safety
- 2 Code, to read:
- 3 103577. (a) ~~The State Registrar~~ *Each county registrar or*
- 4 *recorder* shall, without a fee, issue a *certified* certificate of live
- 5 birth to an applicant who certifies, and provides sufficient
- 6 corroborating evidence to demonstrate, that he or she is a homeless

1 person or a homeless child or youth. For the purposes of this  
2 section, the affidavit developed pursuant to subdivision (b) shall  
3 constitute sufficient corroborating evidence to demonstrate that a  
4 person is homeless.

5 (b) The State Department of Public Health shall develop an  
6 affidavit attesting to the fact that a person is homeless. The affidavit  
7 shall be made available for use by a person making a request for  
8 a certificate of live birth pursuant to this section.

9 ~~(b)~~

10 (c) For the purposes of this ~~section~~, “homeless section the  
11 following definitions apply:

12 (1) A “homeless child or youth” has the same meaning as the  
13 definition of “homeless children and youths” as set forth in the  
14 federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.  
15 11301 et seq.).

16 (2) A “homeless person” has the same meaning as the definition  
17 of that term set forth in the federal McKinney-Vento Homeless  
18 Assistance Act (42 U.S.C. Sec. 11301 et seq.).

19 ~~(e) A person may receive a lifetime maximum of two certificates  
20 of live birth without paying a fee pursuant to this section.~~

21 ~~SEC. 2. Section 14903 is added to the Vehicle Code, to read:~~

22 14903. ~~(a) Notwithstanding Section 14902, the department  
23 shall, without a fee, issue an identification card or a senior citizen  
24 identification card to an applicant who certifies, and provides  
25 sufficient corroborating evidence to demonstrate, that he or she is  
26 a homeless person.~~

27 ~~(b) Notwithstanding any law, including, but not limited to,  
28 subparagraph (A) of paragraph (2) of subdivision (b) of Section  
29 13005, the content of the identification card shall be adjusted to  
30 the extent necessary to accommodate the person’s homeless status.~~

31 ~~(c) For the purposes of this section, “homeless person” has the  
32 same meaning as set forth in the federal McKinney-Vento  
33 Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).~~

34 ~~(d) A person may receive a lifetime maximum of two  
35 identification cards without paying a fee pursuant to this section.~~

36 ~~SEC. 2. Section 14902 of the Vehicle Code is amended to read:~~

37 14902. ~~(a) Except as otherwise provided in subdivisions (b)  
38 and (e), (c), and (d) of this section, subdivision (c) of Section  
39 13002, and subdivision (c) of Section 14900, upon an application  
40 for an identification card a fee of twenty dollars (\$20), and on and~~

1 after January 1, 2010, a fee of twenty-six dollars (\$26), shall be  
 2 paid to the department.

3 (b) An original or replacement senior citizen identification card  
 4 issued pursuant to subdivision (b) of Section 13000 shall be issued  
 5 free of charge.

6 (c) The fee for an original or replacement identification card  
 7 issued to a person who has been determined to have a current  
 8 income level that meets the eligibility requirements for assistance  
 9 programs under Chapter 2 (commencing with Section 11200) or  
 10 Chapter 3 (commencing with Section 12000) of Part 3 of, or Part  
 11 5 (commencing with Section 17000) of, or Article 9 (commencing  
 12 with Section 18900) of Chapter 10 of Part 6 of, or Chapter 10.1  
 13 (commencing with Section 18930) or Chapter 10.3 (commencing  
 14 with Section 18937) of Part 6 of, Division 9 of the Welfare and  
 15 Institutions Code shall be six dollars (\$6). The determination of  
 16 eligibility under this subdivision shall be made by a governmental  
 17 or nonprofit entity, which shall be subject to regulations adopted  
 18 by the department.

19 (d) *On and after January 1, 2016, a fee shall not be charged*  
 20 *for an original or replacement identification card issued to any*  
 21 *person who can verify his or her status as a homeless person or*  
 22 *homeless child or youth. A homeless services provider that has*  
 23 *knowledge of the person’s housing status may verify the person’s*  
 24 *status for purposes of this subdivision. A determination of eligibility*  
 25 *pursuant to this subdivision shall be subject to regulations adopted*  
 26 *by the department. A person applying for an identification card*  
 27 *under this subdivision shall not be charged a fee for verification*  
 28 *of their eligibility.*

29 ~~(d)~~

30 (e) All fees received pursuant to this section shall be deposited  
 31 in the Motor Vehicle Account.

32 (f) *For purposes of this section, the following definitions apply:*

33 (1) *A “homeless child or youth” has the same meaning as the*  
 34 *definition of “homeless children and youths” as set forth in the*  
 35 *federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.*  
 36 *11301 et seq.).*

37 (2) *A “homeless person” has the same meaning as the definition*  
 38 *set forth in the federal McKinney-Vento Homeless Assistance Act*  
 39 *(42 U.S.C. Sec. 11301 et seq.).*

1 (3) A “homeless services provider” includes, but is not limited  
2 to:

3 (A) A governmental or nonprofit agency receiving federal, state,  
4 county or municipal funding to provide services to a “homeless  
5 person” or “homeless child or youth,” or that is otherwise  
6 sanctioned to provide those services by a local homeless continuum  
7 of care organization.

8 (B) An attorney licensed to practice law in this state.

9 (C) A local educational agency liaison for homeless children  
10 and youth designated as such pursuant to Section 11432  
11 (g)(1)(J)(ii) of Title 42 of the United States Code, or a school social  
12 worker.

13 (D) A human services provider or public social services provider  
14 funded by the State of California to provide homeless children or  
15 youth services, health services, mental or behavioral health  
16 services, substance use disorder services, or public assistance or  
17 employment services.

18 (E) Any other homeless services provider that is qualified to  
19 verify an individual’s housing status, as determined by the  
20 department.

21 SEC. 3. If the Commission on State Mandates determines that  
22 this act contains costs mandated by the state, reimbursement to  
23 local agencies and school districts for those costs shall be made  
24 pursuant to Part 7 (commencing with Section 17500) of Division  
25 4 of Title 2 of the Government Code.

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