

BILL ANALYSIS

Senate Research Center
85R4205 KKR-D

H.B. 1823
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State Affairs
5/17/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law does not allow most diacritical marks, including graves, umlauts, and accent marks, to be included in names on state-issued government documents. Diacritical marks change the soundvalues of the letters or distinguish meaning. Accordingly, government issued documents display some persons' names incorrectly, sometimes altering meaning or resulting in improper pronunciation. The Hispanic last name Peña, for example, without the tilde over the "n" is spelled and pronounced the same way as the word "shame" in Spanish. H.B. 1823 directs the relevant state agencies to include diacritical marks on birth certificates, death certificates, marriage certificates, divorce documents, and driver's licenses. This change would ensure that government documents accurately reflect persons' names.

H.B. 1823 amends current law relating to properly recorded diacritical marks in vital statistics records, driver's licenses, commercial driver's licenses, and personal identification certificates.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 191, Health and Safety Code, by adding Section 191.009, as follows:

Sec. 191.009. USE OF DIACRITICAL MARKS. (a) Defines "diacritical mark."

(b) Requires the state registrar, to ensure that a vital statistics record issued under this title (Vital Statistics) properly records any diacritical mark used in a person's name.

SECTION 2. Amends Subchapter F, Chapter 521, Transportation Code, by adding Section 521.127, as follows:

Sec. 521.127. USE OF DIACRITICAL MARKS. (a) Defines "diacritical mark."

(b) Requires the Texas Department of Public Safety (DPS) to ensure that an original or renewal driver's license or personal identification certificate issued under this chapter (Driver's Licenses and Certificates) properly records any diacritical mark used in a person's name.

SECTION 3. Amends Section 522.030, Transportation Code, by adding Subsection (d), as follows:

(d) Requires DPS to ensure that an original or renewal commercial driver's license or commercial learner's permit issued under this chapter (Commercial Driver's Licenses) properly records any diacritical mark used in a person's name. Defines "diacritical mark."

SECTION 4. Provides that the change in law made by this Act applies only to a vital statistics record issued by the Department of State Health Services vital statistics unit or a driver's license, personal identification certificate, or commercial driver's license or learner's permit issued or renewed by DPS on or after September 1, 2018.

SECTION 5. Effective date: September 1, 2017.