

## **BILL ANALYSIS**

Senate Research Center  
88R7746 MZM-D

S.B. 656  
By: Zaffirini  
Transportation  
2/21/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

During law enforcement encounters, persons with invisible disabilities, which are disabilities that are not immediately apparent, such as intellectual and developmental disabilities or mental health conditions, may exhibit nonverbal or aggressive behavior due to stress that can lead to unfavorable outcomes. Current law requires the Department of Public Safety (DPS) to include on a driver's license health conditions documented by a licensed physician that may impede communication, but only if space permits. What's more, relevant statutes do not explicitly cover mental health illnesses or intellectual and other invisible disabilities diagnosed by a licensed psychologist or non-physician mental health professional.

Accordingly, S.B. 656 would ensure DPS includes a designation on the license or identification certificate indicating a person's physical or mental health condition that may impede effective communication with a peace officer if the person requests it and provides sufficient evidence to qualify. This change would help reduce communication barriers between eligible persons and peace officers.

As proposed, S.B. 656 amends current law relating to an optional health condition or disability designation on a driver's license or personal identification certificate.

### **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 Sections 521.060(a) and (c), Transportation Code, as follows:

(a) Requires the Department of Public Safety of the State of Texas (DPS) to maintain in its files a record of any medical information described by Section 521.125(a) (relating to requiring DPS to print certain medical information on the reverse side of a driver's license) that is provided to DPS under Subsection (c) or any health condition information that is voluntarily provided to DPS under Sections 521.1251 and 521.142(h) (relating to requiring that an application for a license provide space for the applicant to voluntarily list any health condition that may impede communication with a peace officer), rather than under Section 521.142(h).

(c) Makes a conforming change to this subsection.

SECTION 2. Amends Subchapter F, Chapter 521, Transportation Code, by adding Section 521.1251, as follows:

Sec. 521.1251. OPTIONAL HEALTH CONDITION OR DISABILITY DESIGNATION. (a) Requires DPS to provide to each applicant for the issuance of an original, renewal, corrected, or duplicate driver's license or personal identification certificate who applies in person, by mail, over the Internet, or by other electronic means the opportunity to voluntarily indicate on a driver's license or personal identification certificate that the person has a health condition or disability that may impede effective

communication with a peace officer. Authorizes DPS to request from a person who makes an indication under this subsection verification of a condition in the form of:

(1) for a physical health condition, a written statement from a licensed physician; or

(2) for a mental health condition, a written statement from a licensed physician, a licensed psychologist, or a non-physician mental health professional, as defined by Section 571.003 (Definitions), Health and Safety Code.

(b) Requires DPS to include a designation that indicates the person has a health condition or disability that may impede effective communication with a peace officer on each driver's license or personal identification certificate issued to a person who:

(1) makes an election under this section; and

(2) provides sufficient evidence under Subsection (a) to qualify for the designation.

SECTION 3. Effective date: September 1, 2023.