

AMENDED IN ASSEMBLY APRIL 22, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1132

Introduced by Assembly Member Jones

February 27, 2009

An act to ~~add Section 4150.3 to~~ amend Section 12811 of, and to add Section 4150.3 to, the Vehicle Code, relating to anatomical gifts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1132, as amended, Jones. Vehicle registration: organ and tissue donation.

Existing law, the Uniform Anatomical Gift Act, regulates the making of anatomical gifts and the disposition of donated bodies and body parts.

Existing law authorizes the creation of a nonprofit entity designated as the California Organ and Tissue Donor Registrar, which is required to establish and maintain the California Organ and Tissue Donor Registry.

Existing law requires the Department of Motor Vehicles, upon issuance of a new driver's license or a renewal of a driver's license or the issuance of an identification card, to provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry with instructions for mailing the completed form to the California Organ and Tissue Donor Registrar, and including a donor dot that may be affixed to the new driver's license or identification card. Existing law also provides that a person who applies for an original or renewal driver's license or identification card may designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ and tissue donation.

This bill would, ~~except as specified,~~ require the department to *add a hyperlink to the confirmation page of vehicle registrations processed online in order to provide the option for drivers to connect to the state-authorized Donate Life California online California Organ and Tissue Donor Registry and would authorize a person, upon issuance of an original or renewal of a vehicle registration online or by mail, to include information on its application forms on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry.* This bill would enact similar provisions as those specified above that require the collection and electronic transmission of donor designation information, including the making of *designate* a voluntary contribution of \$2, *as specified,* to the registry for the purpose of promoting and supporting organ and tissue donation.

The bill would also ~~require the registry enrollment form to be posted on the Internet Web sites for the department and the California Health and Human Services Agency and would authorize the department to use not more than 5% of the donations collected under these the above general provisions for issuance of an original or renewal of a driver's license and the provisions for renewal of a vehicle registration online or by mail to cover its actual administrative costs.~~ The bill would require the registrar of the registry to ensure that all additions and deletions to the registry shall occur within 30 days of receipt.

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

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

- 1 SECTION 1. Section 4150.3 is added to the Vehicle Code, to
- 2 read:
- 3 4150.3. (a) ~~Upon issuance of an original or renewal vehicle~~
- 4 ~~of registration, the department shall provide information on organ~~
- 5 ~~and tissue donation, including a standardized form to be filled out~~
- 6 ~~by an individual who desires to enroll in the California Organ and~~
- 7 ~~Tissue Donor Registry pursuant to subdivision (a) of Section~~
- 8 ~~7152.7 of the Health and Safety Code.~~
- 9 (b) ~~The department shall collect donor designation information~~
- 10 ~~on all applications for issuance of an original or renewal vehicle~~
- 11 ~~registration.~~

1 ~~(c) The department shall electronically transmit donor~~
2 ~~designation information collected under this section to the~~
3 ~~California Organ and Tissue Donor Registrar on a weekly basis.~~
4 *The Department of Motor Vehicles shall add a hyperlink to the*
5 *confirmation page of vehicle registrations processed online,*
6 *providing the option for drivers to connect to the state-authorized*
7 *Donate Life California online California Organ and Tissue Donor*
8 *Registry established pursuant to subdivision (a) of Section 7152.7*
9 *of the Health and Safety Code.*

10 (d)

11 ~~(d)~~

12 (b) A person who ~~applies for issuance of an original or renewal~~
13 ~~vehicle registration~~ *renews his or her vehicle registration online*
14 *or by mail* may designate a voluntary contribution of two dollars
15 (\$2) for the purpose of promoting and supporting organ and tissue
16 donation. This contribution shall be collected by the department,
17 and treated as a voluntary contribution to the California Organ and
18 Tissue Donor Registry and not as a fee for the issuance of vehicle
19 registration.

20 (e)

21 (c) The department may use not more than 5 percent of the
22 donations collected under this section to cover its actual
23 administrative costs incurred under this section. The department
24 shall transmit all revenue derived under this section and remaining
25 after the department's deduction for administrative costs to the
26 registrar for support of the registry.

27 ~~(f) The department's application forms for the issuance of~~
28 ~~original and renewal vehicle registration shall include information~~
29 ~~directing persons who desire to change their donor status to the~~
30 ~~California Organ and Tissue Donor Registry's Internet Web site.~~

31 (g) ~~The registry enrollment form shall be simple in design and~~
32 ~~shall be produced by the department in cooperation with the~~
33 ~~California Organ and Tissue Donor Registrar and shall require all~~
34 ~~of the following information to be supplied by an enrollee:~~

35 (1) ~~Date of birth, sex, full name, and other information deemed~~
36 ~~necessary to provide a positive identification of an individual.~~

37 (2) ~~Consent for organs or tissues to be donated for transplant~~
38 ~~after death.~~

39 (3) ~~Any limitation of the donation to specific organs or tissues.~~

1 ~~(h) The registry enrollment form shall also include both of the~~
2 ~~following:~~

3 ~~(1) A description of the process for having a name removed~~
4 ~~from the registry, and the process for donating money for the~~
5 ~~benefit of the registry.~~

6 ~~(2) A statement that the name of any person who enrolls in the~~
7 ~~registry pursuant to this section shall be made available to federally~~
8 ~~recognized donor organizations.~~

9 ~~(i) The registry enrollment form shall be posted on the Internet~~
10 ~~Web sites for the department and the California Health and Human~~
11 ~~Services Agency.~~

12 ~~(j) The registry enrollment form~~

13 ~~(d) Enrollment in the registry online or by mail shall constitute~~
14 ~~a legal document under the Uniform Anatomical Gift Act (Chapter~~
15 ~~3.5 (commencing with Section 7150) of Part 1 of Division 7 of~~
16 ~~the Health and Safety Code) and shall remain binding after the~~
17 ~~donor's death despite any express desires of next of kin opposed~~
18 ~~to the donation.~~

19 ~~(k) The registrar shall ensure that all additions and deletions to~~
20 ~~the registry shall occur within 30 days of receipt.~~

21 ~~(l)~~

22 ~~(e) Information obtained by the registrar for the purposes of this~~
23 ~~subdivision shall be used for these purposes only and shall not be~~
24 ~~disseminated further by the registrar.~~

25 ~~(m)~~

26 ~~(f) A public entity or employee shall not be liable for any loss,~~
27 ~~detriment, or injury resulting directly or indirectly from false or~~
28 ~~inaccurate information contained in the form provided pursuant~~
29 ~~to this section.~~

30 ~~(n)~~

31 ~~(g) This section does not apply to the registration of a~~
32 ~~commercial motor vehicle, as defined in subdivision (b) of Section~~
33 ~~15210, or a vehicle registration issued to a renter, as defined in~~
34 ~~Section 508.~~

35 *SEC. 2. Section 12811 of the Vehicle Code is amended to read:*

36 12811. (a) (1) (A) When the department determines that the
37 applicant is lawfully entitled to a license, it shall issue to the person
38 a driver's license as applied for. The license shall state the class
39 of license for which the licensee has qualified and shall contain
40 the distinguishing number assigned to the applicant, the date of

1 expiration, the true full name, age, and mailing address of the
2 licensee, a brief description and engraved picture or photograph
3 of the licensee for the purpose of identification, and space for the
4 signature of the licensee.

5 (B) Each license shall also contain a space for the endorsement
6 of a record of each suspension or revocation thereof.

7 (C) The department shall use whatever process or processes, in
8 the issuance of engraved or colored licenses, that prohibit, as near
9 as possible, the ability to alter or reproduce the license, or prohibit
10 the ability to superimpose a picture or photograph on the license
11 without ready detection.

12 (2) In addition to the requirements of paragraph (1), a license
13 issued to a person under 18 years of age shall display the words
14 “provisional until age 18.”

15 (b) (1) The front of an application for an original or renewal
16 of a driver’s license or identification card shall contain a space for
17 an applicant to give his or her consent to be an organ and tissue
18 donor upon death. An applicant who gives consent shall be directed
19 to read a statement on the back of the application that shall contain
20 the following statement:

21 “If you marked on the front of the application that you want to
22 be an organ and tissue donor upon death, your consent shall serve
23 as a legally binding document as outlined under the California
24 Uniform Anatomical Gift Act. Except in the case where the donor
25 is under the age of 18, the donation does not require the consent
26 of any other person. For donors under the age of 18, the legal
27 guardian of the donor shall make the final decision regarding the
28 donation. If you want to change your decision to consent in the
29 future, or if you want to limit the donation to specific organs,
30 tissues, or research, you must contact Donate Life California by
31 mail at 1760 Creekside Oaks Drive, #220, Sacramento, CA 95833,
32 or online at www.donateLIFCalifornia.org, or
33 www.doneVIDAcalifornia.org.”

34 (2) Notwithstanding any other ~~provision of law~~, a person under
35 *the age at 18 years* may register as a donor. However, the legal
36 guardian of that person shall make the final decision regarding the
37 donation.

38 (3) The department shall collect donor designation information
39 on all applications for an original or renewal driver’s license or
40 identification card.

(4) The department shall print the word “DONOR” or another appropriate designation on the face of a driver’s license or identification card to a person who registered as a donor on a form issued pursuant to this section.

(5) On a weekly basis, the department shall electronically transmit to Donate Life California, a nonprofit organization established and designated as the California Organ and Tissue Donor Registrar pursuant to Section 7150.90 of the Health and Safety Code, all of the following information on every applicant that has indicated his or her willingness to participate in the organ donation program:

(A) His or her true full name.

(B) His or her residence or mailing address.

(C) His or her date of birth.

(D) His or her California driver’s license number or identification card number.

(6) (A) A person who applies for an original or renewal driver’s license or identification card may designate a voluntary contribution of two dollars (\$2) for the purpose of promoting and supporting organ and tissue donation. This contribution shall be collected by the department, and treated as a voluntary contribution to Donate Life California and not as a fee for the issuance of a driver’s license or identification card.

(B) The department ~~may~~ *shall not* use *more than 5 percent of* the donations collected pursuant to this paragraph to cover its actual administrative costs incurred pursuant to paragraphs (3) to (5), inclusive. The department shall deposit all revenue derived pursuant to this paragraph and remaining after the department’s deduction for administrative costs in the Donate Life California Trust Subaccount, that is hereby created in the Motor Vehicle Account in the State Transportation Fund. Notwithstanding Section 13340 of the Government Code, all revenue in this subaccount is continuously appropriated, without regard to fiscal years, to the Controller for allocation to Donate Life California and shall be expended for the purpose of increasing participation in organ donation programs.

(7) The enrollment form shall be posted on the Internet Web sites for the department and the California Health and Human Services Agency.

1 (8) The enrollment shall constitute a legal document pursuant
2 to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing
3 with Section 7150) of Part 1 of Division 7 of the Health and Safety
4 Code) and shall remain binding after the donor's death despite any
5 express desires of next of kin opposed to the donation. Except as
6 provided in paragraph (2) of subdivision (b), the donation does
7 not require the consent of any other person.

8 (9) Donate Life California shall ensure that all additions and
9 deletions to the California Organ and Tissue Donor Registry,
10 established pursuant to Section 7150.90 of the Health and Safety
11 Code, shall occur within 30 days of receipt.

12 (10) Information obtained by Donate Life California for the
13 purposes of this subdivision shall be used for these purposes only
14 and shall not be disseminated further by Donate Life California.

15 (c) A public entity or employee shall not be liable for loss,
16 detriment, or injury resulting directly or indirectly from false or
17 inaccurate information contained in the form provided pursuant
18 to subdivision (b).

19 (d) A contract shall not be awarded to a nongovernmental entity
20 for the processing of driver's licenses, unless the contract conforms
21 to all applicable state contracting laws and all applicable procedures
22 set forth in the State Contracting Manual.

23 ~~(e) This section shall become operative on July 1, 2006.~~