

AMENDED IN ASSEMBLY MAY 11, 2009

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 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 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 renewal of a vehicle registration online ~~or by mail~~, to 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 authorize the department to use not more than 5% of the donations collected under 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.~~

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) The Department of Motor Vehicles shall add a
4 hyperlink to the confirmation page of vehicle registrations
5 processed online, providing the option for drivers to connect to
6 the state-authorized Donate Life California online California Organ
7 and Tissue Donor Registry established pursuant to subdivision (a)
8 of Section 7152.7 of the Health and Safety Code.

9 ~~The Department of Motor Vehicles shall add a hyperlink to the~~
10 ~~confirmation page of vehicle registrations processed online,~~
11 ~~providing the option for drivers to connect to the state-authorized~~
12 ~~Donate Life California online California Organ and Tissue Donor~~
13 ~~Registry established pursuant to subdivision (a) of Section 7152.7~~
14 ~~of the Health and Safety Code.~~

15 ~~(d)~~
16 (b) A person who renews his or her vehicle registration online
17 ~~or by mail~~ may designate a voluntary contribution of two dollars
18 (\$2) for the purpose of promoting and supporting organ and tissue
19 donation. This contribution shall be ~~collected by the department,~~
20 ~~and~~ treated as a voluntary contribution to the California Organ and

1 Tissue Donor Registry and not as a fee for the issuance of vehicle
2 registration.

3 ~~(c) The department may use not more than 5 percent of the~~
4 ~~donations collected under this section to cover its actual~~
5 ~~administrative costs incurred under this section. The department~~
6 ~~shall transmit all revenue derived under this section and remaining~~
7 ~~after the department's deduction for administrative costs to the~~
8 ~~registrar for support of the registry.~~

9 ~~(d)~~

10 (c) Enrollment in the registry online ~~or by mail~~ shall constitute
11 a legal document under the Uniform Anatomical Gift Act (Chapter
12 3.5 (commencing with Section 7150) of Part 1 of Division 7 of
13 the Health and Safety Code) and shall remain binding after the
14 donor's death despite any express desires of next of kin opposed
15 to the donation.

16 ~~(e)~~

17 (d) Information obtained by the registrar for the purposes of
18 this subdivision shall be used for these purposes only and shall not
19 be disseminated further by the registrar.

20 ~~(f)~~

21 (e) A public entity or employee shall not be liable for any loss,
22 detriment, or injury resulting directly or indirectly from false or
23 inaccurate information contained in the form provided pursuant
24 to this section.

25 ~~(g)~~

26 (f) This section does not apply to the registration of a
27 commercial motor vehicle, as defined in subdivision (b) of Section
28 15210.

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

30 12811. (a) (1) (A) When the department determines that the
31 applicant is lawfully entitled to a license, it shall issue to the person
32 a driver's license as applied for. The license shall state the class
33 of license for which the licensee has qualified and shall contain
34 the distinguishing number assigned to the applicant, the date of
35 expiration, the true full name, age, and mailing address of the
36 licensee, a brief description and engraved picture or photograph
37 of the licensee for the purpose of identification, and space for the
38 signature of the licensee.

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

1 (C) The department shall use whatever process or processes, in
2 the issuance of engraved or colored licenses, that prohibit, as near
3 as possible, the ability to alter or reproduce the license, or prohibit
4 the ability to superimpose a picture or photograph on the license
5 without ready detection.

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

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

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

28 (2) Notwithstanding any other law, a person under ~~the age of~~
29 ~~18 years~~ *18 years of age* may register as a donor. However, the
30 legal guardian of that person shall make the final decision regarding
31 the donation.

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

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

39 (5) On a weekly basis, the department shall electronically
40 transmit to Donate Life California, a nonprofit organization

1 established and designated as the California Organ and Tissue
2 Donor Registrar pursuant to Section 7150.90 of the Health and
3 Safety Code, all of the following information on every applicant
4 that has indicated his or her willingness to participate in the organ
5 donation program:

6 (A) His or her true full name.

7 (B) His or her residence or mailing address.

8 (C) His or her date of birth.

9 (D) His or her California driver's license number or
10 identification card number.

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

18 (B) The department shall not use more than 5 percent of the
19 donations collected pursuant to this paragraph to cover its actual
20 administrative costs incurred pursuant to paragraphs (3) to (5),
21 inclusive. The department shall deposit all revenue derived
22 pursuant to this paragraph and remaining after the department's
23 deduction for administrative costs in the Donate Life California
24 Trust Subaccount, that is hereby created in the Motor Vehicle
25 Account in the State Transportation Fund. Notwithstanding Section
26 13340 of the Government Code, all revenue in this subaccount is
27 continuously appropriated, without regard to fiscal years, to the
28 Controller for allocation to Donate Life California and shall be
29 expended for the purpose of increasing participation in organ
30 donation programs.

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

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

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

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

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

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