

AMENDED IN SENATE JUNE 23, 2009

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 *graphic* 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 to designate a voluntary contribution of \$2, as specified, to the registry for the purpose of promoting and supporting organ and tissue donation.

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 *graphic* 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~~ 7150.90 of the Health and Safety Code.
 - 9 (b) A person who renews his or her vehicle registration online
10 may designate a voluntary contribution of two dollars (\$2) for the
11 purpose of promoting and supporting organ and tissue donation.
12 This contribution shall be treated as a voluntary contribution to
13 the California Organ and Tissue Donor Registry and not as a fee
14 for the issuance of vehicle registration.
 - 15 (c) Enrollment in the registry online shall constitute a legal
16 document under the Uniform Anatomical Gift Act (Chapter 3.5
17 (commencing with Section 7150) of Part 1 of Division 7 of the
18 Health and Safety Code) and shall remain binding after the donor's
19 death despite any express desires of next of kin opposed to the
20 donation.
 - 21 (d) Information obtained by the registrar for the purposes of
22 this subdivision shall be used for these purposes only and shall not
23 be disseminated further by the registrar.

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

5 (f) This section does not apply to the registration of a
6 commercial motor vehicle, as defined in subdivision (b) of Section
7 15210.

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

9 12811. (a) (1) (A) When the department determines that the
10 applicant is lawfully entitled to a license, it shall issue to the person
11 a driver's license as applied for. The license shall state the class
12 of license for which the licensee has qualified and shall contain
13 the distinguishing number assigned to the applicant, the date of
14 expiration, the true full name, age, and mailing address of the
15 licensee, a brief description and engraved picture or photograph
16 of the licensee for the purpose of identification, and space for the
17 signature of the licensee.

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

20 (C) The department shall use whatever process or processes, in
21 the issuance of engraved or colored licenses, that prohibit, as near
22 as possible, the ability to alter or reproduce the license, or prohibit
23 the ability to superimpose a picture or photograph on the license
24 without ready detection.

25 (2) In addition to the requirements of paragraph (1), a license
26 issued to a person under 18 years of age shall display the words
27 "provisional until age 18."

28 (b) (1) The front of an application for an original or renewal
29 of a driver's license or identification card shall contain a space for
30 an applicant to give his or her consent to be an organ and tissue
31 donor upon death. An applicant who gives consent shall be directed
32 to read a statement on the back of the application that shall contain
33 the following statement:

34 "If you marked on the front of the application that you want to
35 be an organ and tissue donor upon death, your consent shall serve
36 as a legally binding document as outlined under the California
37 Uniform Anatomical Gift Act. Except in the case where the donor
38 is under the age of 18, the donation does not require the consent
39 of any other person. For donors under the age of 18, the legal
40 guardian of the donor shall make the final decision regarding the

1 donation. If you want to change your decision to consent in the
2 future, or if you want to limit the donation to specific organs,
3 tissues, or research, you must contact Donate Life California by
4 mail at 1760 Creekside Oaks Drive, #220, Sacramento, CA 95833,
5 or online at www.donateLIFECalifornia.org, or
6 www.doneVIDACalifornia.org.”

7 (2) Notwithstanding any other law, a person under 18 years of
8 age may register as a donor. However, the legal guardian of that
9 person shall make the final decision regarding the donation.

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

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

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

24 (A) His or her true full name.

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

26 (C) His or her date of birth.

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

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

36 (B) The department shall not use more than 5 percent of the
37 donations collected pursuant to this paragraph to cover its actual
38 administrative costs incurred pursuant to paragraphs (3) to (5),
39 inclusive. The department shall deposit all revenue derived
40 pursuant to this paragraph and remaining after the department’s

1 deduction for administrative costs in the Donate Life California
2 Trust Subaccount, that is hereby created in the Motor Vehicle
3 Account in the State Transportation Fund. Notwithstanding Section
4 13340 of the Government Code, all revenue in this subaccount is
5 continuously appropriated, without regard to fiscal years, to the
6 Controller for allocation to Donate Life California and shall be
7 expended for the purpose of increasing participation in organ
8 donation programs.

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

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

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

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

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

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