

AMENDED IN SENATE SEPTEMBER 4, 2009

AMENDED IN SENATE JULY 16, 2009

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

(~~Coauthor: Assembly Member Blumenfield~~ Coauthors: Assembly Members Tom Berryhill, Blumenfield, Buchanan, Huffman, and Knight)

(Coauthor: Senator Runner)

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. Existing law authorizes the department to use these contributions to cover its actual administrative costs incurred pursuant to this organ and tissue donor registration program.

This bill would authorize the department to use not more than \$300,000 of the contributions collected under these mail in enrollment registration provisions *per year* to cover its related actual administrative costs.

This bill would also 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, 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 7150.90 of the Health and Safety Code.

1 (b) A person who renews his or her vehicle registration online
2 may designate via the hyperlink in subdivision (a) a voluntary
3 contribution for the purpose of promoting and supporting organ
4 and tissue donation. This contribution shall be treated as a
5 voluntary contribution to the California Organ and Tissue Donor
6 Registry and not as a fee for the issuance of vehicle registration.

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

13 (d) Information obtained by the registrar for the purposes of
14 this subdivision shall be used for these purposes only and shall not
15 be disseminated further by the registrar.

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

20 (f) This section does not apply to the registration of a
21 commercial motor vehicle, as defined in subdivision (b) of Section
22 15210.

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

24 12811. (a) (1) (A) When the department determines that the
25 applicant is lawfully entitled to a license, it shall issue to the person
26 a driver's license as applied for. The license shall state the class
27 of license for which the licensee has qualified and shall contain
28 the distinguishing number assigned to the applicant, the date of
29 expiration, the true full name, age, and mailing address of the
30 licensee, a brief description and engraved picture or photograph
31 of the licensee for the purpose of identification, and space for the
32 signature of the licensee.

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

35 (C) The department shall use whatever process or processes, in
36 the issuance of engraved or colored licenses, that prohibit, as near
37 as possible, the ability to alter or reproduce the license, or prohibit
38 the ability to superimpose a picture or photograph on the license
39 without ready detection.

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

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

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

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

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

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

2 (C) His or her date of birth.

3 (D) His or her California driver's license number or
4 identification card number.

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

12 (B) The department shall not use more than three hundred
13 thousand dollars (\$300,000) of the donations collected pursuant
14 to this paragraph *per year* to cover its actual administrative costs
15 incurred pursuant to paragraphs (3) to (5), inclusive. *The*
16 *department shall not shift any actual administrative costs in excess*
17 *of three hundred thousand dollars (\$300,000) incurred pursuant*
18 *to this paragraph to the Motor Vehicle Account in the State*
19 *Transportation Fund or to any other funding source.* The
20 department shall deposit all revenue derived pursuant to this
21 paragraph and remaining after the department's deduction for
22 administrative costs in the Donate Life California Trust
23 Subaccount, that is hereby created in the Motor Vehicle Account
24 in the State Transportation Fund. Notwithstanding Section 13340
25 of the Government Code, all revenue in this subaccount is
26 continuously appropriated, without regard to fiscal years, to the
27 Controller for allocation to Donate Life California and shall be
28 expended for the purpose of increasing participation in organ
29 donation programs.

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

33 (8) The enrollment shall constitute a legal document pursuant
34 to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing
35 with Section 7150) of Part 1 of Division 7 of the Health and Safety
36 Code) and shall remain binding after the donor's death despite any
37 express desires of next of kin opposed to the donation. Except as
38 provided in paragraph (2) of subdivision (b), the donation does
39 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.