

Introduced by Senator AlquistFebruary 19, 2010

An act to amend Section 12811 of the Vehicle Code, relating to organ donation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1395, as introduced, Alquist. Organ donation: driver's licenses.

Under existing law, the Department of Motor Vehicles is required to include on an application for a new or renewal driver's license a space for the applicant to give his or her consent to be an organ or tissue donor upon death and a specified statement regarding organ donation. Existing law also allows an applicant for a new or renewal license to designate a voluntary donation of \$2 for the purpose of promoting and supporting organ and tissue donation.

This bill would, instead, require the department to include on an application for a new or renewal driver's license specified language asking the applicant if he or she wants to enroll with the Donate Life California Organ and Tissue Donor Registry and giving the applicant information about the registry, including disenrollment information. The bill would also require the department to transmit to the Donate Life California Organ and Tissue Donor Registry and the appropriate fiscal committees of the Legislature an annual report, and to make available quarterly updates, detailing funds collected through voluntary contributions from applicants as well as a summary of specified nonidentifiable applicant information.

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 12811 of the Vehicle Code is amended
2 to read:

3 12811. (a) (1) (A) When the department determines that the
4 applicant is lawfully entitled to a license, it shall issue to the person
5 a driver's license as applied for. The license shall state the class
6 of license for which the licensee has qualified and shall contain
7 the distinguishing number assigned to the applicant, the date of
8 expiration, the true full name, age, and mailing address of the
9 licensee, a brief description and engraved picture or photograph
10 of the licensee for the purpose of identification, and space for the
11 signature of the licensee.

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

14 (C) The department shall use whatever process or processes, in
15 the issuance of engraved or colored licenses, that prohibit, as near
16 as possible, the ability to alter or reproduce the license, or prohibit
17 the ability to superimpose a picture or photograph on the license
18 without ready detection.

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

22 (b) (1) ~~The front of an~~ An application for an original or renewal
23 of a driver's license or identification card shall contain a space for
24 an applicant to give his or her consent to be an organ and tissue
25 donor upon death. ~~An applicant who gives consent shall be directed~~
26 ~~to read a statement on the back of the application that shall contain~~
27 ~~the following statement:~~ *enroll with the Donate Life California*
28 *Organ and Tissue Donor Registry.*

29 (2) *The applicant shall be required to check one of the following*
30 *answers: (A) Yes, add my name to the donor registry, or (B) I do*
31 *not wish to register at this time.*

32 (3) *The following language shall be included with the question*
33 *required by paragraph (2):*

34
35 *"Marking 'Yes' adds your name to the Donate Life California*
36 *Organ and Tissue Donor Registry and a pink 'donor' dot will*
37 *appear on your license. If you wish to remove your name from the*
38 *registry you must contact Donate Life California (see back); DMV*

1 *can remove the pink dot from your licenses but cannot remove you*
2 *from the registry.”*

3
4 *(4) The back of the application shall contain the following*
5 *statement:*

6 *“If on the front of this form you marked ‘Yes’ to register as an*
7 *organ and tissue donor you are legally authorizing the recovery*
8 *of organs and tissues in the event of your death. Registering as a*
9 *donor will not affect your medical treatment in any way. As*
10 *outlined in the California Anatomical Gift Act, your authorization*
11 *is legally binding and, unless the donor is under 18 years of age,*
12 *your decision does not require the consent of any other person.*
13 *For registered donors under 18 years of age, the legal guardian*
14 *shall make the final donation decision. You may limit your donation*
15 *to specific organs or tissues, place usage restrictions, for example*
16 *transplantation or research, obtain more information about*
17 *donation, or remove your name from the registry on the Internet*
18 *Web site of Donate Life California:*
19 *www.donateLIFeCalifornia.org.”*

20
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.donateLIFeCalifornia.org, or~~
33 ~~www.doneVIDAcalifornia.org.”~~

34 (2)

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

39 (3)

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

4 ~~(4)~~

5 (7) The department shall print the word “DONOR” or another
 6 appropriate designation on the face of a driver’s license or
 7 identification card to a person who ~~registered as a donor on a form~~
 8 *issued has indicated on the application his or her intent to enroll*
 9 *in the organ donation program* pursuant to this section.

10 ~~(5)~~

11 (8) On a weekly basis, the department shall electronically
 12 transmit to Donate Life California, a nonprofit organization
 13 established and designated as the California Organ and Tissue
 14 Donor Registrar pursuant to Section 7150.90 of the Health and
 15 Safety Code, all of the following information ~~on every applicant~~
 16 *that has indicated his or her willingness to participate in from every*
 17 *application that indicates the applicant’s decision to enroll in the*
 18 *organ donation program:*

- 19 (A) His or her true full name.
- 20 (B) His or her residence or mailing address.
- 21 (C) His or her date of birth.
- 22 (D) His or her California driver’s license number or
- 23 identification card number.

24 ~~(6)~~

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

32 (B) The department may use the donations collected pursuant
 33 to this paragraph to cover its actual administrative costs incurred
 34 pursuant to paragraphs (3) to (5), inclusive. The department shall
 35 deposit all revenue derived pursuant to this paragraph and
 36 remaining after the department’s deduction for administrative costs
 37 in the Donate Life California Trust Subaccount, that is hereby
 38 created in the Motor Vehicle Account in the State Transportation
 39 Fund. Notwithstanding Section 13340 of the Government Code,
 40 all revenue in this subaccount is continuously appropriated, without

1 regard to fiscal years, to the Controller for allocation to Donate
2 Life California and shall be expended for the purpose of increasing
3 participation in organ donation programs.

4 (C) *The department shall transmit to the Donate Life California*
5 *Organ and Tissue Donor Registry and the appropriate fiscal*
6 *committees of the Legislature an annual report, and shall make*
7 *available quarterly updates, detailing funds collected through*
8 *voluntary contributions as well as a summary of applicants,*
9 *including all of the following nonidentifiable information:*

10 (i) *Date of application.*

11 (ii) *Method of application (field office, online, or mail).*

12 (iii) *Donor registration status.*

13 (iv) *Zip code.*

14 (v) *Gender.*

15 (vi) *Date of birth.*

16 ~~(7)~~

17 (10) *The enrollment form shall be posted on the Internet Web*
18 *sites for the department and the California Health and Human*
19 *Services Agency.*

20 ~~(8)~~

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

28 ~~(9)~~

29 (12) *Donate Life California shall ensure that all additions and*
30 *deletions to the California Organ and Tissue Donor Registry,*
31 *established pursuant to Section 7150.90 of the Health and Safety*
32 *Code, shall occur within 30 days of receipt.*

33 ~~(10)~~

34 (13) *Information obtained by Donate Life California for the*
35 *purposes of this subdivision shall be used for these purposes only*
36 *and shall not be disseminated further by Donate Life California.*

37 (c) *A public entity or employee shall not be liable for loss,*
38 *detriment, or injury resulting directly or indirectly from false or*
39 *inaccurate information contained in the form provided pursuant*
40 *to subdivision (b).*

- 1 (d) A contract shall not be awarded to a nongovernmental entity
- 2 for the processing of driver's licenses, unless the contract conforms
- 3 to all applicable state contracting laws and all applicable procedures
- 4 set forth in the State Contracting Manual.
- 5 (e) This section shall become operative on July 1, 2006.