

AMENDED IN ASSEMBLY MAY 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1637

Introduced by Assembly Members Frazier and Bloom

(Principal coauthor: Assembly Member Alejo)

(Coauthors: Assembly Members Achadjian, Brown, Conway, Daly, Eggman, Fox, Garcia, Gonzalez, Gorell, Gray, Hall, Levine, Linder, Lowenthal, Melendez, Muratsuchi, Nestande, Patterson, V. Manuel Pérez, Quirk-Silva, Salas, Skinner, Wieckowski, and Williams)

(Coauthors: Senators Anderson, Cannella, Correa, Gaines, Huff, Lieu, Nielsen, Torres, and Vidak)

February 11, 2014

An act to amend Section 12811 of, and to add Section 14901.1 to, the Vehicle Code, relating to driver's licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 1637, as amended, Frazier. Driver's licenses: veteran designation.

(1) Under existing law, when the Department of Motor Vehicles determines that an applicant is lawfully entitled to a driver's license, the department is required to issue that license to the applicant. Existing law specifies the contents of a driver's license and requires the application for a driver's license or identification card to contain a space for an applicant to indicate whether he or she has served in the Armed Forces of the United States and to give his or her consent to be contacted regarding eligibility to receive state or federal veterans' benefits.

This bill would, *commencing November 11, 2015*, allow an applicant for a driver's license or identification card to allow a person to request the driver's license or identification card be printed with the word

“VETERAN.” The applicant would be required to present to the department, in a manner determined by the department, a Certificate of Release or Discharge from Active Duty. The bill would require the department to allow an applicant to present a verification from the county veterans service officer that the person has received that form. *Department of Motor Vehicles, on a form developed jointly by the Department of Veterans Affairs and the Department of Motor Vehicles, proof of veteran status. The bill would require county veterans service offices to verify an applicant’s veteran status for these purposes, as specified.* The department would be required to print the word “VETERAN” on the face of a driver’s license or identification card issued to a person who makes that request and presents that verification to the department.

(2) Existing law establishes certain fee amounts for the applications for, and renewal of, driver’s licenses and identification cards.

This bill would ~~require~~ *authorize* the department to charge an additional fee in an unspecified amount to a person who requests that the person’s driver’s license or identification card be designated, as provided above. ~~The bill would require the department to forward \$1 of the amount collected to the Controller, for deposit in the Veterans Service Office Fund. The bill would require the revenues deposited in the Veterans Service Office Fund to be expended, upon appropriation by the Legislature, for the support of county veterans service offices.~~

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.

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

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

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

11 (b) (1) On and after July 1, 2011, an application for an original
12 or renewal driver’s license or identification card shall contain a
13 space for the applicant to enroll in the Donate Life California Organ
14 and Tissue Donor Registry. The application shall include check
15 boxes for an applicant to mark either (A) Yes, add my name to the
16 donor registry or (B) I do not wish to register at this time.

17 (2) The department shall inquire verbally of an applicant
18 applying in person for an original or renewal driver’s license or
19 identification card at a department office as to whether the applicant
20 wishes to enroll in the Donate Life California Organ and Tissue
21 Donor Registry. Failure or refusal to answer this question or check
22 a box on the application form shall not be a basis for the department
23 to deny an applicant a driver’s license or identification card.

24 (3) The following language shall be included with the question
25 required by paragraph (1):

26
27 “Marking ‘Yes’ adds your name to the Donate Life California
28 Organ and Tissue Donor Registry and a pink ‘donor’ dot will
29 appear on your license. If you wish to remove your name from the
30 registry you must contact Donate Life California (see back); DMV
31 can remove the pink dot from your licenses but cannot remove
32 you from the registry.”

33
34 (4) The back of the application shall contain the following
35 statement:

36
37 “If, on the front of this form, you marked ‘Yes’ to register as an
38 organ and tissue donor you are legally authorizing the recovery of
39 organs and tissues in the event of your death. Registering as a
40 donor will not affect your medical treatment in any way. As

1 outlined in the California Anatomical Gift Act, your authorization
2 is legally binding and, unless the donor is under 18 years of age,
3 your decision does not require the consent of any other person.
4 For registered donors under 18 years of age, the legal guardian
5 shall make the final donation decision. You may limit your
6 donation to specific organs or tissues, place usage restrictions, for
7 example transplantation or research, obtain more information about
8 donation, or remove your name from the registry on the Internet
9 Web site of Donate Life California:
10 www.donateLIFecalifornia.org.”

11
12 (5) Notwithstanding any other law, a person under 18 years of
13 age may register as a donor. However, the legal guardian of that
14 person shall make the final decision regarding the donation.

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

18 (7) The department shall print the word “DONOR” or another
19 appropriate designation on the face of a driver’s license or
20 identification card to a person who has indicated on the application
21 his or her intent to enroll in the organ donation program pursuant
22 to this section.

23 (8) On a weekly basis, the department shall electronically
24 transmit to Donate Life California, a nonprofit organization
25 established and designated as the California Organ and Tissue
26 Donor Registrar pursuant to Section 7150.90 of the Health and
27 Safety Code, all of the following information from every
28 application that indicates the applicant’s decision to enroll in the
29 organ donation program:

30 (A) His or her true full name.

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

32 (C) His or her year of birth.

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

35 (9) (A) A person who applies for an original or renewal driver’s
36 license or identification card may designate a voluntary
37 contribution of two dollars (\$2) for the purpose of promoting and
38 supporting organ and tissue donation. This contribution shall be
39 collected by the department, and treated as a voluntary contribution

1 to Donate Life California and not as a fee for the issuance of a
2 driver's license or identification card.

3 (B) The department may use the donations collected pursuant
4 to this paragraph to cover its actual administrative costs incurred
5 pursuant to paragraphs (6) to (8), inclusive. The department shall
6 deposit all revenue derived pursuant to this paragraph and
7 remaining after the department's deduction for administrative costs
8 in the Donate Life California Trust Subaccount, that is hereby
9 created in the Motor Vehicle Account in the State Transportation
10 Fund. Notwithstanding Section 13340 of the Government Code,
11 all revenue in this subaccount is continuously appropriated, without
12 regard to fiscal years, to the Controller for allocation to Donate
13 Life California and shall be expended for the purpose of increasing
14 participation in organ donation programs.

15 (C) The department shall transmit to the Donate Life California
16 Organ and Tissue Donor Registry and the appropriate policy and
17 fiscal committees of the Legislature an annual report, and shall
18 make available quarterly updates, detailing funds collected through
19 voluntary contributions as well as a summary of applicants,
20 including all of the following nonidentifiable information:

- 21 (i) Date of application.
- 22 (ii) Method of application (field office, online, or mail).
- 23 (iii) Donor registration status.
- 24 (iv) ZIP-~~code~~ Code.
- 25 (v) Gender.
- 26 (vi) Year of birth.

27 (D) (i) The annual report to be submitted to the appropriate
28 policy and fiscal committees of the Legislature pursuant to
29 subparagraph (C) shall be submitted in compliance with Section
30 9795 of the Government Code.

31 (ii) Pursuant to Section 10231.5 of the Government Code, the
32 requirement for submitting the annual report to the appropriate
33 policy and fiscal committees of the Legislature imposed under
34 subparagraph (C) is inoperative four years after the date the first
35 annual report is due.

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

39 (11) The enrollment shall constitute a legal document pursuant
40 to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing

1 with Section 7150) of Part 1 of Division 7 of the Health and Safety
2 Code) and shall remain binding after the donor’s death despite any
3 express desires of next of kin opposed to the donation. Except as
4 provided in paragraph (5) of subdivision (b), the donation does
5 not require the consent of any other person.

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

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

13 (c) (1) All applications for a driver’s license or identification
14 card shall contain a space for an applicant to indicate whether he
15 or she has served in the Armed Forces of the United States and to
16 give his or her consent to be contacted regarding eligibility to
17 receive state or federal veterans benefits. The application shall
18 contain the following statement:

19
20 “By marking the veteran box on this application, I certify that I
21 am a veteran of the United States Armed Forces and that I want
22 to receive veterans benefits information from the California
23 Department of Veterans Affairs. By marking the veteran box on
24 this application, I also consent to DMV transmitting my name and
25 mailing address to the California Department of Veterans Affairs
26 for this purpose only, and I certify that I have been notified that
27 this transmittal will occur.”

28
29 (2) The department shall collect the information obtained
30 pursuant to paragraph (1).

31 (3) As mutually agreed between the department and the
32 Department of Veterans Affairs, the department shall electronically
33 transmit to the Department of Veterans Affairs the following
34 information on each applicant who has identified that he or she
35 has served in the Armed Forces of the United States since the last
36 data transfer and has consented to be contacted about veterans
37 benefits:

- 38 (A) His or her true full name.
- 39 (B) His or her mailing address.

1 (4) Information obtained by the Department of Veterans Affairs
2 for the purposes of this subdivision shall be used for the purpose
3 of assisting individuals to access veterans benefits and shall not
4 be disseminated except as needed for this purpose.

5 (5) ~~An~~ *Commencing November 11, 2105, an application for an*
6 *original, duplicate, or in-person renewal of a driver's license or*
7 *identification card shall allow an applicant to request the word*
8 *"VETERAN" be printed on the face of the driver's license or*
9 *identification card.* ~~The applicant shall present to the department,~~
10 ~~in a manner determined by the department, verification that the~~
11 ~~person has received a Certificate of Release or Discharge from~~
12 ~~Active Duty (DD Form 214) issued pursuant to Part 45~~
13 ~~(commencing with Section 45.1) of Title 32 of the Code of Federal~~
14 ~~Regulations, from the county veteran's service officer appointed~~
15 ~~pursuant to Section 970 of the Military and Veterans Code. An~~
16 ~~application form shall be developed jointly by the Department of~~
17 ~~Veteran Affairs and the Department of Motor Vehicles to~~
18 ~~acknowledge verification of veteran status. A county veterans~~
19 ~~service office shall verify the veteran's status as a veteran, sign~~
20 ~~the application form, and return it to the veteran. The Department~~
21 ~~of Motor Vehicles shall accept the signed application form as proof~~
22 ~~of veteran status. Upon payment of the fee required pursuant to~~
23 ~~Section 14901.1, the department shall print the word "VETERAN"~~
24 ~~shall be printed on the face of a driver's license or identification~~
25 ~~card, in a location determined by the department, and issued to a~~
26 ~~person who makes this request and presents the verification to the~~
27 ~~department.~~

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

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

36 SEC. 2. Section 14901.1 is added to the Vehicle Code, to read:

37 14901.1. ~~(a)~~ *In addition to the fees required by Section 14900,*
38 *14900.1, or 14902, the department shall may charge a fee in the*
39 *amount of ____ dollars (\$____) to any person who requests,*
40 *pursuant to paragraph (5) of subdivision (c) of Section 12811, that*

1 the person’s driver’s license or identification card be printed with
2 the word “VETERAN” or another appropriate designation to
3 indicate that the person has served in the United States Armed
4 Forces.

5 ~~(b) The department shall forward one dollar (\$1) of the amount~~
6 ~~collected pursuant to subdivision (a) to the Controller, for deposit~~
7 ~~in the Veterans Service Office Fund created in the State Treasury~~
8 ~~pursuant to Section 972.2 of the Military and Veterans Code. The~~
9 ~~revenues deposited in the Veterans Service Office Fund pursuant~~
10 ~~to this subdivision shall be expended, upon appropriation by the~~
11 ~~Legislature, for the support of county veterans service offices.~~