

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1946

Introduced by Assembly Member Hadley

February 12, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1946, as amended, Hadley. Driver's licenses.

Existing law requires the Department of Motor Vehicles to issue a driver's license to an applicant when the department determines that the applicant is lawfully entitled to a license. *Existing law allows an applicant for a driver's license or identification card to request the word "VETERAN" be printed on the face of the driver's license or identification card, subject to certain requirements, including, among others, payment of an additional \$5 fee.*

This bill would ~~make a technical, nonsubstantive change to those provisions; repeal the \$5 fee requirement and make additional conforming changes.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-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, the department shall

1 issue to the person a driver's license as applied for. The license
2 shall state the class of license for which the licensee has qualified
3 and shall contain the distinguishing number assigned to the
4 applicant, the date of expiration, the true full name, age, and
5 mailing address of the licensee, a brief description and engraved
6 picture or photograph of the licensee for the purpose of
7 identification, and space for the signature of the licensee.

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

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

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

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

24 (2) The department shall inquire verbally of an applicant
25 applying in person for an original or renewal driver's license or
26 identification card at a department office as to whether the applicant
27 wishes to enroll in the Donate Life California Organ and Tissue
28 Donor Registry. Failure or refusal to answer this question or check
29 a box on the application form shall not be a basis for the department
30 to deny an applicant a driver's license or identification card.

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

33
34 "Marking 'Yes' adds your name to the Donate Life California
35 Organ and Tissue Donor Registry and a pink 'donor' dot will
36 appear on your license. If you wish to remove your name from the
37 registry you must contact Donate Life California (see back); DMV
38 can remove the pink dot from your licenses but cannot remove
39 you from the registry."
40

1 (4) The back of the application shall contain the following
2 statement:

3
4 “If, on the front of this form, you marked ‘Yes’ to register as an
5 organ and tissue donor you are legally authorizing the recovery of
6 organs and tissues in the event of your death. Registering as a
7 donor will not affect your medical treatment in any way. As
8 outlined in the California Anatomical Gift Act, your authorization
9 is legally binding and, unless the donor is under 18 years of age,
10 your decision does not require the consent of any other person.
11 For registered donors under 18 years of age, the legal guardian
12 shall make the final donation decision. You may limit your
13 donation to specific organs or tissues, place usage restrictions, for
14 example transplantation or research, obtain more information about
15 donation, or remove your name from the registry on the Internet
16 Web site of Donate Life California:
17 www.donateLIFecalifornia.org.”
18

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

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

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

30 (8) On a weekly basis, the department shall electronically
31 transmit to Donate Life California, a nonprofit organization
32 established and designated as the California Organ and Tissue
33 Donor Registrar pursuant to Section 7150.90 of the Health and
34 Safety Code, all of the following information from every
35 application that indicates the applicant’s decision to enroll in the
36 organ donation program:

37 (A) His or her true full name.

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

39 (C) His or her year of birth.

1 (D) His or her California driver's license number or
2 identification card number.

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

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

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

- 28 (i) Date of application.
- 29 (ii) Method of application (field office, online, or mail).
- 30 (iii) Donor registration status.
- 31 (iv) ZIP Code.
- 32 (v) Gender.
- 33 (vi) Year of birth.

34 (D) (i) The annual report to be submitted to the appropriate
35 policy and fiscal committees of the Legislature pursuant to
36 subparagraph (C) shall be submitted in compliance with Section
37 9795 of the Government Code.

38 (ii) Pursuant to Section 10231.5 of the Government Code, the
39 requirement for submitting the annual report to the appropriate
40 policy and fiscal committees of the Legislature imposed under

1 subparagraph (C) is inoperative four years after the date the first
2 annual report is due.

3 (10) The enrollment form shall be posted on the Internet Web
4 sites for the department and the California Health and Human
5 Services Agency.

6 (11) The enrollment shall constitute a legal document pursuant
7 to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing
8 with Section 7150) of Part 1 of Division 7 of the Health and Safety
9 Code) and shall remain binding after the donor's death despite any
10 express desires of next of kin opposed to the donation. Except as
11 provided in paragraph (5) of subdivision (b), the donation does
12 not require the consent of any other person.

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

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

20 (c) (1) All applications for a driver's license or identification
21 card shall contain a space for an applicant to indicate whether he
22 or she has served in the Armed Forces of the United States and to
23 give his or her consent to be contacted regarding eligibility to
24 receive state or federal veterans benefits. The application shall
25 contain the following statement:

26
27 "By marking the veteran box on this application, I certify that I
28 am a veteran of the United States Armed Forces and that I want
29 to receive veterans benefits information from the California
30 Department of Veterans Affairs. By marking the veteran box on
31 this application, I also consent to DMV transmitting my name and
32 mailing address to the California Department of Veterans Affairs
33 for this purpose only, and I certify that I have been notified that
34 this transmittal will occur."

35
36 (2) The department shall collect the information obtained
37 pursuant to paragraph (1).

38 (3) As mutually agreed between the department and the
39 Department of Veterans Affairs, the department shall electronically
40 transmit to the Department of Veterans Affairs the following

1 information on each applicant who has identified that he or she
2 has served in the Armed Forces of the United States since the last
3 data transfer and has consented to be contacted about veterans
4 benefits:

5 (A) His or her true full name.

6 (B) His or her mailing address.

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

11 (5) Commencing November 11, 2015, an in-person application
12 for a driver's license or identification card shall allow an applicant
13 to request the word "VETERAN" be printed on the face of the
14 driver's license or identification card. A verification form shall be
15 developed by the Department of Veterans Affairs in consultation
16 with the Department of Motor Vehicles and the California
17 Association of County Veterans Service Officers to acknowledge
18 verification of veteran status. A county veterans service office
19 shall verify the veteran's status as a veteran, sign the verification
20 form, and return it to the veteran. The Department of Motor
21 Vehicles shall accept the signed verification form as proof of
22 veteran status. ~~Upon payment of the fee required pursuant to~~
23 ~~Section 14901.1, the~~ The word "VETERAN" shall be printed on
24 the face of a driver's license or identification card, in a location
25 determined by the department, and issued to a person who makes
26 this request and presents the verification form to the department.

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

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

35 *SEC. 2. Section 14901.1 of the Vehicle Code is repealed.*

36 ~~14901.1. In addition to the fees required by Section 14900,~~
37 ~~14900.1, or 14902, the department shall charge a one-time fee of~~
38 ~~five dollars (\$5) to any person who requests, pursuant to paragraph~~
39 ~~(5) of subdivision (c) of Section 12811, that the person's driver's~~
40 ~~license or identification card be printed with the word~~

1 ~~“VETERAN” to indicate that the person has served in the United~~
2 ~~States Armed Forces. The department may increase the fee by~~
3 ~~regulation, in an amount not to exceed fifteen dollars (\$15), to~~
4 ~~reimburse the department for its reasonable costs in processing~~
5 ~~and issuing a request for a license or card issued pursuant to~~
6 ~~paragraph (5) of subdivision (e) of Section 12811.~~

O