

ASSEMBLY BILL

No. 1725

Introduced by Assembly Member Bonnie Lowenthal

February 16, 2012

An act to amend Section 12811 of, and to add Section 14901.1 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1725, as introduced, Bonnie Lowenthal. Driver's licenses: identification cards: veterans.

(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 require the application for a driver's license or identification card to also allow a person to present to the department, in a manner determined by the department, a Certificate of Release or Discharge from Active Duty, as specified, and to request the driver's license or identification card be designated with a "V" or another appropriate designation to indicate that the person has served in the United States Armed Forces. 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. The department would be required to print the letter "V" or another appropriate designation on the face of a driver's license or identification card issued

to a person who makes that request and presents that form 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 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.

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

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) On and after July 1, 2011, an application for an original
23 or renewal driver's license or identification card shall contain a

1 space for the applicant to enroll in the Donate Life California Organ
2 and Tissue Donor Registry. The application shall include check
3 boxes for an applicant to mark either (A) Yes, add my name to the
4 donor registry or (B) I do not wish to register at this time.

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

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

14
15 "Marking 'Yes' adds your name to the Donate Life California
16 Organ and Tissue Donor Registry and a pink 'donor' dot will
17 appear on your license. If you wish to remove your name from the
18 registry you must contact Donate Life California (see back); DMV
19 can remove the pink dot from your licenses but cannot remove
20 you from the registry."

21
22 (4) The back of the application shall contain the following
23 statement:

24
25 "If, on the front of this form, you marked 'Yes' to register as an
26 organ and tissue donor you are legally authorizing the recovery of
27 organs and tissues in the event of your death. Registering as a
28 donor will not affect your medical treatment in any way. As
29 outlined in the California Anatomical Gift Act, your authorization
30 is legally binding and, unless the donor is under 18 years of age,
31 your decision does not require the consent of any other person.
32 For registered donors under 18 years of age, the legal guardian
33 shall make the final donation decision. You may limit your
34 donation to specific organs or tissues, place usage restrictions, for
35 example transplantation or research, obtain more information about
36 donation, or remove your name from the registry on the Internet
37 Web site of Donate Life California:
38 www.donateLIFEcalifornia.org."

(5) Notwithstanding any other ~~provision of~~ 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.

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

(7) 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 has indicated on the application his or her intent to enroll in the organ donation program pursuant to this section.

(8) 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 from every application that indicates the applicant's decision to enroll in the organ donation program:

(A) His or her true full name.

(B) His or her residence or mailing address.

(C) His or her year of birth.

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

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

(B) The department may use the donations collected pursuant to this paragraph to cover its actual administrative costs incurred pursuant to paragraphs (6) to (8), inclusive. The department shall deposit all revenue derived pursuant to this paragraph and remaining after the department's deduction for administrative costs in the Donate Life California Trust Subaccount, that is hereby created in the Motor Vehicle Account in the State Transportation Fund. Notwithstanding Section 13340 of the Government Code, 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 policy and
6 fiscal committees of the Legislature an annual report, and shall
7 make 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) Year of birth.

16 (D) (i) The annual report to be submitted to the appropriate
17 policy and fiscal committees of the Legislature pursuant to
18 subparagraph (C) shall be submitted in compliance with Section
19 9795 of the Government Code.

20 (ii) Pursuant to Section 10231.5 of the Government Code, the
21 requirement for submitting the annual report to the appropriate
22 policy and fiscal committees of the Legislature imposed under
23 subparagraph (C) is inoperative four years after the date the first
24 annual report is due.

25 (10) The enrollment form shall be posted on the Internet Web
26 sites for the department and the California Health and Human
27 Services Agency.

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

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

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

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

10
11 "By marking the veteran box on this application, I certify that I
12 am a veteran of the United States Armed Forces and that I want
13 to receive veterans benefits information from the California
14 Department of Veterans Affairs. By marking the veteran box on
15 this application, I also consent to DMV transmitting my name and
16 mailing address to the California Department of Veterans Affairs
17 for this purpose only, and I certify that I have been notified that
18 this transmittal will occur."

19
20 (2) The department shall collect the information obtained
21 pursuant to paragraph (1).

22 (3) As mutually agreed between the department and the
23 Department of Veterans Affairs, the department shall electronically
24 transmit to the Department of Veterans Affairs the following
25 information on each applicant who has identified that he or she
26 has served in the Armed Forces of the United States since the last
27 data transfer and has consented to be contacted about veterans
28 benefits:

29 (A) His or her true full name.

30 (B) His or her mailing address.

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

35 (5) *The application for a driver's license or identification card*
36 *shall also allow a person to present to the department, in a manner*
37 *determined by the department, a Certificate of Release or*
38 *Discharge from Active Duty (DD Form 214) issued pursuant to*
39 *Part 45 (commencing with Section 45.1) of Title 32 of the Code*
40 *of Federal Regulations, and to request the driver's license or*

1 identification card be designated with a “V” or another
2 appropriate designation to indicate that the person has served in
3 the United States Armed Forces. The department shall allow an
4 applicant to present a verification that the person has received a
5 DD Form 214 from the county veterans service officer appointed
6 pursuant to Section 970 of the Military and Veterans Code. Upon
7 payment of the fee required pursuant to Section 14901.1, the
8 department shall print the letter “V” or another appropriate
9 designation on the face of a driver’s license or identification card
10 issued to a person who makes this request and presents the DD
11 Form 214 to the department.

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

16 (e) A contract shall not be awarded to a nongovernmental entity
17 for the processing of driver’s licenses, unless the contract conforms
18 to all applicable state contracting laws and all applicable procedures
19 set forth in the State Contracting Manual.

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

21 14901.1. (a) In addition to the fees required by Sections
22 14900, 14900.1, or 14902, the department shall charge a fee in the
23 amount of ____dollars (\$__) to any person who requests, pursuant
24 to paragraph (5) of subdivision (c) of Section 12811, that the
25 person’s driver’s license or identification card be designated with
26 a “V” or another appropriate designation to indicate that the person
27 has served in the United States Armed Forces.

28 (b) The department shall forward one dollar (\$1) of the amount
29 collected pursuant to subdivision (a) to the Controller, for deposit
30 in the Veterans Service Office Fund created in the State Treasury
31 pursuant to Section 972.23 of the Military and Veterans Code. The
32 revenues deposited in the Veterans Service Office Fund pursuant
33 to this subdivision shall be expended, upon appropriation by the
34 Legislature, for the support of county veterans service offices.