



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-1374 Driver's licenses: organ donation. (2021-2022)

SHARE THIS:  

Date Published: 09/23/2021 02:00 PM

Assembly Bill No. 1374

CHAPTER 211

An act to amend Section 7150.90 of the Health and Safety Code, to amend Section 367f of the Penal Code, and to amend Sections 12811, 12811.1, 13005, and 14901.1 of, and to add Section 12811.3 to, the Vehicle Code, relating to driver's licenses.

[Approved by Governor September 22, 2021. Filed with Secretary of State September 22, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1374, Mullin. Driver's licenses: organ donation.

Existing law, the Uniform Anatomical Gift Act, authorizes the creation of a not-for-profit entity to be designated as the California Organ and Tissue Donor Registrar and requires that entity to establish and maintain the Donate Life California Organ and Tissue Donor Registry for persons who have identified themselves as organ and tissue donors upon their death.

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. Existing law requires an application for an original or renewal driver's license or identification card to contain a space for the applicant to enroll in the Donate Life California Organ and Tissue Donor Registry and requires the application to include specified check boxes for an applicant to indicate whether to add the applicant's name to the registry. Existing law requires the back of the application to include a specified disclosure statement informing the applicant that by marking 'Yes' in the check boxes the applicant is legally authorizing the recovery of organs and tissues in the event of their death. Existing law authorizes a person who applies for an original or renewal driver's license or identification card to designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ and tissue donation, as specified.

This bill would revise and recast these requirements relating to providing for enrollment for organ or tissue donation through the process of obtaining a driver's license or identification card from the department, including deleting an outdated reporting requirement and making conforming changes to related provisions. The bill would instead require the department to enter into a memorandum of understanding (MOU) with the Donate Life California Organ and Tissue Donor Registry to mutually agree upon the language providing for enrollment in organ or tissue donation. The bill would authorize a person who applies for an original or renewal driver's license or identification card to designate a voluntary contribution of \$2 or more, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7150.90 of the Health and Safety Code is amended to read:

7150.90. (a) The California organ procurement organizations designated pursuant to Section 273 and following of Title 42 of the United States Code, are hereby authorized to establish a not-for-profit entity that shall be designated the California Organ and Tissue Donor Registrar, which shall establish and maintain the California Organ and Tissue Donor Registry, to be known as the Donate Life California Organ and Tissue Donor Registry. The registry shall contain information regarding persons who have identified themselves as organ and tissue donors upon their death. The registrar shall be responsible for developing methods to increase the number of donors who enroll in the registry.

(b) The registrar shall make available to the federally designated organ procurement organizations (OPOs) in California and the state licensed tissue and eye banks information contained in the registry regarding potential donors on a 24-hour-a-day, seven-day-a-week basis. This information shall be used to expedite a match between identified organ and tissue donors and potential recipients.

(c) The registrar may receive voluntary contributions to support the registry and its activities.

(d) The registrar shall submit an annual written report to the State Public Health Officer and the Legislature that includes all of the following:

(1) The number of donors on the registry.

(2) The changes in the number of donors on the registry.

(3) The nonidentifiable information, as set forth in a memorandum of understanding or other specified language in Section 12811.3 of the Vehicle Code, of donors as may be determined by information provided on the donor registry forms pursuant to Sections 12811.3 and 13005 of the Vehicle Code.

(4) The nonidentifiable information, as set forth in a memorandum of understanding or other specified language in Section 12811.3 of the Vehicle Code, of donors as may be determined by information transmitted to the registry pursuant to Section 1798.90.1 of the Civil Code to identify an individual as a registered organ donor.

SEC. 2. Section 367f of the Penal Code is amended to read:

367f. (a) Except as provided in subdivisions (d) and (e), it shall be unlawful for any person to knowingly acquire, receive, sell, promote the transfer of, or otherwise transfer any human organ, for purposes of transplantation, for valuable consideration.

(b) Except as provided in subdivisions (d), (e), and (f), it shall be unlawful to remove or transplant any human organ with the knowledge that the organ has been acquired or will be transferred or sold for valuable consideration in violation of subdivision (a).

(c) For purposes of this section, the following definitions apply:

(1) "Human organ" includes, but is not limited to, a human kidney, liver, heart, lung, pancreas, or any other human organ or nonrenewable or nonregenerative tissue except plasma and sperm.

(2) "Valuable consideration" means financial gain or advantage, but does not include the reasonable costs associated with the removal, storage, transportation, and transplantation of a human organ, or reimbursement for those services, or the expenses of travel, housing, and lost wages incurred by the donor of a human organ in connection with the donation of the organ.

(d) No act respecting the nonsale donation of organs or other nonsale conduct pursuant to or in the furtherance of the purposes of the Uniform Anatomical Gift Act, Chapter 3.5 (commencing with Section 7150) Part 1 of Division 7 of the Health and Safety Code, including acts pursuant to anatomical gifts offered under Section 12811.3 of the Vehicle Code, shall be made unlawful by this section.

(e) This section shall not apply to the person from whom the organ is removed, nor to the person who receives the transplant, or those persons' next-of-kin who assisted in obtaining the organ for purposes of transplantations.

(f) A licensed physician and surgeon who transplants a human organ in violation of subdivision (b) shall not be criminally liable under that subdivision if the act is performed under emergency and life-threatening conditions.

(g) Any person who violates subdivision (a) or (b) shall be punished by a fine not to exceed fifty thousand dollars (\$50,000), or by imprisonment pursuant to subdivision (h) of Section 1170 for three, four, or five years, or by both that fine and imprisonment.

SEC. 3. Section 12811 of the Vehicle Code is amended to read:

12811. (a) (1) (A) When the department determines that the applicant is lawfully entitled to a license, it shall issue to the person a driver's license as applied for. The license shall state the class of license for which the licensee has qualified and shall contain the distinguishing number assigned to the applicant, the date of expiration, the true full name, age, and mailing address or residence

address of the licensee, a brief description and engraved picture or photograph of the licensee for the purpose of identification, and space for the signature of the licensee.

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

(C) The department shall use whatever process or processes, in the issuance of engraved or colored licenses, that prohibit, as near as possible, the ability to alter or reproduce the license, or prohibit the ability to superimpose a picture or photograph on the license 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) All applications for a driver's license or identification card shall contain a space for an applicant to indicate whether they have served in the Armed Forces of the United States and to give their consent to be contacted regarding eligibility to receive state or federal veterans benefits. The application shall contain the following statement:

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

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

(3) As mutually agreed between the department and the Department of Veterans Affairs, the department shall electronically transmit to the Department of Veterans Affairs the following information on each applicant who has identified that they have served in the Armed Forces of the United States since the last data transfer and has consented to be contacted about veterans benefits:

(A) The applicant's true full name.

(B) The applicant's mailing address.

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

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

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

SEC. 4. Section 12811.1 of the Vehicle Code is amended to read:

12811.1. (a) Upon the applicant's request, the department shall issue an adhesive backed medical information card which contains a format permitting the licensee to specify blood type, allergies, past or present medical problems, any medication being taken, the name of the licensee's doctor, the person to notify in case of an emergency, and whether the licensee is under a doctor's care.

(b) The medical information card, which shall be a different color than the anatomical gift Donor Dot authorized by Section 12811.3, shall be the same size as a driver's license.

SEC. 5. Section 12811.3 is added to the Vehicle Code, to read:

12811.3. (a) A written or electronic application for an original or renewal driver's license or identification card shall contain a space for the applicant to enroll in the Donate Life California Organ and Tissue Donor Registry. The application shall include check

boxes for an applicant to mark either (A) Yes, add my name to the donor registry or (B) I do not wish to register at this time.

(b) (1) The department shall enter into a memorandum of understanding with the Donate Life California Organ and Tissue Donor Registry to mutually agree upon the language accompanying the question of enrollment required in subdivision (a) for the purpose of defining enrollment and providing the corresponding disclosures.

(2) The department shall continue to use existing language accompanying the question of enrollment until a memorandum of understanding, as described in paragraph (1), is in effect.

(3) At any time a memorandum of understanding, as described in paragraph (1), is not in effect, the department shall continue to use the language from the most recent memorandum of understanding until a new one is in effect.

(c) 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.

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

(e) 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 their intent to enroll in the organ donation program pursuant to this section.

(f) 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:

(1) The applicant's true full name.

(2) The applicant's residence or mailing address.

(3) The applicant's year of birth.

(4) The applicant's California driver's license number or identification card number.

(g) (1) A person who applies for an original or renewal driver's license or identification card may designate a voluntary contribution of two dollars (\$2) or more 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.

(2) The department may use the donations collected pursuant to this section to cover its actual administrative costs incurred pursuant to subdivisions (d) to (f), inclusive. The department shall deposit all revenue derived pursuant to this section 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 regard to fiscal years, to the Controller for allocation to Donate Life California and shall be expended for the purpose of increasing participation in organ donation programs.

(h) The enrollment form shall be posted on the internet websites for the department and the California Health and Human Services Agency.

(i) The enrollment form shall constitute a legal document pursuant to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code) and shall remain binding after the donor's death despite any express desires of next of kin opposed to the donation. Except for the provisions relating to a person under 18 years of age, the donation does not require the consent of any other person.

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

(k) Information obtained by Donate Life California for the purposes of this section shall be used for these purposes only and shall not be disseminated further by Donate Life California.

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

SEC. 6. Section 13005 of the Vehicle Code is amended to read:

13005. (a) The identification card shall resemble in appearance, so far as is practicable, a driver's license issued pursuant to this code. It shall adequately describe the applicant, bear the applicant's picture, and be produced in color or engraved by a process or processes that prohibit, as near as possible, the ability to alter or reproduce the identification card, or prohibit the ability to superimpose a picture or photograph on the identification card without ready detection.

(b) Upon issuance of a new identification card, or renewal of an identification card, the department shall provide information on organ and tissue donation, including a standardized written or electronic form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry with instructions for submitting the completed form to the California Organ and Tissue Donor Registrar established pursuant to subdivision (a) of Section 7150.90 of the Health and Safety Code.

(c) (1) The department shall enter into a memorandum of understanding with the Donate Life California Organ and Tissue Donor Registry to mutually agree upon the written or electronic form for enrollment required by subdivision (b).

(2) (A) At any time a memorandum of understanding, as described in paragraph (1), is not in effect, the department shall, as soon as practicable, produce a written or electronic form that is simple in design, in cooperation with the California Organ and Tissue Donor Registrar, and shall require all of the following information to be supplied by the enrollee:

(i) Date of birth, gender, full name, address, and home telephone number.

(ii) Consent for organs or tissues to be donated for transplant after death.

(iii) Any limitation of the donation to specific organs, tissues, or research.

(B) The form shall also include a description of the process for having a name removed from the registry, and the process for donating money for the benefit of the registry.

(d) The registry enrollment form shall be posted on the internet websites for the department and the California Health and Human Services Agency.

(e) The form shall constitute a legal document under the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code).

(f) The registrar shall ensure that all additions and deletions to the registry shall occur within 30 days of receipt.

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

(h) A contract shall not be awarded to a nongovernmental entity for the processing of identification cards unless the contract conforms to all applicable state contracting laws and all applicable procedures set forth in the State Contracting Manual.

SEC. 7. Section 14901.1 of the Vehicle Code is amended to read:

14901.1. (a) In addition to the fees required by Section 14900, 14900.1, or 14902, and except as otherwise provided in subdivision (b), the department shall charge a one-time fee of five dollars (\$5) to any person who requests, pursuant to paragraph (5) of subdivision (b) of Section 12811, that the person's driver's license or identification card be printed with the word "VETERAN" to indicate that the person has served in the United States Armed Forces. The department may increase the fee by regulation, in an amount not to exceed fifteen dollars (\$15), to reimburse the department for its reasonable costs in processing and issuing a request for a license or card issued pursuant to paragraph (5) of subdivision (b) of Section 12811.

(b) (1) A fee shall not be charged for a request made pursuant to paragraph (5) of subdivision (b) of Section 12811 by either of the following persons:

(A) A person who has been determined to be eligible to obtain an original or replacement identification card at a reduced fee pursuant to subdivision (c) of Section 14902.

(B) A person who can verify their status as a homeless person and who has been determined to be eligible to obtain an original or replacement identification card for no fee pursuant to subdivision (d) of Section 14902.

(2) A person making a request under paragraph (1) shall have their status as a veteran verified by a county veteran service officer pursuant to paragraph (5) of subdivision (b) of Section 12811.