AMENDED IN ASSEMBLY FEBRUARY 26, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL No. 21

Introduced by Assembly Member Obernolte
(Coauthors: Assembly Members Brough, Frazier, Eduardo Garcia, and Mathis)

December 3, 2018

An act to amend Section 12811 of, and to amend and repeal Section 14901.1 of, the Vehicle Code, relating to driver's licenses, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 21, as amended, Obernolte. Driver's licenses: veteran designation.

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 in-person 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, verification of veteran status, as specified, and payment of a $5 fee, which the department is authorized to increase by regulation, in an amount not to exceed $15, as specified. Commencing July 1, 2019, existing law prohibits a fee from being charged for that request if made by (1) a person who has been determined to have a current income level that meets the eligibility requirements for specified assistance programs, or (2) a person who can verify ~~his or her~~ *their* status as a homeless person, in accordance with specified provisions.

This bill would make the payment of ~~that~~ *a* fee *by any veteran* inoperative no later than July 1, 2020, and repeal the law on January 1,

2021, ~~as specified, thereby authorizing an applicant whose veteran status has been verified, as prescribed, to make a veteran designation request, and~~ *thereby indefinitely* requiring the department to make ~~that~~ *a veteran* designation on ~~the~~ *a verified* applicant's license, without charge. The bill also would make *technical and* conforming changes.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ⅔. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. 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) An 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.

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

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

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

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

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

(5) 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.

(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~~ *the person's* 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~~ *The applicant's* true full name.

(B) ~~His or her~~ *The applicant's* residence or mailing address.

(C) ~~His or her~~ *The applicant's* year of birth.

(D) ~~His or her~~ *The applicant's* 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 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.

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

(i) Date of application.

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

(iii) Donor registration status.

(iv) ZIP Code.

(v) Gender.

(vi) Year of birth.

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

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

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

(11) The enrollment 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 as provided in paragraph (5) of subdivision (b), the donation does not require the consent of any other person.

(12) 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.

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

(c) (1) All applications for a driver's license or identification card shall contain a space for an applicant to indicate whether ~~he~~

~~or she~~ *the applicant* has served in the Armed Forces of the United States and to give ~~his or her~~ *the applicant's* 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 ~~he or she~~ *the applicant* has served in the Armed Forces of the United States since the last data transfer and has consented to be contacted about veterans benefits:

(A) ~~His or her~~ *The applicant's* true full name.

(B) ~~His or her~~ *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) (A) 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, subject to subparagraph (B), 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.

(B) The department shall discontinue the fee required pursuant to Section 14901.1 no later than July 1, 2020.

(d) 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 form provided pursuant to subdivision (b).

(e) 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. 2. Section 14901.1 of the Vehicle Code, as amended by Section 1 of Chapter 579 of the Statutes of 2017, is amended to read:~~

~~14901.1. (a) In addition to the fees required by Section 14900, 14900.1, or 14902, the department shall charge a one-time fee of five dollars ($5) to any person who requests, pursuant to paragraph (5) of subdivision (c) 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 (c) of Section 12811.~~

~~(b) This section shall become inoperative on the date the fee is discontinued by the department pursuant to subparagraph (B) of paragraph (5) of subdivision (c) of Section 12811, or July 1, 2020, whichever occurs first, and, as of January 1, 2021, is repealed.~~

~~SEC. 3. Section 14901.1 of the Vehicle Code, as added by Section 2 of Chapter 579 of the Statutes of 2017, is repealed.~~

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~~(b) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed.~~

SEC. 3. Section 14901.1 of the Vehicle Code, as added by Section 2 of Chapter 579 of the Statutes of 2017, 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 (c) 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 (c) of Section 12811.

(b) (1) ~~A fee shall not be charged~~ *On and after July 1, 2019, the department shall not charge a fee* for a request made pursuant to paragraph (5) of subdivision (c) 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 ~~his or her~~ *the person's* 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 ~~his or her~~ *the person's* status as a veteran verified by a county

veteran service officer pursuant to paragraph (5) of subdivision (c) of Section 12811.

~~(c) This section shall become operative on July 1, 2019.~~

(c) This section shall become inoperative on the date the fee is discontinued by the department pursuant to subparagraph (B) of paragraph (5) of subdivision (c) of Section 12811, or July 1, 2020, whichever occurs first, and, as of January 1, 2021, is repealed.

~~SEC. 4.~~

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to eliminate the requirement that a veteran of the United States Armed Forces pay an additional fee to have ~~his or her~~ *the veteran's* driver's license or identification card labeled with the "VETERAN" designation at the earliest possible time, it is necessary for this act to take effect immediately.

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