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AMENDED IN SENATE JUNE 9, 2014

AMENDED IN ASSEMBLY APRIL 25, 2013

AMENDED IN ASSEMBLY MARCH 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 935**

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**Introduced by Assembly Member Frazier**

**(Principal coauthor: Assembly Member Alejo)**

**(Coauthors: Assembly Members Achadjian, *Brown*, *Eggman*,  
*Garcia*, *Gonzalez*, *Gorell*, *Gray*, *Linder*, *Lowenthal*, *Melendez*,  
*Nestande*, *V. Manuel Pérez*, *Quirk-Silva*, *Skinner*, ~~and~~  
*Wieckowski*, *and Williams*)**

**(Coauthors: Senators Anderson, Cannella, Correa, ~~and~~ *Gaines*, *and*  
*Wyland*)**

February 22, 2013

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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 935, 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 *in-person* 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 *verification of veteran status* to the Department of Motor Vehicles, on a form developed ~~jointly~~ by the Department of Veterans Affairs *in consultation with the California Association of County Veterans Service Officers* 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 ~~authorize~~ *require* the department to charge an additional fee ~~not to exceed \$15~~ *of \$5* to a person who requests that the person’s driver’s license or identification card be designated as provided above.

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 of the license.

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

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

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

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

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

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

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

35 “If, on the front of this form, you marked ‘Yes’ to register as an  
36 organ and tissue donor you are legally authorizing the recovery of  
37 organs and tissues in the event of your death. Registering as a  
38 donor will not affect your medical treatment in any way. As  
39 outlined in the California Anatomical Gift Act, your authorization  
40 is legally binding and, unless the donor is under 18 years of age,

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

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

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

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

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

- 28 (A) His or her true full name.
- 29 (B) His or her residence or mailing address.
- 30 (C) His or her year of birth.
- 31 (D) His or her California driver’s license number or  
32 identification card number.

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

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

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

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

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

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

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

37 (11) The enrollment shall constitute a legal document pursuant  
38 to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing  
39 with Section 7150) of Part 1 of Division 7 of the Health and Safety  
40 Code) and shall remain binding after the donor's death despite any

1 express desires of next of kin opposed to the donation. Except as  
2 provided in paragraph (5) of subdivision (b), the donation does  
3 not require the consent of any other person.

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

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

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

17  
18 "By marking the veteran box on this application, I certify that I  
19 am a veteran of the United States Armed Forces and that I want  
20 to receive veterans benefits information from the California  
21 Department of Veterans Affairs. By marking the veteran box on  
22 this application, I also consent to DMV transmitting my name and  
23 mailing address to the California Department of Veterans Affairs  
24 for this purpose only, and I certify that I have been notified that  
25 this transmittal will occur."

26  
27 (2) The department shall collect the information obtained  
28 pursuant to paragraph (1).

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

36 (A) His or her true full name.

37 (B) His or her mailing address.

38 (4) Information obtained by the Department of Veterans Affairs  
39 for the purposes of this subdivision shall be used for the purpose

1 of assisting individuals to access veterans benefits and shall not  
2 be disseminated except as needed for this purpose.

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

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

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

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

30 14901.1. In addition to the fees required by Section 14900,  
31 14900.1, or 14902, the department ~~may~~ *shall* charge a fee ~~not to~~  
32 ~~exceed fifteen dollars (\$15)~~ *of five dollars (\$5)* to any person who  
33 requests, pursuant to paragraph (5) of subdivision (c) of Section  
34 12811, that the person's driver's license or identification card be  
35 printed with the word "VETERAN" to indicate that the person has  
36 served in the United States Armed Forces. ~~The fee shall be set in~~  
37 ~~an amount to reimburse the~~ *department may increase the fee by*  
38 *regulation, in an amount not to exceed fifteen dollars (\$15), to*  
39 *reimburse the department* for its *reasonable* costs in processing

- 1 and issuing a request for a license or card issued pursuant to
- 2 paragraph (5) of subdivision (c) of Section 12811.

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