

By: Zerwas, et al.

H.B. No. 3283

A BILL TO BE ENTITLED

AN ACT

relating to contributions and registrations for an anatomical gift registry; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 502.405, Transportation Code, is amended to read as follows:

Sec. 502.405. VOLUNTARY CONTRIBUTION TO DONOR REGISTRY [~~EDUCATION, AWARENESS, AND REGISTRY PROGRAM~~].

SECTION 2. Sections 502.405(a) and (b), Transportation Code, are amended to read as follows:

(a) The department shall provide to each county assessor-collector the educational materials for prospective donors provided under Section 502.189 [~~as required by the Donor Education, Awareness, and Registry Program of Texas under Chapter 49, Health and Safety Code. The educational materials shall be made available in each office authorized to accept applications for registration of motor vehicles~~].

(b) When a person applies for the registration or renewal of registration of a motor vehicle, the person may elect to contribute \$1 or more to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry established under Chapter 692A, Health and Safety Code. The department shall remit any contribution paid under this subsection to the comptroller for deposit to the credit of the Glenda Dawson Donate Life-Texas

1 Registry fund created under Section 692A.020, Health and Safety
2 Code. Money received under this subsection by the organization may
3 be used only for the purposes described by Section 692A.020(i),
4 Health and Safety Code [~~to manage the organization's registry,~~
5 ~~provide donor education, and promote donor awareness~~]. The
6 organization shall submit an annual report to the legislature and
7 the comptroller that includes the total dollar amount of money
8 received by the organization under this subsection. If a person
9 makes a contribution under this section and does not pay the full
10 amount of the registration fee, the department may credit all or a
11 portion of the contribution to the person's registration fee. The
12 department shall:

13 (1) include space on each motor vehicle registration
14 renewal notice, on the page that states the total fee for
15 registration renewal, that allows a person renewing a registration
16 to voluntarily contribute \$1 or more to the organization;

17 (2) provide an opportunity for a person to contribute
18 \$1 or more to the organization during the registration renewal
19 process on the department's Internet website; and

20 (3) provide an opportunity to contribute \$1 or more to
21 the organization in any registration renewal system that succeeds
22 the registration renewal system in place on September 1, 2015
23 [~~2013~~].

24 SECTION 3. Section 521.008(a), Transportation Code, as
25 added by Chapter 121 (S.B. 1815), Acts of the 83rd Legislature,
26 Regular Session, 2013, is amended to read as follows:

27 (a) When a person applies for an original or renewal

1 driver's license under this chapter, the person may contribute \$1
2 or more to the nonprofit organization administering the Glenda
3 Dawson Donate Life-Texas Registry under Chapter 692A, Health and
4 Safety Code.

5 SECTION 4. Section 521.126, Transportation Code, is amended
6 by amending Subsections (b) and (i) and adding Subsection (n) to
7 read as follows:

8 (b) Except as provided by Subsections (d), (e), (e-1), (g),
9 (i), ~~[and]~~ (j), and (n), and Section 501.101, Business & Commerce
10 Code, a person commits an offense if the person:

11 (1) accesses or uses electronically readable
12 information derived from a driver's license, commercial driver's
13 license, or personal identification certificate; or

14 (2) compiles or maintains a database of electronically
15 readable information derived from driver's licenses, commercial
16 driver's licenses, or personal identification certificates.

17 (i) The prohibition provided by Subsection (b) does not
18 apply to a health care provider or hospital that accesses, uses,
19 compiles, or maintains a database of the information to provide
20 health care services to the individual who holds the driver's
21 license, commercial driver's license, or personal identification
22 certificate. If an individual objects to the collection of
23 information under this subsection, the health care provider or
24 hospital must use an alternative method to collect the individual's
25 information.

26 (n) The prohibition provided by Subsection (b) does not
27 apply to the nonprofit organization administering the Glenda Dawson

Donate Life-Texas Registry under Section 692A.020, Health and Safety Code, or an organ procurement organization, tissue bank, or eye bank, as those terms are defined by Section 692A.002, Health and Safety Code, for the purpose of scanning the individual's information on the individual's driver's license, commercial driver's license, or personal identification certificate to register the individual as an anatomical gift donor. Before transmitting information scanned under this subsection, the nonprofit organization, organ procurement organization, tissue bank, or eye bank shall:

(1) notify the individual of the registry's purpose and the purposes for which the information will be used;

(2) require the individual to verify the accuracy of the information; and

(3) require the individual to affirm consent to make an anatomical gift through the individual's use of the individual's electronic signature.

SECTION 5. Section 521.422(c), Transportation Code, is amended to read as follows:

(c) When a person applies for the issuance or renewal of a personal identification card, including a duplicate personal identification card or a personal identification card issued or renewed over the Internet or by other electronic means, the person may elect to contribute \$1 or more to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry established under Chapter 692A, Health and Safety Code. The department shall remit any contribution paid under this subsection

1 to the comptroller for deposit to the credit of the Glenda Dawson
2 Donate Life-Texas Registry fund created under Section 692A.020,
3 Health and Safety Code. Before sending the money to the
4 comptroller, the department may deduct money equal to the amount of
5 reasonable expenses for administering this subsection, not to
6 exceed five percent of the money collected under this
7 subsection. The organization shall submit an annual report to the
8 director of the department that includes the total dollar amount of
9 money received by the organization under this subsection.

10 SECTION 6. Section 522.021, Transportation Code, is amended
11 by adding Subsection (e) to read as follows:

12 (e) When the department issues a license to which this
13 section applies, the department shall provide the person to whom
14 the license is issued with written information about the Glenda
15 Dawson Donate Life-Texas Registry operated under Chapter 692A,
16 Health and Safety Code.

17 SECTION 7. Chapter 522, Transportation Code, is amended by
18 adding Subchapter J to read as follows:

19 SUBCHAPTER J. ANATOMICAL GIFTS

20 Sec. 522.151. DEFINITION. In this subchapter, "registry"
21 means the Glenda Dawson Donate Life-Texas Registry established
22 under Section 692A.020, Health and Safety Code.

23 Sec. 522.152. VOLUNTARY CONTRIBUTION TO DONOR REGISTRY.

24 (a) When an individual applies for an original or renewal
25 commercial driver's license under this chapter, the individual may
26 contribute \$1 or more to the nonprofit organization administering
27 the registry.

1 (b) The department shall:

2 (1) include space on each application for a new or
3 renewal commercial driver's license that allows an individual
4 applying for a new or renewal commercial driver's license to
5 indicate that the individual is voluntarily contributing \$1 or more
6 to the organization; and

7 (2) provide an opportunity for the individual to
8 contribute \$1 or more to the organization during the application
9 process for a new or renewal commercial driver's license on the
10 department's Internet website.

11 (c) The department shall remit any contribution made under
12 this section to the comptroller for deposit to the credit of the
13 Glenda Dawson Donate Life-Texas Registry fund created under Section
14 692A.020, Health and Safety Code. Before sending the money to the
15 comptroller, the department may deduct an amount, not to exceed
16 five percent of the money collected under this section, for the
17 reasonable expenses incurred by the department in administering
18 this section.

19 (d) The organization shall submit an annual report to the
20 director of the department that includes the total dollar amount of
21 contributions received by the organization under this section.

22 Sec. 522.153. STATEMENT OF GIFT; PROVISION OF REGISTRY
23 INFORMATION. (a) An individual who wishes to be an organ, tissue,
24 or eye donor may execute a statement of gift.

25 (b) The statement of gift may be shown on a donor's
26 commercial driver's license or by a card designed to be carried by
27 the donor to evidence the donor's consent with respect to organ,

1 tissue, and eye donation. A donor card signed by the donor shall be
2 given effect as if executed under Section 692A.005, Health and
3 Safety Code.

4 (c) The donor registry or organ procurement organizations,
5 tissue banks, or eye banks, as those terms are defined by Section
6 692A.002, Health and Safety Code, shall provide donor registry
7 information to the department and the Texas Department of
8 Transportation. The department, with expert input and support
9 from the nonprofit organization administering the registry, shall:

10 (1) provide to each applicant for the issuance of an
11 original, renewal, corrected, or duplicate commercial driver's
12 license who applies in person, by mail, over the Internet, or by
13 other electronic means:

14 (A) the opportunity to indicate on the person's
15 commercial driver's license or personal identification certificate
16 that the person is willing to make an anatomical gift, in the event
17 of death, in accordance with Section 692A.005, Health and Safety
18 Code; and

19 (B) an opportunity for the individual to consent
20 to inclusion in the registry and release to procurement
21 organizations in the manner provided by Subsection (d); and

22 (2) provide a means to distribute registry information
23 to interested individuals in each office authorized to issue
24 commercial driver's licenses.

25 (d) The department shall:

26 (1) specifically ask each applicant only the question,
27 "Would you like to register as an organ donor?"; and

1 (2) if the applicant responds affirmatively to the
2 question asked under Subdivision (1), provide the individual's
3 name, date of birth, commercial driver's license number, most
4 recent address, and other information needed for identification
5 purposes at the time of donation to the nonprofit organization
6 contracted to maintain the registry for inclusion in the registry.

7 (e) An affirmative statement of gift on an individual's
8 commercial driver's license executed after August 31, 2015, shall
9 be conclusive evidence of a decedent's status as a donor and serve
10 as consent for organ, tissue, and eye removal.

11 (f) The department shall distribute at all field offices
12 Donate Life brochures that provide basic donation information in
13 English and Spanish and include a contact phone number and e-mail
14 address. The department shall include the question required under
15 Subsection (d)(1) and information on the donor registry Internet
16 website in renewal notices.

17 Sec. 522.154. REVOCATION OF STATEMENT OF GIFT. (a) To
18 revoke an affirmative statement of gift on an individual's
19 commercial driver's license, the individual must apply to the
20 department for an amendment to the license.

21 (b) The fee for an amendment is the same as the fee for a
22 duplicate license.

23 (c) To have an individual's name removed from the registry,
24 the individual must provide written notice to the nonprofit
25 organization selected under Chapter 692A, Health and Safety Code,
26 to maintain the registry directing the removal of the individual's
27 name from the registry. On receipt of a written notice under this

1 subsection, the organization shall promptly remove the
2 individual's name and information from the registry.

3 SECTION 8. Section 521.126(k), Transportation Code, is
4 repealed.

5 SECTION 9. This Act takes effect January 1, 2016.