

1-1 By: Zerwas, et al. (Senate Sponsor - Zaffirini) H.B. No. 3283
1-2 (In the Senate - Received from the House April 27, 2015;
1-3 May 18, 2015, read first time and referred to Committee on
1-4 Transportation; May 21, 2015, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; May 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

1-7		Yea	Nay	Absent	PNV
1-8	Nichols	X			
1-9	Huffines	X			
1-10	Ellis			X	
1-11	Fraser	X			
1-12	Garcia	X			
1-13	Hall	X			
1-14	Hancock	X			
1-15	Kolkhorst	X			
1-16	Taylor of Collin	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to contributions and registrations for an anatomical gift
1-20 registry; authorizing a fee.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. The heading to Section 502.405, Transportation
1-23 Code, is amended to read as follows:

1-24 Sec. 502.405. VOLUNTARY CONTRIBUTION TO DONOR REGISTRY
1-25 [~~EDUCATION, AWARENESS, AND REGISTRY PROGRAM~~].

1-26 SECTION 2. Sections 502.405(a) and (b), Transportation
1-27 Code, are amended to read as follows:

1-28 (a) The department shall provide to each county
1-29 assessor-collector the educational materials for prospective
1-30 donors provided under Section 502.189 [~~as required by the Donor~~
1-31 ~~Education, Awareness, and Registry Program of Texas under Chapter~~
1-32 ~~49, Health and Safety Code. The educational materials shall be~~
1-33 ~~made available in each office authorized to accept applications for~~
1-34 ~~registration of motor vehicles~~].

1-35 (b) When a person applies for the registration or renewal of
1-36 registration of a motor vehicle, the person may elect to contribute
1-37 \$1 or more to the nonprofit organization administering the Glenda
1-38 Dawson Donate Life-Texas Registry established under Chapter 692A,
1-39 Health and Safety Code. The department shall remit any
1-40 contribution paid under this subsection to the comptroller for
1-41 deposit to the credit of the Glenda Dawson Donate Life-Texas
1-42 Registry fund created under Section 692A.020, Health and Safety
1-43 Code. Money received under this subsection by the organization may
1-44 be used only for the purposes described by Section 692A.020(i),
1-45 Health and Safety Code [~~to manage the organization's registry,~~
1-46 ~~provide donor education, and promote donor awareness~~]. The
1-47 organization shall submit an annual report to the legislature and
1-48 the comptroller that includes the total dollar amount of money
1-49 received by the organization under this subsection. If a person
1-50 makes a contribution under this section and does not pay the full
1-51 amount of the registration fee, the department may credit all or a
1-52 portion of the contribution to the person's registration fee. The
1-53 department shall:

1-54 (1) include space on each motor vehicle registration
1-55 renewal notice, on the page that states the total fee for
1-56 registration renewal, that allows a person renewing a registration
1-57 to voluntarily contribute \$1 or more to the organization;

1-58 (2) provide an opportunity for a person to contribute
1-59 \$1 or more to the organization during the registration renewal
1-60 process on the department's Internet website; and

1-61 (3) provide an opportunity to contribute \$1 or more to

the organization in any registration renewal system that succeeds the registration renewal system in place on September 1, 2015 [2013].

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

(a) When a person applies for an original or renewal driver's license under this chapter, the person may contribute \$1 or more to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry under Chapter 692A, Health and Safety Code.

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

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

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

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

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

(n) The prohibition provided by Subsection (b) does not 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 to the comptroller for deposit to the credit of the Glenda Dawson Donate Life-Texas Registry fund created under Section 692A.020, Health and Safety Code. Before sending the money to the comptroller, the department may deduct money equal to the amount of reasonable expenses for administering this subsection, not to exceed five percent of the money collected under this subsection. The organization shall submit an annual report to the director of the department that includes the total dollar amount of

money received by the organization under this subsection.

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

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

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

SUBCHAPTER J. ANATOMICAL GIFTS

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

Sec. 522.152. VOLUNTARY CONTRIBUTION TO DONOR REGISTRY.

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

(b) The department shall:

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

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

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

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

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

(b) The statement of gift may be shown on a donor's commercial driver's license or by a card designed to be carried by the donor to evidence the donor's consent with respect to organ, tissue, and eye donation. A donor card signed by the donor shall be given effect as if executed under Section 692A.005, Health and Safety Code.

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

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

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

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

(2) provide a means to distribute registry information to interested individuals in each office authorized to issue

4-1 commercial driver's licenses.

4-2 (d) The department shall:

4-3 (1) specifically ask each applicant only the question,
 4-4 "Would you like to register as an organ donor?"; and

4-5 (2) if the applicant responds affirmatively to the
 4-6 question asked under Subdivision (1), provide the individual's
 4-7 name, date of birth, commercial driver's license number, most
 4-8 recent address, and other information needed for identification
 4-9 purposes at the time of donation to the nonprofit organization
 4-10 contracted to maintain the registry for inclusion in the registry.

4-11 (e) An affirmative statement of gift on an individual's
 4-12 commercial driver's license executed after August 31, 2015, shall
 4-13 be conclusive evidence of a decedent's status as a donor and serve
 4-14 as consent for organ, tissue, and eye removal.

4-15 (f) The department shall distribute at all field offices
 4-16 Donate Life brochures that provide basic donation information in
 4-17 English and Spanish and include a contact phone number and e-mail
 4-18 address. The department shall include the question required under
 4-19 Subsection (d)(1) and information on the donor registry Internet
 4-20 website in renewal notices.

4-21 Sec. 522.154. REVOCATION OF STATEMENT OF GIFT. (a) To
 4-22 revoke an affirmative statement of gift on an individual's
 4-23 commercial driver's license, the individual must apply to the
 4-24 department for an amendment to the license.

4-25 (b) The fee for an amendment is the same as the fee for a
 4-26 duplicate license.

4-27 (c) To have an individual's name removed from the registry,
 4-28 the individual must provide written notice to the nonprofit
 4-29 organization selected under Chapter 692A, Health and Safety Code,
 4-30 to maintain the registry directing the removal of the individual's
 4-31 name from the registry. On receipt of a written notice under this
 4-32 subsection, the organization shall promptly remove the
 4-33 individual's name and information from the registry.

4-34 SECTION 8. Section 521.126(k), Transportation Code, is
 4-35 repealed.

4-36 SECTION 9. This Act takes effect January 1, 2016.

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