

## **BILL ANALYSIS**

Senate Research Center  
84R21159 SCL-F

H.B. 3283  
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Transportation  
5/18/2015  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

More than 14,000 Texans are waiting for an organ donation, and only 805 organs were made available for transplant last year. The Glenda Dawson Donate Life-Texas Registry (DLT) could close the growing disparity between need and availability in organ donation with the help of increased funding and expanded eligibility, and by making registration more efficient.

H.B. 3283 would increase registration for organ donation in the DLT registry by allowing for donations of more than one dollar during the vehicle registration and drivers license application processes; extending the opportunity for commercial drivers license holders to register as organ donors; and allowing DLT to utilize mobile technology to register new organ donors. The provisions of this bill would be effective January 1, 2016.

H.B. 3283 amends current law relating to contributions and registrations for an anatomical gift registry and authorizes a fee.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Section 502.405, Transportation Code, to read as follows:

Sec. 502.405. VOLUNTARY CONTRIBUTION TO DONOR REGISTRY

SECTION 2. Amends Sections 502.405(a) and (b), Transportation Code, as follows:

(a) Requires the Texas Department of Motor Vehicles (TxDMV) to provide to each county assessor-collector the educational materials for prospective donors provided under Section 502.189, rather than requires TxDMV to provide to each county assessor-collector the educational materials for prospective donors provided as required by the Donor Education, Awareness, and Registry Program of Texas under Chapter 49, Health and Safety Code. Deletes existing text requiring that the educational materials be made available in each office authorized to accept applications for registration of motor vehicles.

(b) Authorizes a person, when the person applies for the registration or renewal of registration of a motor vehicle, to elect to contribute \$1 or more to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry established under Chapter 692A (Revised Uniform Anatomical Gift Act), Health and Safety Code. Provides that money received under this subsection by the organization may be used only for the purposes described by Section 692A.020(i) (providing that the Glenda Dawson Donate Life-Texas Registry fund is created as a trust fund outside the state treasury and setting forth requirements for disbursement of money in the fund), Health and Safety Code, rather than provides that money received under this subsection by the

organization may be used only to manage the organization's registry, provide donor education, and promote donor awareness. Requires TxDMV to:

- (1) include space on each motor vehicle registration renewal notice, on the page that states the total fee for registration renewal, that allows a person renewing a registration to voluntarily contribute \$1 or more to the organization;
- (2) provide an opportunity for a person to contribute \$1 or more to the organization during the registration renewal process on TxDMV's Internet website; and
- (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, rather than September 1, 2013.

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

(a) Authorizes a person, when a person applies for an original or renewal driver's license under this chapter, to 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. Amends Section 521.126, Transportation Code, by amending Subsections (b) and (i) and adding Subsection (n), as follows:

(b) Includes Subsection (n) among the exceptions regarding a person who commits an offense by committing certain acts.

(i) Requires a health care provider or hospital, if an individual objects to the collection of information under this subsection, to use an alternative method to collect the individual's information.

(n) Provides that 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. Requires the nonprofit organization, organ procurement organization, tissue bank, or eye bank, before transmitting information scanned under this subsection, to:

- (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. Amends Section 521.422(c), Transportation Code, as follows:

(c) Authorizes a person, 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, to 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.

SECTION 6. Amends Section 522.021, Transportation Code, by adding Subsection (e), as follows:

(e) Requires the Department of Public Safety of the State of Texas (DPS), when DPS issues a license to which this section applies, to 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. Amends Chapter 522, Transportation Code, by adding Subchapter J, as follows:

#### SUBCHAPTER J. ANATOMICAL GIFTS

Sec. 522.151. DEFINITION. Defines "registry" to mean the Glenda Dawson Donate Life-Texas Registry.

Sec. 522.152. VOLUNTARY CONTRIBUTION TO DONOR REGISTRY.

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

(b) Requires DPS to:

(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 DPS's Internet website.

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

(d) Requires the organization to submit an annual report to the director of DPS 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) Authorizes an individual who wishes to be an organ, tissue, or eye donor to execute a statement of gift.

(b) Provides that 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. Requires a donor card signed by the donor to be given effect as if executed under Section 692A.005 (Manner of Making Anatomical Gift Before Donor's Death), Health and Safety Code.

(c) Requires 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, to provide donor registry information to DPS and the Texas Department of Transportation (TxDOT). Requires DPS, with expert input and support from the nonprofit organization administering the registry, to:

(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 commercial driver's licenses.

(d) Requires DPS to:

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

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

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

(f) Requires DPS to distribute at all field offices Donate Life brochures that provide basic donation information in English and Spanish and include a contact phone number and e-mail address. Requires DPS to include the question required under Subsection (d)(1) and information on the donor registry Internet website in renewal notices.

Sec. 522.154. REVOCATION OF STATEMENT OF GIFT. (a) Requires an individual, to revoke an affirmative statement of gift on an individual's commercial driver's license, to apply to DPS for an amendment to the license.

(b) Provides that the fee for an amendment is the same as the fee for a duplicate license.

(c) Requires an individual, to have the individual's name removed from the registry, to provide written notice to the nonprofit organization selected under Chapter 692A, Health and Safety Code, to maintain the registry directing the removal of the individual's name from the registry. Requires the organization, on receipt of a written notice under this subsection, to promptly remove the individual's name and information from the registry.

SECTION 8. Repealer: Section 521.126(k) (requiring a health care provider or hospital to use an alternative method for collecting the individual's information under certain circumstances), Transportation Code.

SECTION 9. Effective date: January 1, 2016.