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SENATE BILL NO. 479

Offered January 13, 2010

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A BILL to amend and reenact §§ 32.1-292.2, 46.2-324, 46.2-342, 46.2-416, and 46.2-606 of the Code of Virginia, authorizing the Department of Motor Vehicles to access updated address information available from the United State Postal Service through the National Change of Address System.

Patron—Watkins

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-292.2, 46.2-324, 46.2-342, 46.2-416, and 46.2-606 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-292.2. The Virginia Donor Registry.

A. In order to save lives by reducing the shortage of organs and tissues for transplantation and to implement cost savings for patients and various state agencies by eliminating needless bureaucracy, there is hereby established the Virginia Donor Registry (hereinafter referred to as the Registry), which shall be created, compiled, operated, maintained, and modified as necessary by the Virginia Transplant Council in accordance with the regulations of the Board of Health and the administration of the Department of Health. At its sole discretion, the Virginia Transplant Council may contract with a third party or parties to create, compile, operate, maintain or modify the Registry. Pertinent information on all Virginians who have indicated a willingness to donate organs and tissues in accordance with the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) shall be compiled, maintained, and modified as necessary in the Registry by the Virginia Transplant Council.

B. The Registry and all information therein shall be confidential and subject to access only by personnel of the Department of Health and designated organ procurement organizations, eye banks, and tissue banks, operating in or serving Virginia that are members of the Virginia Transplant Council, for the purpose of identifying and determining the suitability of a potential donor according to the provisions of subdivision B 4 of § 32.1-127 or subsection F H of § 46.2-342.

C. The purpose of the Registry shall include, but not be limited to:

1. Providing a means of recovering an anatomical gift for transplantation, therapy, education or research as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) and subsection F H of § 46.2-342; and

2. Collecting data to develop and evaluate the effectiveness of educational initiatives promoting organ, eye, and tissue donation that are conducted or coordinated by the Virginia Transplant Council or its members.

D. The Board, in consultation with the Virginia Transplant Council, shall promulgate regulations necessary to create, compile, operate, maintain, modify as necessary, and administer the Virginia Donor Registry. The regulations shall include, but not be limited to:

1. Recording the data subject's full name, address, sex, birth date, age, driver's license number or unique identifying number, and other pertinent identifying personal information;

2. Authorizing the Virginia Transplant Council to analyze Registry data under research protocols that are designed to identify and assess the effectiveness of mechanisms to promote and increase organ, eye, and tissue donation within the Commonwealth; and

3. Providing that any Virginian whose name has been placed in the registry may have his name deleted by filing an appropriate form with the Virginia Transplant Council or in accordance with the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) or subsection G I of § 46.2-342.

§ 46.2-324. Applicants and license holders to notify Department of change of address; fee.

A. Whenever any person, after applying for or obtaining a driver's license or special identification card shall move from the address shown in the application or on the license or special identification card, he shall, within ~~thirty~~ 30 days, notify the Department of his change of address. If the Department receives notification from the person or any court or law-enforcement agency that a person's residential address has changed to a non-Virginia address, unless the person (i) is on active duty with the armed forces of the United States, (ii) provides proof that he is a U.S. citizen and resides outside the United States because of his employment or the employment of a spouse or parent, or (iii) provides proof satisfactory to the Commissioner that he is a bona fide resident of Virginia, the Department shall (i) mail, by first-class mail, no later than three days after the notice of address change is received by the Department, notice to the person that his license and/or special identification card will be cancelled by

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59 the Department and (ii) cancel the driver's license and/or special identification card ~~thirty~~ 30 days after
60 notice of cancellation has been mailed.

61 *B. The Department may contract with the United States Postal Service or an authorized agent to use*
62 *the National Change of Address System for the purpose of obtaining current address information for a*
63 *person whose name appears in customer records maintained by the Department. If the Department*
64 *receives information from the National Change of Address System indicating that a person whose name*
65 *appears in a Department record has submitted a permanent change of address to the Postal Service, the*
66 *Department may then update its records with the mailing address obtained from the National Change of*
67 *Address System.*

68 C. There may be imposed upon anyone failing to notify the Department of his change of address as
69 required by this section a fee of ~~five dollars~~ \$5, which fee shall be used to defray the expenses incurred
70 by the Department. *Notwithstanding the foregoing provision of this subsection, no fee shall be imposed*
71 *on any person whose address is obtained from the National Change of Address System.*

72 *ED.* The Department shall electronically transmit change of address information to the Department of
73 State Police, in a format approved by the State Police, for comparison with information contained in the
74 Virginia Criminal Information Network and National Crime Information Center Convicted Sexual
75 Offender Registry Files, at the time of the change of address. Whenever it appears from the records of
76 the State Police that a person has failed to comply with the duty to register or reregister pursuant to
77 Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is
78 probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment
79 charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered or reregistered
80 or in the jurisdiction where the person made application for change of address.

81 § 46.2-342. What license to contain; organ donor information; Uniform Donor Document.

82 A. Every license issued under this chapter shall bear:

83 1. For licenses issued or renewed on or after July 1, 2003, a license number which shall be assigned
84 by the Department to the licensee and shall not be the same as the licensee's social security number;

85 2. A photograph of the licensee;

86 3. The licensee's full name, year, month, and date of birth;

87 4. The licensee's address, subject to the provisions of subsection A1 of this section;

88 5. A brief description of the licensee for the purpose of identification;

89 6. A space for the signature of the licensee; and

90 7. Any other information deemed necessary by the Commissioner for the administration of this title.

91 No abbreviated names or nicknames shall be shown on any license.

92 *A+B.* At the option of the licensee, the address shown on the license may be either the post office
93 box, business, or residence address of the licensee, provided such address is located in Virginia.
94 However, regardless of which address is shown on the license, the licensee shall supply the Department
95 with his residence address, which shall be an address in Virginia. This residence address shall be
96 maintained in the Department's records. Whenever the licensee's address shown either on his license or
97 in the Department's records changes, he shall notify the Department of such change as required by
98 § 46.2-324.

99 *BC.* *The Department may contract with the United States Postal Service or an authorized agent to*
100 *use the National Change of Address System for the purpose of obtaining current address information for*
101 *a person whose name appears in customer records maintained by the Department. If the Department*
102 *receives information from the National Change of Address System indicating that a person whose name*
103 *appears in a Department record has submitted a permanent change of address to the Postal Service, the*
104 *Department may then update its records with the mailing address obtained from the National Change of*
105 *Address System.*

106 D. The license shall be made of a material and in a form to be determined by the Commissioner.

107 *EE.* Licenses issued to persons less than 21 years old shall be immediately and readily
108 distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall
109 include unique design elements of the document and descriptors within the photograph area to identify
110 persons who are at least 15 years old but less than 21 years old. These descriptors shall include the
111 month, day, and year when the person will become 21 years old.

112 *DF.* The Department shall establish a method by which an applicant for a driver's license or an
113 identification card may designate his willingness to make an anatomical gift for transplantation, therapy,
114 research, and education as provided in Article 2 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1 and
115 shall cooperate with the Virginia Transplant Council to ensure that such method is designed to
116 encourage organ, tissue, and eye donation with a minimum of effort on the part of the donor and the
117 Department.

118 *EG.* If an applicant designates his willingness to be a donor pursuant to subsection *DF*, the
119 Department may make a notation of this designation on his license or card and shall make a notation of
120 this designation in his driver record.

FH. The donor designation authorized in subsection *E G* shall be sufficient legal authority for the removal, following death, of the subject's organs or tissues without additional authority from the donor, or his family or estate. No family member, guardian, agent named pursuant to an advance directive or person responsible for the decedent's estate shall refuse to honor the donor designation or, in any way, seek to avoid honoring the donor designation.

GI. The donor designation provided pursuant to subsection *D F* may be rescinded by notifying the Department. In addition, the Department shall remove from the driver's license or identification card any donor designation made pursuant to subsection *DF*, if, at the time the applicant renews or replaces the license or identification card, the applicant does not again designate his willingness to be a donor pursuant to subsection *DF*.

HJ. A minor may make a donor designation pursuant to subsection *D F* without the consent of a parent or legal guardian as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

IK. The Department shall provide a method by which an applicant conducting a Department of Motor Vehicles transaction using electronic means may make a voluntary contribution to the Virginia Donor Registry and Public Awareness Fund (Fund) established pursuant to § 32.1-297.1. The Department shall inform the applicant of the existence of the Fund and also that contributing to the Fund is voluntary.

IL. The Department shall collect all moneys contributed pursuant to subsection *I K* and transmit the moneys on a regular basis to the Virginia Transplant Council, which shall credit the contributions to the Fund.

KM. When requested by the applicant, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's license that the applicant is (i) an insulin-dependent diabetic, or (ii) hearing or speech impaired.

LN. In the absence of gross negligence or willful misconduct, the Department and its employees shall be immune from any civil or criminal liability in connection with the making of or failure to make a notation of donor designation on any license or card or in any person's driver record.

MO. Notwithstanding the foregoing provisions of this section, the Department shall continue to use the uniform donor document, as formerly set forth in subsection *D above F*, for organ donation designation until such time as a new method is fully implemented, which shall be no later than July 1, 1994. Any such uniform donor document shall, when properly executed, remain valid and shall continue to be subject to all conditions for execution, delivery, amendment, and revocation as set out in Article 2 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1.

NP. The Department shall, in coordination with the Virginia Transplant Council, prepare an organ donor information brochure describing the organ donor program and providing instructions for completion of the uniform donor document information describing the bone marrow donation program and instructions for registration in the National Bone Marrow Registry. The Department shall include a copy of such brochure with every driver's license renewal notice or application mailed to licensed drivers in Virginia.

§ 46.2-416. Notice of suspension or revocation of license.

A. Whenever it is provided in this title that a driver's license may or shall be suspended or revoked either by the Commissioner or by a court, notice of the suspension or revocation or any certified copy of the decision or order of the Commissioner may be sent by the Department by certified mail to the driver at the most recent address of the driver on file at the Department. If the driver has previously been notified by mail or in person of the suspension or revocation or of an impending suspension for failure to pay fines and costs pursuant to § 46.2-395, whether notice is given by the court or law-enforcement officials as provided by law, and the Department has been notified by the court that notice was so given and the fines and costs were not paid within ~~fifteen~~ 15 days, no notice of suspension shall be sent by the Department to the driver. If the certificate of the Commissioner or someone designated by him for that purpose shows that the notice or copy has been so sent or provided, it shall be deemed prima facie evidence that the notice or copy has been sent and delivered or otherwise provided to the driver for all purposes involving the application of the provisions of this title. In the discretion of the Commissioner, service may be made as provided in § 8.01-296, which service on the driver shall be made by delivery in writing to the driver in person in accordance with subdivision 1 of § 8.01-296 by a sheriff or deputy sheriff in the county or city in which the address is located, who shall, as directed by the Commissioner, take possession of any suspended or revoked license, registration card, or set of license plates or decals and return them to the office of the Commissioner. No such service shall be made if, prior to service, the driver has complied with the requirement which caused the issuance of the decision or order. In any such case, return shall be made to the Commissioner.

B. In lieu of making a direct payment to sheriffs as a fee for delivery of the Department's processes, the Commissioner shall effect a transfer of funds, on a monthly basis, to the Compensation Board to be

182 used to provide additional support to sheriffs' departments. The amount of funds so transferred shall be
183 as provided in the general appropriation act.

184 *C. The Department may contract with the United States Postal Service or an authorized agent to use*
185 *the National Change of Address System for the purpose of obtaining current address information for a*
186 *person whose name appears in customer records maintained by the Department. If the Department*
187 *receives information from the National Change of Address System indicating that a person whose name*
188 *appears in a Department record has submitted a permanent change of address to the Postal Service, the*
189 *Department may then update its records with the mailing address obtained from the National Change of*
190 *Address System.*

191 § 46.2-606. Notice of change of address.

192 A. Whenever any person who has applied for or obtained the registration or title to a vehicle moves
193 from the address shown in his application, registration card or certificate of title, he shall notify the
194 Department of his change of address within ~~thirty~~ 30 days.

195 *B. The Department may contract with the United States Postal Service or an authorized agent to use*
196 *the National Change of Address System for the purpose of obtaining current address information for a*
197 *person whose name appears in customer records maintained by the Department. If the Department*
198 *receives information from the National Change of Address System indicating that a person whose name*
199 *appears in a Department record has submitted a permanent change of address to the Postal Service, the*
200 *Department may then update its records with the mailing address obtained from the National Change of*
201 *Address System.*

202 C. Anyone failing to comply with this section may be charged a fee of ~~five dollars~~ \$5, to be used to
203 cover the Department's expenses. *Notwithstanding the foregoing provision of this subsection, no fee shall*
204 *be imposed on any person whose address is obtained from the National Change of Address System.*