

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-342 of the Code of Virginia, relating to driver's licenses and*
 3 *identification cards; indication of non-apparent disability.*

4 [H 2116]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 46.2-342 of the Code of Virginia is amended and reenacted as follows:**8 **§ 46.2-342. What license to contain; organ donor information; Uniform Donor Document.**

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

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

12 2. A photograph of the licensee;

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

14 4. The licensee's address, subject to the provisions of subsection B;

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

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

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

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

19 B. At the option of the licensee, the address shown on the license may be either the post office box,
20 business, or residence address of the licensee, provided such address is located in Virginia. However,
21 regardless of which address is shown on the license, the licensee shall supply the Department with his
22 residence address, which shall be an address in Virginia. This residence address shall be maintained in the
23 Department's records. Whenever the licensee's address shown either on his license or in the Department's
24 records changes, he shall notify the Department of such change as required by § 46.2-324.25 C. The Department may contract with the United States Postal Service or an authorized agent to use the
26 National Change of Address System for the purpose of obtaining current address information for a person
27 whose name appears in customer records maintained by the Department. If the Department receives
28 information from the National Change of Address System indicating that a person whose name appears in a
29 Department record has submitted a permanent change of address to the Postal Service, the Department may
30 then update its records with the mailing address obtained from the National Change of Address System.

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

32 E. Licenses issued to persons less than 21 years old shall be immediately and readily distinguishable from
33 those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design
34 elements of the document and descriptors within the photograph area to identify persons who are at least 15
35 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person
36 will become 21 years old.37 F. The Department shall establish a method by which an applicant for a driver's license or an
38 identification card may indicate his consent to make an anatomical gift for transplantation, therapy, research,
39 and education pursuant to § 32.1-291.5, and shall cooperate with the Virginia Transplant Council to ensure
40 that such method is designed to encourage organ, tissue, and eye donation with a minimum of effort on the
41 part of the donor and the Department.42 G. If an applicant indicates his consent to be a donor pursuant to subsection F, the Department may make
43 a notation of this designation on his license or card and shall make a notation of this designation in his driver
44 record. The notation shall remain on the individual's license or card until he revokes his consent to make an
45 anatomical gift by requesting removal of the notation from his license or card or otherwise in accordance with
46 § 32.1-291.6. Inclusion of a notation indicating consent to making an organ donation on an applicant's license
47 or card pursuant to this subsection shall be sufficient legal authority for removal, following death, of the
48 subject's organs or tissues without additional authority from the donor or his family or estate, in accordance
49 with the provisions of § 32.1-291.8.50 H. A minor may make a donor designation pursuant to subsection F without the consent of a parent or
51 legal guardian as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).52 I. The Department shall provide a method by which an applicant conducting a Department of Motor
53 Vehicles transaction using electronic means may make a voluntary contribution to the Virginia Donor
54 Registry and Public Awareness Fund (Fund) established pursuant to § 32.1-297.1. The Department shall
55 inform the applicant of the existence of the Fund and also that contributing to the Fund is voluntary.

56 J. The Department shall collect all moneys contributed pursuant to subsection I and transmit the moneys

57 on a regular basis to the Virginia Transplant Council, which shall credit the contributions to the Fund.

58 K. When requested by the applicant, and upon presentation of a signed statement by a licensed physician
59 confirming the applicant's condition, the Department shall indicate on the applicant's driver's license that the
60 applicant (i) is an insulin-dependent diabetic; (ii) is deaf or hard of hearing or speech impaired; (iii) has a
61 traumatic brain injury; ~~or~~; (iv) has an intellectual disability, as defined in § 37.2-100, or autism spectrum
62 disorder, as defined in § 38.2-3418.17; *or (v) has a non-apparent disability*. Any request for a traumatic brain
63 injury indicator on an applicant's driver's license shall be accompanied by a form prescribed by the
64 Commissioner and completed by a licensed physician. *For purposes of this subsection, "non-apparent*
65 *disability" means a physical, sensory, mental, or emotional impairment that substantially limits one or more*
66 *activities of daily living and that may not be visible or otherwise apparent, or a record of such impairment.*

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

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

75 N. The Department shall establish a method by which an applicant for an original, reissued, or renewed
76 driver's license may indicate his blood type. If the applicant chooses to indicate his blood type, the
77 Department shall make a notation of this designation on his license and in his record. Such notation on the
78 driver's license shall only be used by emergency medical services agencies in providing emergency medical
79 support. Upon written request of the license holder or his legal guardian to have the designation removed, the
80 Department shall issue the driver's license without such designation upon the payment of applicable fees.

81 Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant
82 to this subsection except to the subject of the information and by designation on the driver's license. Nothing
83 herein shall require the Department to verify any information provided for the designation. No action taken
84 by any person, whether private citizen or public officer or employee, with regard to any blood type
85 designation displayed on a driver's license, shall create a warranty of the reliability or accuracy of the
86 document or electronic image, nor shall it create any liability on the part of the Commonwealth or of any
87 department, office, or agency or of any officer, employee, or agent thereof.