



California
LEGISLATIVE INFORMATION

CIVIL CODE - CIV

DIVISION 3. OBLIGATIONS [1427 - 3273.16]

(Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)

PART 4. OBLIGATIONS ARISING FROM PARTICULAR TRANSACTIONS [1738 - 3273.16]

(Part 4 enacted 1872.)

**TITLE 1.81.2. CONFIDENTIALITY OF DRIVER'S LICENSE INFORMATION
[1798.90.1- 1798.90.1.]**

(Title 1.81.2 added by Stats. 2003, Ch. 533, Sec. 4.)

1798.90.1.

(a) (1) A business may scan or swipe a driver's license or identification card issued by the Department of Motor Vehicles in any electronic device for the following purposes:

(A) To verify age or the authenticity of the driver's license or identification card.

(B) To comply with a legal requirement to record, retain, or transmit that information.

(C) To transmit information to a check service company for the purpose of approving negotiable instruments, electronic funds transfers, or similar methods of payments, provided that only the name and identification number from the license or the card may be used or retained by the check service company.

(D) To collect or disclose personal information that is required for reporting, investigating, or preventing fraud, abuse, or material misrepresentation.

(2) (A) An organ procurement organization may scan or swipe a driver's license or identification card issued by the Department of Motor Vehicles in any electronic device to transmit information to the Donate Life California Organ and Tissue Donor Registry established pursuant to Section 7150.90 of the Health and Safety Code for the purposes of allowing an individual to identify himself or herself as a registered organ donor. Information gathered or transmitted pursuant to this paragraph shall comply with the Department of Motor Vehicles Information Security Agreement.

(B) Prior to scanning or swiping a driver's license or identification card issued by the Department of Motor Vehicles, an organ procurement organization shall provide clear and conspicuous notice to the applicant and shall follow the procedure prescribed in this subparagraph:

(i) Once the applicant's information is populated on the electronic form, the applicant shall verify that the information is accurate and shall click "submit" after reading a clear and conspicuous consent message, which shall not be combined with or contained within another message, acknowledging that the applicant's information will be used for the sole purpose of being added to the registry.

(ii) The applicant shall provide his or her signature to complete registration.

(iii) The organization or registry system shall provide a written confirmation to the applicant confirming that he or she is signed up as an organ and tissue donor.

(3) A business or organ procurement organization shall not retain or use any of the information obtained by that electronic means for any purpose other than as provided herein.

(b) As used in this section:

(1) "Business" means a proprietorship, partnership, corporation, or any other form of commercial enterprise.

(2) "Organ procurement organization" means a person designated by the Secretary of the federal Department of Health and Human Services as an organ procurement organization.

(c) A violation of this section constitutes a misdemeanor punishable by imprisonment in a county jail for no more than one year, or by a fine of no more than ten thousand dollars (\$10,000), or by both.

(Amended by Stats. 2018, Ch. 548, Sec. 1. (AB 2769) Effective January 1, 2019.)