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**HOUSE BILL NO. 614**

Offered January 13, 2016

Prefiled January 11, 2016

*A BILL to amend and reenact § 46.2-342 of the Code of Virginia, relating to organ donation; mandated choice.*

Patrons—Krizek and Plum

Referred to Committee on Transportation

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

A. Every license issued under this chapter shall bear:

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

2. A photograph of the licensee;

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

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

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

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

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

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

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

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

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

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

F. The Department shall ~~establish a method by which an~~ *require each* applicant for a driver's license or an identification card ~~may designate his willingness to indicate whether he is willing or unwilling to~~ make an anatomical gift for transplantation, therapy, research, and education as provided in Article 2 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1 ~~and. Such mandated choice requirement shall cooperate be developed in cooperation with the Virginia Transplant Council to ensure that such method mandated choice requirement is designed to encourage organ, tissue, and eye donation with a minimum of effort on the part of the donor and the Department.~~

G. If an applicant designates his willingness to be a donor pursuant to subsection F, the Department may make a notation of this designation on his license or card and shall make a notation of this designation in his driver record.

H. The donor designation authorized in subsection 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.

I. The donor designation provided pursuant to subsection F may be rescinded by notifying the Department. In addition, the Department shall remove from the driver's license or identification card any

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59 donor designation made pursuant to subsection F, if, at the time the applicant renews or replaces the  
60 license or identification card, the applicant does not again designate his willingness to be a donor  
61 pursuant to subsection F.

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

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

68 L. The Department shall collect all moneys contributed pursuant to subsection K and transmit the  
69 moneys on a regular basis to the Virginia Transplant Council, which shall credit the contributions to the  
70 Fund.

71 M. When requested by the applicant, and upon presentation of a signed statement by a licensed  
72 physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's  
73 license that the applicant (i) is an insulin-dependent diabetic, (ii) is hearing or speech impaired, or (iii)  
74 has an intellectual disability, as defined in § 37.2-100, or autism spectrum disorder, as defined in  
75 § 38.2-3418.17.

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

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

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