

SENATE BILL NO. 206—SENATOR KIECKHEFER

MARCH 3, 2015

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to organ donation. (BDR 43-215)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to anatomical gifts; revising provisions governing the election by the holder of a driver’s license, a driver authorization card or an identification card as to whether the holder wishes to be a donor of all or part of his or her body; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, upon the issuance and renewal of a driver’s license or an
2 identification card issued by the Department of Motor Vehicles, the Department is
3 required to give the holder of the driver’s license or identification card the
4 opportunity to have indicated on the license or card that the holder wishes to be a
5 donor of all or part of his or her body, or to refuse to make an anatomical gift of his
6 or her body or part thereof. (NRS 483.340, 483.840) **Sections 1 and 2** of this bill
7 provide that, upon the issuance of a driver’s license or identification card, the
8 Department is required to give the holder the opportunity to have indicated on his
9 or her driver’s license or identification card that the holder wishes to be a donor, or
10 does not at this time wish to be a donor. **Sections 1 and 2** also provide that upon
11 the renewal of a driver’s license or identification card the Department is required to
12 give a holder who indicated at the issuance of the license or card that he or she
13 wished to be a donor notice that, unless the holder affirmatively indicates upon
14 renewal that he or she wishes to change that indication, the indication will remain
15 on his or her driver’s license or identification card. For a holder who indicated at
16 the issuance of his or her driver’s license or identification card that the holder did
17 not at that time wish to be a donor, the Department is required to give the holder an
18 opportunity to change that indication to indicate that the holder wishes to be a
19 donor. Existing law deems certain provisions relating to drivers’ licenses, including
20 the provisions amended by this bill, applicable also to driver authorization cards
21 and certain instruction permits. (NRS 483.291) Thus, the provisions of **section 2**
22 are applicable to such cards and permits. **Sections 4.5 and 5** of this bill provide that
23 this bill becomes effective upon passage and approval for preparatory



24 administrative tasks and for all other purposes when the Director of the Department
25 has determined that sufficient resources are available to enable the Department to
26 carry out the provisions of this bill and the Director has thereafter made specified
27 notifications.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 483.340 is hereby amended to read as follows:

2 483.340 1. The Department shall, upon payment of the
3 required fee, issue to every qualified applicant a driver's license
4 indicating the type or class of vehicles the licensee may drive.

5 2. The Department shall adopt regulations prescribing the
6 information that must be contained on a driver's license.

7 3. The Department may issue a driver's license for purposes of
8 identification only for use by officers of local police and sheriffs'
9 departments, agents of the Investigation Division of the Department
10 of Public Safety while engaged in special undercover investigations
11 relating to narcotics or prostitution or for other undercover
12 investigations requiring the establishment of a fictitious identity,
13 federal agents while engaged in undercover investigations,
14 investigators employed by the Attorney General while engaged in
15 undercover investigations, criminal investigators employed by the
16 Secretary of State while engaged in undercover investigations and
17 agents of the State Gaming Control Board while engaged in
18 investigations pursuant to NRS 463.140. An application for such a
19 license must be made through the head of the police or sheriff's
20 department, the Chief of the Investigation Division of the
21 Department of Public Safety, the director of the appropriate federal
22 agency, the Attorney General, the Secretary of State or his or her
23 designee or the Chair of the State Gaming Control Board. Such a
24 license is exempt from the fees required by NRS 483.410. The
25 Department, by regulation, shall provide for the cancellation of any
26 such driver's license upon the completion of the special
27 investigation for which it was issued.

28 4. Except as otherwise provided in NRS 239.0115, information
29 pertaining to the issuance of a driver's license pursuant to
30 subsection 3 is confidential.

31 5. It is unlawful for any person to use a driver's license issued
32 pursuant to subsection 3 for any purpose other than the special
33 investigation for which it was issued.

34 6. At the time of the issuance ~~for renewal~~ of the driver's
35 license, the Department shall:

36 (a) Give the holder the opportunity to have indicated on his or
37 her driver's license that the holder ~~wishes~~:



1 (1) *Wishes* to be a donor of all or part of his or her body
2 pursuant to NRS 451.500 to 451.598, inclusive ; ~~[.]~~ or ~~[to-refuse]~~

3 (2) *Does not at that time wish* to make an anatomical gift of
4 his or her body or part thereof.

5 (b) Give the holder the opportunity to have indicated whether he
6 or she wishes to donate \$1 or more to the Anatomical Gift Account
7 created by NRS 460.150.

8 (c) Provide to each holder who is interested in becoming a donor
9 information relating to anatomical gifts, including the procedure for
10 registering as a donor with the donor registry with which the
11 Department has entered into a contract pursuant to this paragraph.
12 To carry out this paragraph, the Department shall, on such terms as
13 it deems appropriate, enter into a contract with a donor registry that
14 is in compliance with the provisions of NRS 451.500 to 451.598,
15 inclusive.

16 (d) If the Department has established a program for imprinting a
17 symbol or other indicator of a medical condition on a driver's
18 license pursuant to NRS 483.3485, give the holder the opportunity
19 to have a symbol or other indicator of a medical condition imprinted
20 on his or her driver's license.

21 7. *At the time of the renewal of the driver's license, the*
22 *Department shall:*

23 (a) *If the holder indicated at the time of the issuance of the*
24 *driver's license pursuant to subsection 6 that the holder wishes to*
25 *be a donor of all or part of his or her body pursuant to NRS*
26 *451.500 to 451.598, inclusive, provide the holder:*

27 (1) *Notice that, unless the holder affirmatively indicates*
28 *upon the renewal of the driver's license that he or she wishes to*
29 *change that indication, the indication will remain on his or her*
30 *driver's license;*

31 (2) *The opportunity to have indicated whether he or she*
32 *wishes to donate \$1 or more to the Anatomical Gift Account*
33 *created by NRS 460.150; and*

34 (3) *If the Department has established a program for*
35 *imprinting a symbol or other indicator of a medical condition on a*
36 *driver's license pursuant to NRS 483.3485, the opportunity to have*
37 *a symbol or other indicator of a medical condition imprinted on*
38 *his or her driver's license.*

39 (b) *If the holder indicated at the time of the issuance of the*
40 *driver's license pursuant to subsection 6 that the holder did not at*
41 *that time wish to be a donor of all or part of his or her body*
42 *pursuant to NRS 451.500 to 451.598, inclusive, provide the holder:*

43 (1) *The opportunity to change that indication to indicate*
44 *that the holder wishes to be a donor of all or part of his or her*
45 *body pursuant to NRS 451.500 to 451.598, inclusive;*



1 (2) *The opportunity to have indicated whether he or she*
2 *wishes to donate \$1 or more to the Anatomical Gift Account*
3 *created by NRS 460.150;*

4 (3) *If the holder is interested in becoming a donor,*
5 *information relating to anatomical gifts, including the procedure*
6 *for registering as a donor with the donor registry with which the*
7 *Department has entered into a contract pursuant to this section;*
8 *and*

9 (4) *If the Department has established a program for*
10 *imprinting a symbol or other indicator of a medical condition on a*
11 *driver's license pursuant to NRS 483.3485, the opportunity to have*
12 *a symbol or other indicator of a medical condition imprinted on*
13 *his or her driver's license.*

14 8. If the holder wishes to make a donation to the Anatomical
15 Gift Account, the Department shall collect the donation and deposit
16 the money collected in the State Treasury for credit to the
17 Anatomical Gift Account.

18 ~~8.~~ 9. The Department shall submit to the donor registry with
19 which the Department has entered into a contract pursuant to
20 paragraph (c) of subsection 6 information from the records of the
21 Department relating to persons who have drivers' licenses that
22 indicate the intention of those persons to make an anatomical gift.
23 The Department shall adopt regulations to carry out the provisions
24 of this subsection.

25 **Sec. 2.** NRS 483.840 is hereby amended to read as follows:

26 483.840 1. The form of the identification cards must be
27 similar to that of drivers' licenses but distinguishable in color or
28 otherwise.

29 2. Identification cards do not authorize the operation of any
30 motor vehicles.

31 3. The Department shall adopt regulations prescribing the
32 information that must be contained on an identification card.

33 4. At the time of the issuance ~~[or renewal]~~ of the identification
34 card, the Department shall:

35 (a) Give the holder the opportunity to have indicated on his or
36 her identification card that the holder ~~[wishes]~~ :

37 (1) *Wishes* to be a donor of all or part of his or her body
38 pursuant to NRS 451.500 to 451.598, inclusive ; ~~[;]~~ or ~~[to refuse]~~

39 (2) *Does not at that time wish* to make an anatomical gift of
40 his or her body or part thereof.

41 (b) Give the holder the opportunity to indicate whether he or she
42 wishes to donate \$1 or more to the Anatomical Gift Account created
43 by NRS 460.150.

44 (c) Provide to each holder who is interested in becoming a donor
45 information relating to anatomical gifts, including the procedure for



1 registering as a donor with the donor registry with which the
2 Department has entered into a contract pursuant to this paragraph.
3 To carry out this paragraph, the Department shall, on such terms as
4 it deems appropriate, enter into a contract with a donor registry that
5 is in compliance with the provisions of NRS 451.500 to 451.598,
6 inclusive.

7 (d) If the Department has established a program for imprinting a
8 symbol or other indicator of a medical condition on an identification
9 card pursuant to NRS 483.863, give the holder the opportunity to
10 have a symbol or other indicator of a medical condition imprinted
11 on his or her identification card.

12 5. *At the time of the renewal of the identification card, the*
13 *Department shall:*

14 (a) *If the holder indicated at the time of the issuance of the*
15 *identification card pursuant to subsection 4 that the holder wishes*
16 *to be a donor of all or part of his or her body pursuant to NRS*
17 *451.500 to 451.598, inclusive, provide the holder:*

18 (1) *Notice that, unless the holder affirmatively indicates*
19 *upon the renewal of the identification card that he or she wishes to*
20 *change that indication, the indication will remain on his or her*
21 *identification card;*

22 (2) *The opportunity to have indicated whether he or she*
23 *wishes to donate \$1 or more to the Anatomical Gift Account*
24 *created by NRS 460.150; and*

25 (3) *If the Department has established a program for*
26 *imprinting a symbol or other indicator of a medical condition on*
27 *an identification card pursuant to NRS 483.3485, the opportunity*
28 *to have a symbol or other indicator of a medical condition*
29 *imprinted on his or her identification card.*

30 (b) *If the holder indicated at the time of the issuance of the*
31 *identification card pursuant to subsection 4 that the holder did not*
32 *at that time wish to be a donor of all or part of his or her body*
33 *pursuant to NRS 451.500 to 451.598, inclusive, provide the holder:*

34 (1) *The opportunity to change that indication to indicate*
35 *that the holder wishes to be a donor of all or part of his or her*
36 *body pursuant to NRS 451.500 to 451.598, inclusive;*

37 (2) *The opportunity to have indicated whether he or she*
38 *wishes to donate \$1 or more to the Anatomical Gift Account*
39 *created by NRS 460.150;*

40 (3) *If the holder is interested in becoming a donor,*
41 *information relating to anatomical gifts, including the procedure*
42 *for registering as a donor with the donor registry with which the*
43 *Department has entered into a contract pursuant to this section;*
44 *and*



1 (4) *If the Department has established a program for*
2 *imprinting a symbol or other indicator of a medical condition on*
3 *an identification card pursuant to NRS 483.3485, the opportunity*
4 *to have a symbol or other indicator of a medical condition*
5 *imprinted on his or her identification card.*

6 6. If the holder wishes to make a donation to the Anatomical
7 Gift Account, the Department shall collect the donation and deposit
8 the money collected in the State Treasury for credit to the
9 Anatomical Gift Account.

10 ~~6.~~ 7. The Department shall submit to the donor registry with
11 which the Department has entered into a contract pursuant to
12 paragraph (c) of subsection 4 information from the records of the
13 Department relating to persons who have identification cards issued
14 by the Department that indicate the intention of those persons to
15 make an anatomical gift. The Department shall adopt regulations to
16 carry out the provisions of this subsection.

17 **Sec. 3.** (Deleted by amendment.)

18 **Sec. 4.** (Deleted by amendment.)

19 **Sec. 4.5.** As soon as practicable, upon determining that
20 sufficient resources are available to enable the Department of Motor
21 Vehicles to carry out the amendatory provisions of this act, the
22 Director of the Department shall notify the Governor and the
23 Director of the Legislative Counsel Bureau of that fact, and shall
24 publish on the Internet website of the Department notice to the
25 public of that fact.

26 **Sec. 5.** This act becomes effective:

27 1. Upon passage and approval for the purposes of adopting any
28 regulations and performing any other preparatory administrative
29 tasks necessary to carry out the provisions of this act; and

30 2. For all other purposes, on the date on which the Director of
31 the Department of Motor Vehicles, pursuant to section 4.5 of this
32 act, notifies the Governor and the Director of the Legislative
33 Counsel Bureau that sufficient resources are available to enable the
34 Department to carry out the amendatory provisions of this act.

