

SENATE BILL 813

R4

4r2275
CF HB 529

By: **Senators Raskin, Forehand, Montgomery, Stone, Young, and Zirkin**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 13, 2014

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicle Administration – Drivers’ Licenses and Identification Cards –**
3 **Organ Donor Designation**

4 FOR the purpose of requiring, rather than authorizing, the Motor Vehicle
5 Administration to make a certain notation on a driver’s license or identification
6 card of an applicant who selects designation as an organ donor; requiring the
7 Administration to notify applicants who select designation as a donor that the
8 designation will remain effective until the applicant requests that the
9 designation be removed and that the designation may be removed by the
10 applicant through specified means; altering the manner in which a donor
11 designation may be removed from a driver’s license or identification card;
12 requiring the Administration to note an applicant’s designation as a donor on
13 certain subsequently issued documents under certain circumstances; making
14 certain stylistic and conforming changes; and generally relating to the
15 designation of organ donor status on drivers’ licenses and identification cards.

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 12–303
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2013 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Transportation**

2 12–303.

3 (a) The Administration shall provide for a method by which an applicant for
4 a driver’s license or identification card can designate that the applicant consents to the
5 gift of all body organs or parts for the purposes of transplantation, therapy, or medical
6 research and education.

7 (b) If an applicant [designates that he is such donor] **SELECTS**
8 **DESIGNATION AS A DONOR UNDER SUBSECTION (A) OF THIS SECTION**, the
9 Administration [may] **SHALL** make a notation of this fact on the driver’s license or
10 identification card issued to the applicant.

11 (c) **THE ADMINISTRATION SHALL NOTIFY AN APPLICANT WHO SELECTS**
12 **DESIGNATION AS A DONOR THAT THE DESIGNATION:**

13 (1) **WILL REMAIN EFFECTIVE UNTIL THE APPLICANT REQUESTS**
14 **THAT THE DESIGNATION BE REMOVED; AND**

15 (2) **MAY BE REMOVED BY THE APPLICANT:**

16 (i) **BY REQUESTING A REPLACEMENT DRIVER’S LICENSE**
17 **OR IDENTIFICATION CARD:**

18 1. **THROUGH THE ADMINISTRATION’S WEB SITE; OR**

19 2. **IN PERSON AT ANY FULL–SERVICE**
20 **ADMINISTRATION OFFICE; OR**

21 (ii) **THROUGH THE STATE DONOR REGISTRY ESTABLISHED**
22 **UNDER § 4–516 OF THE ESTATES AND TRUSTS ARTICLE.**

23 (d) **UNLESS REMOVED AS PROVIDED IN SUBSECTION (C)(2) OF THIS**
24 **SECTION, THE ADMINISTRATION SHALL NOTE AN APPLICANT’S DESIGNATION AS**
25 **A DONOR ON ALL SUBSEQUENTLY ISSUED DRIVERS’ LICENSES OR**
26 **IDENTIFICATION CARDS.**

27 (e) The donor designation noted on the driver’s license or identification card:

28 (1) Is sufficient legal authority for the removal of a body organ or part
29 on the death of the donor; and

30 (2) [May be removed only on written notice to the Administration by
31 the donor.

1 (d)] Notwithstanding any other provision of law, [the donor designation noted
2 on the driver's license or identification card] is valid and effective for all purposes
3 under Title 4, Subtitle 5 of the Estates and Trusts Article, including the immunity
4 from civil or criminal liability set forth in § 4-514 of the Estates and Trusts Article.

5 [(e) At the time the donor authorizes the donor designation to appear on his
6 driver's license or identification card, the Administration shall notify the donor that
7 the designation can be removed only on written notice to the Administration.]

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.