

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

A BILL ENTITLED

AN ACT concerning

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

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

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

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

Article – Transportation

12–303.

(a) The Administration shall provide for a method by which an applicant for a driver’s license or identification card can designate that the applicant consents to the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



gift of all body organs or parts for the purposes of transplantation, therapy, or medical research and education.

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

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

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

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

(i) **BY REQUESTING A REPLACEMENT DRIVER'S LICENSE OR IDENTIFICATION CARD:**

1. **THROUGH THE ADMINISTRATION'S WEB SITE; OR**

2. **IN PERSON AT ANY FULL-SERVICE ADMINISTRATION OFFICE; OR**

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

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

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

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

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

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

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

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