

Amendment No. 774

Senate Amendment to Senate Bill No. 206 First Reprint (BDR 43-215)

Proposed by: Senate Committee on Finance

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DLJ/WLK



Date: 5/14/2015

S.B. No. 206—Revises provisions relating to organ donation. (BDR 43-215)



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:

Under existing law, upon the issuance and renewal of a driver's license or an identification card issued by the Department of Motor Vehicles, the Department is required to give the holder of the driver's license or identification card the opportunity to have indicated on the license or card that the holder wishes to be a donor of all or part of his or her body, or to refuse to make an anatomical gift of his or her body or part thereof. (NRS 483.340, 483.840) **Sections 1 and 2** of this bill provide that, upon the issuance of a driver's license or identification card, the Department is required to give the holder the opportunity to have indicated on his or her driver's license or identification card that the holder wishes to be a donor, or does not at this time wish to be a donor. **Sections 1 and 2** also provide that upon the renewal of a driver's license or identification card the Department is required to give a holder who indicated at the issuance of the license or card that he or she wished to be a donor notice that, unless the holder affirmatively indicates upon renewal that he or she wishes to change that indication, the indication will remain on his or her driver's license or identification card. For a holder who indicated at the issuance of his or her driver's license or identification card that the holder did not at that time wish to be a donor, the Department is required to give the holder an opportunity to change that indication to indicate that the holder wishes to be a donor. Existing law deems certain provisions relating to drivers' licenses, including the provisions amended by this bill, applicable also to driver authorization cards and certain instruction permits. (NRS 483.291) Thus, the provisions of **section 2** are applicable to such cards and permits. **Sections 4.5 and 5 of this bill provide that this bill becomes effective upon passage and approval for preparatory administrative tasks and for all other purposes when the Director of the Department has determined that sufficient resources are available to enable the Department to carry out the provisions of this bill and the Director has thereafter made specified notifications.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~18-1~~ 9. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 6 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

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

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

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

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

4. At the time of the issuance ~~for renewal~~ of the identification card, the Department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~16.1~~ 7. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 4 information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

1 Sec. 3. (Deleted by amendment.)

2 Sec. 4. (Deleted by amendment.)

3 Sec. 4.5. As soon as practicable, upon determining that sufficient
4 resources are available to enable the Department of Motor Vehicles to carry
5 out the amendatory provisions of this act, the Director of the Department shall
6 notify the Governor and the Director of the Legislative Counsel Bureau of that
7 fact, and shall publish on the Internet website of the Department notice to the
8 public of that fact.

9 Sec. 5. This act becomes effective:

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

13 2. ~~{On January 1, 2016, for}~~ For all other purposes, ~~11~~, on the date on which
14 the Director of the Department of Motor Vehicles, pursuant to section 4.5 of
15 this act, notifies the Governor and the Director of the Legislative Counsel
16 Bureau that sufficient resources are available to enable the Department to
17 carry out the amendatory provisions of this act.