

A-Engrossed
House Bill 3166

Ordered by the House June 18
Including House Amendments dated June 18

Sponsored by Representative NOLAN, Senator BATES; Representatives GREENLICK, TOMEI, Senators MONNES
ANDERSON, MORRISETTE (at the request of Carol Studenmund and Lydia Larson)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Instructs Department of Transportation to provide applicant for driver license or identification card with information about state policy and benefits of anatomical gifts. Modifies forms supplied by department to include specific statement about anatomical gift donation. Requires applicant who declines to be donor to indicate choice at time of making application. Establishes presumption that person who neither expresses desire to become anatomical gift donor nor declines to become anatomical gift donor when applying for license or card is donor.

Sunsets January 2, 2012.

Directs Office for Oregon Health Policy and Research, by January 31, 2011, to review process by which individual may designate individual's desire to be anatomical gift donor or indicate desire not to be donor. Directs office to report results of review and make recommendations to Legislative Assembly by January 31, 2011.

Requires medical examiner or local public health officer to release body of deceased person for purposes of anatomical gift donation under certain circumstance.

A BILL FOR AN ACT

1
2 Relating to anatomical gifts; creating new provisions; and amending ORS 97.952, 97.956, 807.110 and
3 807.400.

4 Whereas it is the policy of the State of Oregon to support equally and simultaneously three
5 goals; and

6 Whereas it is essential to honor the religious and spiritual beliefs of all individuals; and

7 Whereas it is essential to promote the health, well-being and longevity of people in Oregon; and

8 Whereas it is essential to facilitate the transfer and use of anatomical gifts in order to save
9 lives; now, therefore,

10 **Be It Enacted by the People of the State of Oregon:**

11 **SECTION 1.** ORS 97.952 is amended to read:

12 97.952. (1) A capable individual who is at least 18 years of age may be the donor of an ana-
13 tomical gift.

14 (2) An anatomical gift may be made by:

15 (a) A document of anatomical gift signed by the donor. If the donor cannot sign, the document
16 of anatomical gift must be signed by another individual and two witnesses, all of whom have signed
17 at the direction and in presence of the donor and of each other and state that it has been so signed;

18 or

19 (b) Listing on a registry with the permission of the donor.

20 (3)(a)(A) An anatomical gift may be made by a designation to be provided on the driver license
21 and identification card of an individual who is at least 18 years of age. **The Department of**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **Transportation shall provide to all applicants for initial licensure or renewal of a driver li-**
 2 **cence or identification card who are at least 18 years of age information about the state**
 3 **policy on anatomical gifts and the benefits of anatomical gifts.**

4 **(B) Application forms provided by the department for driver licenses and identification**
 5 **cards shall include the statement “By signing, I agree to be an anatomical gift donor.” The**
 6 **forms shall also provide an easy, nonjudgmental mechanism for the applicant to decline to**
 7 **be an anatomical donor.** The holder of a driver license or identification card desiring to [*be des-*
 8 *ignated as a donor*] **decline to make an anatomical gift must so designate** on the license or card
 9 [*must furnish a statement*] **by providing a written statement to the department or indicating on**
 10 **the application form that is furnished to the department** at the time of application for granting
 11 or renewing the license or card in the manner provided by the Department of Transportation. **If an**
 12 **applicant does not indicate the desire to make an anatomical gift or to decline to make an**
 13 **anatomical gift on the application provided to the department, it shall be presumed that the**
 14 **applicant is an anatomical gift donor.**

15 **(C) Signature of the license or card shall validate it as a document of anatomical gift. Revoca-**
 16 **tion, cancellation or suspension of a driver license shall not invalidate the anatomical gift. Cancel-**
 17 **lation of a card or lapse of a license revokes the anatomical gift indorsement, which must be**
 18 **reinstated upon the reinstatement of the license or card. The form prepared by the Department of**
 19 **Transportation and incorporated in its application shall be in all respects a valid document of ana-**
 20 **tomical gift. Designation of intent to be a donor of an anatomical gift on the driver license or**
 21 **identification card of an individual satisfies all requirements for consent to make an anatomical gift**
 22 **and constitutes permission to be placed on a registry.**

23 **(b) When requested by a procurement organization that has established a statewide donor reg-**
 24 **istry of donors in this state, the department shall electronically transfer the name, address, birth**
 25 **date and donor designation as listed on the driver license or identification card of any person des-**
 26 **ignated as a donor under this subsection. The information transferred to a procurement organization**
 27 **shall be treated as confidential by the procurement organization and may be used only to expedite**
 28 **the making of anatomical gifts authorized by the donor.**

29 **(4) An anatomical gift by will takes effect upon death of the testator, whether the will is pro-**
 30 **bated or not probated. If, after death, the will is declared invalid for testamentary purposes, the**
 31 **validity of the anatomical gift is unaffected.**

32 **(5) A donor may amend or revoke an anatomical gift not made by will only by:**

33 **(a) A signed statement;**

34 **(b) An oral statement made in the presence of two individuals;**

35 **(c) Any form of communication during a terminal illness or injury addressed to a physician or**
 36 **surgeon;**

37 **(d) In the case of an anatomical gift made by driver license or identification card application,**
 38 **written notification to the department; or**

39 **(e) Purposeful destruction, cancellation or mutilation of the document of anatomical gift in the**
 40 **case of an anatomical gift not made by driver license or identification card. A donor who inten-**
 41 **tionally destroys, cancels, or mutilates a document of anatomical gift shall notify a procurement**
 42 **organization to instruct the organization to remove the name of the donor from its registry. If the**
 43 **organization notified does not maintain a registry of Oregon residents, the organization shall notify**
 44 **any entity that maintains a registry of donors residing in this state.**

45 **(6) The donor of an anatomical gift made by will may amend or revoke the gift in the manner**

1 provided for amendment or revocation of wills, or as provided in subsection (5) of this section.

2 (7) An anatomical gift that is not revoked by the donor before death is irrevocable and:

3 (a) Does not require the consent or concurrence of any person after the death of the donor.

4 (b) Shall not be subject to cancellation or substantial revision by persons described in ORS
5 97.954 (1).

6 (8) In the absence of contrary indications by the donor, an anatomical gift of a part is not a
7 refusal to give other parts or a limitation on an anatomical gift under ORS 97.954 or on a removal
8 or release of other parts under ORS 97.956.

9 (9) In the absence of contrary indications by the donor, a revocation or amendment of an ana-
10 tomical gift is not a refusal to make an anatomical gift of a different part.

11 (10) If an individual has amended or revoked an anatomical gift made by driver license or
12 identification card, the department shall issue a replacement license upon payment by the individual
13 of the department's fee for reissuance of the license or card.

14 (11) Notwithstanding any other requirement of this section, a license, card or document pur-
15 porting to evidence the creation of a valid anatomical gift under the laws of another state shall be
16 valid in this state absent evidence of revocation.

17 (12) Any anatomical gift validly made under ORS 97.275 (1993 Edition) prior to September 9,
18 1995, and not revoked shall continue in effect for its original period of validity.

19 (13) An individual described in subsection (1) of this section or any person authorized in ORS
20 97.954 (1) to make an anatomical gift of all or any part of a decedent's body may delegate such au-
21 thority to any person 18 years of age or older. Such delegation shall be in writing and signed by
22 the person delegating the authority. The person to whom the authority is delegated shall have the
23 same priority under ORS 97.954 (1) as the person delegating the authority.

24 (14) If the individual described in subsection (1) of this section issues more than one authori-
25 zation or donation of anatomical gift for all or any part of the individual's body, only the most re-
26 cent authorization or donation shall be binding.

27 **SECTION 1a.** ORS 97.952, as amended by section 1 of this 2007 Act, is amended to read:

28 97.952. (1) A capable individual who is at least 18 years of age may be the donor of an ana-
29 tomical gift.

30 (2) An anatomical gift may be made by:

31 (a) A document of anatomical gift signed by the donor. If the donor cannot sign, the document
32 of anatomical gift must be signed by another individual and two witnesses, all of whom have signed
33 at the direction and in presence of the donor and of each other and state that it has been so signed;
34 or

35 (b) Listing on a registry with the permission of the donor.

36 (3)(a)[(A)] An anatomical gift may be made by a designation to be provided on the driver license
37 and identification card of an individual who is at least 18 years of age. [*The Department of Trans-*
38 *portation shall provide to all applicants for initial licensure or renewal of a driver license or identifi-*
39 *cation card who are at least 18 years of age information about the state policy on anatomical gifts and*
40 *the benefits of anatomical gifts.*]

41 [(B) *Application forms provided by the department for driver licenses and identification cards shall*
42 *include the statement "By signing, I agree to be an anatomical gift donor." The forms shall also pro-*
43 *vide an easy, nonjudgmental mechanism for the applicant to decline to be an anatomical donor.*] The
44 holder of a driver license or identification card desiring to **be designated as a donor** [*decline to*
45 *make an anatomical gift must so designate*] on the license or card **must furnish a statement** [*by*

1 *providing a written statement to the department or indicating on the application form that is furnished*
 2 *to the department]* at the time of application for granting or renewing the license or card in the
 3 manner provided by the Department of Transportation. *[If an applicant does not indicate the desire*
 4 *to make an anatomical gift or to decline to make an anatomical gift on the application provided to the*
 5 *department, it shall be presumed that the applicant is an anatomical gift donor.]*

6 [(C)] Signature of the license or card shall validate it as a document of anatomical gift. Revo-
 7 cation, cancellation or suspension of a driver license shall not invalidate the anatomical gift. Can-
 8 cellation of a card or lapse of a license revokes the anatomical gift indorsement, which must be
 9 reinstated upon the reinstatement of the license or card. The form prepared by the Department of
 10 Transportation and incorporated in its application shall be in all respects a valid document of ana-
 11 tomical gift. Designation of intent to be a donor of an anatomical gift on the driver license or
 12 identification card of an individual satisfies all requirements for consent to make an anatomical gift
 13 and constitutes permission to be placed on a registry.

14 (b) When requested by a procurement organization that has established a statewide donor reg-
 15 istry of donors in this state, the department shall electronically transfer the name, address, birth
 16 date and donor designation as listed on the driver license or identification card of any person des-
 17 igned as a donor under this subsection. The information transferred to a procurement organization
 18 shall be treated as confidential by the procurement organization and may be used only to expedite
 19 the making of anatomical gifts authorized by the donor.

20 (4) An anatomical gift by will takes effect upon death of the testator, whether the will is pro-
 21 bated or not probated. If, after death, the will is declared invalid for testamentary purposes, the
 22 validity of the anatomical gift is unaffected.

23 (5) A donor may amend or revoke an anatomical gift not made by will only by:

24 (a) A signed statement;

25 (b) An oral statement made in the presence of two individuals;

26 (c) Any form of communication during a terminal illness or injury addressed to a physician or
 27 surgeon;

28 (d) In the case of an anatomical gift made by driver license or identification card application,
 29 written notification to the department; or

30 (e) Purposeful destruction, cancellation or mutilation of the document of anatomical gift in the
 31 case of an anatomical gift not made by driver license or identification card. A donor who inten-
 32 tionally destroys, cancels, or mutilates a document of anatomical gift shall notify a procurement
 33 organization to instruct the organization to remove the name of the donor from its registry. If the
 34 organization notified does not maintain a registry of Oregon residents, the organization shall notify
 35 any entity that maintains a registry of donors residing in this state.

36 (6) The donor of an anatomical gift made by will may amend or revoke the gift in the manner
 37 provided for amendment or revocation of wills, or as provided in subsection (5) of this section.

38 (7) An anatomical gift that is not revoked by the donor before death is irrevocable and:

39 (a) Does not require the consent or concurrence of any person after the death of the donor.

40 (b) Shall not be subject to cancellation or substantial revision by persons described in ORS
 41 97.954 (1).

42 (8) In the absence of contrary indications by the donor, an anatomical gift of a part is not a
 43 refusal to give other parts or a limitation on an anatomical gift under ORS 97.954 or on a removal
 44 or release of other parts under ORS 97.956.

45 (9) In the absence of contrary indications by the donor, a revocation or amendment of an ana-

1 tomical gift is not a refusal to make an anatomical gift of a different part.

2 (10) If an individual has amended or revoked an anatomical gift made by driver license or
3 identification card, the department shall issue a replacement license upon payment by the individual
4 of the department's fee for reissuance of the license or card.

5 (11) Notwithstanding any other requirement of this section, a license, card or document pur-
6 porting to evidence the creation of a valid anatomical gift under the laws of another state shall be
7 valid in this state absent evidence of revocation.

8 (12) Any anatomical gift validly made under ORS 97.275 (1993 Edition) prior to September 9,
9 1995, and not revoked shall continue in effect for its original period of validity.

10 (13) An individual described in subsection (1) of this section or any person authorized in ORS
11 97.954 (1) to make an anatomical gift of all or any part of a decedent's body may delegate such au-
12 thority to any person 18 years of age or older. Such delegation shall be in writing and signed by
13 the person delegating the authority. The person to whom the authority is delegated shall have the
14 same priority under ORS 97.954 (1) as the person delegating the authority.

15 (14) If the individual described in subsection (1) of this section issues more than one authori-
16 zation or donation of anatomical gift for all or any part of the individual's body, only the most re-
17 cent authorization or donation shall be binding.

18 **SECTION 2.** ORS 97.956 is amended to read:

19 97.956. (1) A medical examiner [may] **shall** release and permit the removal of a part from a body
20 within the examiner's jurisdiction for transplantation, therapy or research if:

21 (a) The examiner has received a request for the part from a hospital, physician or procurement
22 organization;

23 (b) The examiner does not know of a refusal or contrary indication by the decedent [*or objection*
24 *by a person having priority to act as listed in ORS 97.954 (1)*];

25 (c) The person requesting the part has made a reasonable effort to contact the person having
26 priority to act as listed in ORS 97.954 (1);

27 (d) The removal of the part is by a physician or technician or, in the case of eyes, by an
28 enucleator, physician or technician;

29 (e) The removal does not interfere with any autopsy or investigation;

30 (f) The removal is performed in accordance with accepted medical standards; and

31 (g) The person performing the removal also performs a restoration of the removed part, if ap-
32 propriate.

33 (2) If the body is not within the jurisdiction of the medical examiner, the local public health
34 officer [may] **shall** release and permit the removal of a part from a body in the local public health
35 officer's custody for transplantation, therapy or research, if the requirements of subsection (1)(a) to
36 (g) of this section are met.

37 (3) An official releasing and permitting the removal of a part shall retain, in the permanent
38 death record of the decedent, documentation of the person making the request, the date and purpose
39 of the request, and the person to whom it was released.

40 (4) For purposes of this section, "reasonable effort" means:

41 (a) The person requesting the part has attempted to contact the person having priority to act
42 as listed in ORS 97.954 (1), following notification of the death by the medical examiner or other
43 authority or medical facility, and to obtain that person's consent or objection to the removal of the
44 part requested;

45 (b) Unless the elapsed time from the notification of death would render the part useless for the

1 purpose intended, any attempt described in paragraph (a) of this subsection that was unsuccessful
2 has been repeated at least two additional times by telephone; and

3 (c) The attempts shall be documented by the person requesting the part, and the documentation
4 shall be maintained in that person's permanent file.

5 **SECTION 3.** ORS 807.110 is amended to read:

6 807.110. A license issued by the Department of Transportation shall comply with all of the fol-
7 lowing:

8 (1) A license shall bear the distinguishing number assigned to the person issued the license by
9 the department.

10 (2) A license shall contain, for the purpose of identification, a brief description of the person to
11 whom the license is issued.

12 (3) A license shall contain the name, date of birth and, except as provided for corrections offi-
13 cers in ORS 802.253 or eligible employees in ORS 802.250, residence address of the person to whom
14 the license is issued and a space for the person's signature.

15 (4) Upon request of the person to whom the license is issued, a license shall indicate on the li-
16 cense the fact that the person is an anatomical **gift donor or has declined to be an anatomical**
17 **gift donor.**

18 (5) Upon order of the juvenile court, a license shall indicate on the license the fact that the
19 person to whom the license is issued is an emancipated minor.

20 (6) Except as otherwise provided in this subsection, a license shall bear a photograph described
21 in this subsection. The Director of Transportation, by rule, may provide for issuance of a valid li-
22 cense without a photograph if the applicant shows good cause. The director shall include religious
23 preferences as good cause for issuance of a license without a photograph but shall not limit good
24 cause to religious grounds. A photograph required under this subsection shall:

25 (a) Be a full-faced, color photograph of the person to whom the license is issued;

26 (b) Be of a size approved by the department; and

27 (c) Be taken at the time of application for issuance of the license whether the application is for
28 an original license, replacement of a license under ORS 807.160 or for renewal of a license under
29 ORS 807.150.

30 (7) A license is not valid until signed by the person to whom it is issued.

31 (8) A license shall indicate the class of license issued and any endorsements granted. If the li-
32 cense is a commercial driver license, the words "commercial driver license" or the letters "CDL"
33 shall appear on the license.

34 (9) The department shall use such security procedures, processes and materials in the prepara-
35 tion, manufacture and issuance of any license that prohibit as nearly as possible anyone's ability to
36 alter, counterfeit, duplicate or modify the license without ready detection. The security features
37 used in the production of the licenses shall provide for the rapid authentication of a genuine docu-
38 ment.

39 **SECTION 4.** ORS 807.110, as amended by section 7, chapter 775, Oregon Laws 2005, is amended
40 to read:

41 807.110. (1) A license issued by the Department of Transportation shall contain all of the fol-
42 lowing:

43 (a) The distinguishing number assigned to the person issued the license by the department.

44 (b) For the purpose of identification, a brief description of the person to whom the license is
45 issued.

1 (c) The name, date of birth and, except as provided for corrections officers in ORS 802.253 or
2 eligible employees in ORS 802.250, residence address of the person to whom the license is issued and
3 a space for the person's signature.

4 (d) Upon request of the person to whom the license is issued, the fact that the person is an
5 anatomical **gift donor or has declined to be an anatomical gift donor**.

6 (e) Upon order of the juvenile court, the fact that the person to whom the license is issued is
7 an emancipated minor.

8 (f) Except as otherwise provided in this paragraph, a photograph described in this paragraph.
9 The Director of Transportation, by rule, may provide for issuance of a valid license without a pho-
10 tograph if the applicant shows good cause. The director shall include religious preferences as good
11 cause for issuance of a license without a photograph but shall not limit good cause to religious
12 grounds. A photograph required under this paragraph shall:

13 (A) Be a full-faced, color photograph of the person to whom the license is issued;

14 (B) Be of a size approved by the department; and

15 (C) Be taken at the time of application for issuance of the license whether the application is for
16 an original license, replacement of a license under ORS 807.160 or for renewal of a license under
17 ORS 807.150.

18 (g) The class of license issued and any endorsements granted. If the license is a commercial
19 driver license, the words "commercial driver license" or the letters "CDL" shall appear on the li-
20 cense.

21 (2) A license is not valid until signed by the person to whom it is issued.

22 (3) The department shall use security procedures, processes and materials in the preparation,
23 manufacture and issuance of any license that prohibit as nearly as possible anyone's ability to alter,
24 counterfeit, duplicate or modify the license without ready detection. The security features used in
25 the production of the licenses shall provide for:

26 (a) The authentication of a genuine document in a reasonable time; and

27 (b) The production of the license only by equipment that requires verification of the identity of
28 the operator of the equipment before a license may be produced.

29 **SECTION 4a.** ORS 807.110, as amended by section 7, chapter 775, Oregon Laws 2005, and sec-
30 tion 4 of this 2007 Act, is amended to read:

31 807.110. (1) A license issued by the Department of Transportation shall contain all of the fol-
32 lowing:

33 (a) The distinguishing number assigned to the person issued the license by the department.

34 (b) For the purpose of identification, a brief description of the person to whom the license is
35 issued.

36 (c) The name, date of birth and, except as provided for corrections officers in ORS 802.253 or
37 eligible employees in ORS 802.250, residence address of the person to whom the license is issued and
38 a space for the person's signature.

39 (d) Upon request of the person to whom the license is issued, the fact that the person is an
40 anatomical [*gift*] donor [*or has declined to be an anatomical gift donor*].

41 (e) Upon order of the juvenile court, the fact that the person to whom the license is issued is
42 an emancipated minor.

43 (f) Except as otherwise provided in this paragraph, a photograph described in this paragraph.
44 The Director of Transportation, by rule, may provide for issuance of a valid license without a pho-
45 tograph if the applicant shows good cause. The director shall include religious preferences as good

1 cause for issuance of a license without a photograph but shall not limit good cause to religious
2 grounds. A photograph required under this paragraph shall:

3 (A) Be a full-faced, color photograph of the person to whom the license is issued;

4 (B) Be of a size approved by the department; and

5 (C) Be taken at the time of application for issuance of the license whether the application is for
6 an original license, replacement of a license under ORS 807.160 or for renewal of a license under
7 ORS 807.150.

8 (g) The class of license issued and any endorsements granted. If the license is a commercial
9 driver license, the words "commercial driver license" or the letters "CDL" shall appear on the li-
10 cense.

11 (2) A license is not valid until signed by the person to whom it is issued.

12 (3) The department shall use security procedures, processes and materials in the preparation,
13 manufacture and issuance of any license that prohibit as nearly as possible anyone's ability to alter,
14 counterfeit, duplicate or modify the license without ready detection. The security features used in
15 the production of the licenses shall provide for:

16 (a) The authentication of a genuine document in a reasonable time; and

17 (b) The production of the license only by equipment that requires verification of the identity of
18 the operator of the equipment before a license may be produced.

19 **SECTION 5.** ORS 807.400 is amended to read:

20 807.400. (1) The Department of Transportation shall issue an identification card to any person
21 who:

22 (a) Is domiciled in or resident of this state, as described in ORS 807.062;

23 (b) Does not have a current, valid driver license; and

24 (c) Furnishes such evidence of the person's age and identity as the department may require.

25 (2) The department shall work with other agencies and organizations to attempt to improve the
26 issuance system for identification cards.

27 (3) Every original application for an identification card must be signed by the applicant. The
28 department shall require at least one document to verify the address of an applicant for issuance
29 of an identification card in addition to other documents the department may require of the applicant.
30 If the address of an applicant has changed since the last time an identification card was issued to
31 or renewed for the applicant, the department shall require proof to verify the address of an applicant
32 for renewal of an identification card, in addition to anything else the department may require.

33 (4) Every identification card shall be issued upon the standard license form described under ORS
34 807.110 and shall bear a statement to the effect that the identification card is not a license or any
35 other grant of driving privileges to operate a motor vehicle and is to be used for identification
36 purposes only. The department shall use the same security procedures, processes, materials and
37 features for an identification card as are required for a license under ORS 807.110.

38 (5) Upon order of the juvenile court, the department shall include on the card the fact that the
39 person issued the identification card is an emancipated minor.

40 (6) Each original identification card shall expire on a date consistent with the expiration dates
41 of licenses as set forth in ORS 807.130.

42 (7) Identification cards shall be renewed under the terms for renewal of licenses as set forth in
43 ORS 807.150.

44 (8) The fee for an original identification card or a renewal thereof shall be the fee established
45 under ORS 807.410. In no event shall the issuance or renewal of an identification card be subject

1 to any fee in addition to that set forth in ORS 807.410.

2 (9) An identification card becomes invalid if the holder of the card changes residence address
3 from that shown on the identification card and does not provide the department with notice of the
4 change as required under ORS 807.420.

5 (10) If a person to whom an identification card was issued and who changes residence address
6 appears in person at a department office that issues identification cards, the department may do any
7 of the following:

8 (a) Issue a replacement identification card containing the new address upon receipt of the old
9 identification card and payment of the fee established for issuing a replacement identification card
10 with a changed address under ORS 807.410. Except as otherwise provided in subsection (12) of this
11 section, the replacement identification card shall bear the same distinguishing number as the card
12 being replaced.

13 (b) Note the new address on the old identification card in a manner to be determined by the
14 department.

15 (11) An identification card becomes invalid if the holder of the card changes the person's name
16 from that shown on the card, including a change of name by marriage, without providing the de-
17 partment with notice of the change as required under ORS 807.420. Upon receiving such notice and
18 the old identification card, the department shall issue a replacement identification card upon pay-
19 ment of the fee required under ORS 807.410.

20 (12) In the event that, for a reason identified by the department by rule, a person needs a re-
21 placement identification card that bears a different distinguishing number from the card being re-
22 placed, the person to whom the card was issued may obtain a replacement card from the department
23 upon furnishing proof satisfactory to the department of the need for such replacement and payment
24 of the replacement fee under ORS 807.410.

25 (13) The department may establish by rule reasons for issuing replacement identification cards
26 that are in addition to the reasons identified in subsections (10) to (12) of this section. The fee for
27 a replacement identification card is provided under ORS 807.410.

28 (14) Upon cancellation of an identification card, the card is terminated and must be surrendered
29 to the department. An identification card may be canceled for any of the reasons that driving priv-
30 ileges or a license may be canceled under ORS 809.310. The department may reissue an identifica-
31 tion card canceled under this subsection when the applicant has satisfied all requirements for the
32 identification card.

33 (15) Notwithstanding any other provision of this section, the department may issue an identifi-
34 cation card to a person under this subsection without charge when the person surrenders a license
35 or driver permit to the department for reasons described in this subsection. If the department issues
36 an identification card under this subsection, the identification card shall expire at the same time
37 as the surrendered driver license or driver permit would have expired. An identification card issued
38 under this subsection is subject to the same requirements and fees for renewal or upon expiration
39 as any other identification card issued under this section. The department may issue identification
40 cards under this subsection as described under any of the following:

41 (a) The department may issue an identification card under this subsection to a person who vol-
42 untarily surrenders a license or driver permit to the department based upon the person's recognition
43 that the person is no longer competent to drive.

44 (b) The department may issue an identification card to a person under this subsection when the
45 person's driving privileges are suspended under ORS 809.419 (1). This paragraph only applies if the

1 person voluntarily surrenders the person's license or driver permit to the department as provided
2 under ORS 809.500.

3 **(16) Upon request of the person to whom an identification card is issued under this sec-**
4 **tion, the card shall include a statement that the person is an anatomical gift donor or has**
5 **declined to be an anatomical gift donor.**

6 **SECTION 6.** ORS 807.400, as amended by section 8, chapter 775, Oregon Laws 2005, is amended
7 to read:

8 807.400. (1) The Department of Transportation shall issue an identification card to any person
9 who:

10 (a) Is domiciled in or resident of this state, as described in ORS 807.062;

11 (b) Does not have a current, valid driver license;

12 (c) Furnishes such evidence of the person's age and identity as the department may require; and

13 (d) Submits to collection of biometric data by the department that establish the identity of the
14 person as provided in ORS 807.024.

15 (2) The department shall work with other agencies and organizations to attempt to improve the
16 issuance system for identification cards.

17 (3) Every original application for an identification card must be signed by the applicant. The
18 department shall require at least one document to verify the address of an applicant for issuance
19 of an identification card in addition to other documents the department may require of the applicant.
20 If the address of an applicant has changed since the last time an identification card was issued to
21 or renewed for the applicant, the department shall require proof to verify the address of an applicant
22 for renewal of an identification card, in addition to anything else the department may require.

23 (4) Every identification card shall be issued upon the standard license form described under ORS
24 807.110 and shall bear a statement to the effect that the identification card is not a license or any
25 other grant of driving privileges to operate a motor vehicle and is to be used for identification
26 purposes only. The department shall use the same security procedures, processes, materials and
27 features for an identification card as are required for a license under ORS 807.110.

28 (5) Upon order of the juvenile court, the department shall include on the card the fact that the
29 person issued the identification card is an emancipated minor.

30 (6) Each original identification card shall expire on a date consistent with the expiration dates
31 of licenses as set forth in ORS 807.130.

32 (7) Identification cards shall be renewed under the terms for renewal of licenses as set forth in
33 ORS 807.150.

34 (8) The fee for an original identification card or a renewal thereof shall be the fee established
35 under ORS 807.410.

36 (9) An identification card becomes invalid if the holder of the card changes residence address
37 from that shown on the identification card and does not provide the department with notice of the
38 change as required under ORS 807.420.

39 (10) If a person to whom an identification card was issued and who changes residence address
40 appears in person at a department office that issues identification cards, the department may do any
41 of the following:

42 (a) Issue a replacement identification card containing the new address upon receipt of the old
43 identification card and payment of the fee established for issuing a replacement identification card
44 with a changed address under ORS 807.410. Except as otherwise provided in subsection (12) of this
45 section, the replacement identification card shall bear the same distinguishing number as the card

1 being replaced.

2 (b) Note the new address on the old identification card in a manner to be determined by the
3 department.

4 (11) An identification card becomes invalid if the holder of the card changes the person's name
5 from that shown on the card, including a change of name by marriage, without providing the de-
6 partment with notice of the change as required under ORS 807.420. Upon receiving such notice and
7 the old identification card, the department shall issue a replacement identification card upon pay-
8 ment of the fee required under ORS 807.410.

9 (12) In the event that, for a reason identified by the department by rule, a person needs a re-
10 placement identification card that bears a different distinguishing number from the card being re-
11 placed, the person to whom the card was issued may obtain a replacement card from the department
12 upon furnishing proof satisfactory to the department of the need for such replacement and payment
13 of the replacement fee under ORS 807.410.

14 (13) The department may establish by rule reasons for issuing replacement identification cards
15 that are in addition to the reasons identified in subsections (10) to (12) of this section. The fee for
16 a replacement identification card is provided under ORS 807.410.

17 (14) Upon cancellation of an identification card, the card is terminated and must be surrendered
18 to the department. An identification card may be canceled for any of the reasons that driving priv-
19 ileges or a license may be canceled under ORS 809.310. The department may reissue an identifica-
20 tion card canceled under this subsection when the applicant has satisfied all requirements for the
21 identification card.

22 (15) Notwithstanding any other provision of this section, the department may issue an identifi-
23 cation card to a person under this subsection without charge when the person surrenders a license
24 or driver permit to the department for reasons described in this subsection. If the department issues
25 an identification card under this subsection, the identification card shall expire at the same time
26 as the surrendered driver license or driver permit would have expired. An identification card issued
27 under this subsection is subject to the same requirements and fees for renewal or upon expiration
28 as any other identification card issued under this section. The department may issue identification
29 cards under this subsection as described under any of the following:

30 (a) The department may issue an identification card under this subsection to a person who vol-
31 untarily surrenders a license or driver permit to the department based upon the person's recognition
32 that the person is no longer competent to drive.

33 (b) The department may issue an identification card to a person under this subsection when the
34 person's driving privileges are suspended under ORS 809.419 (1). This paragraph only applies if the
35 person voluntarily surrenders the person's license or driver permit to the department as provided
36 under ORS 809.500.

37 **(16) Upon request of the person to whom an identification card is issued under this sec-**
38 **tion, the card shall include a statement that the person is an anatomical gift donor or has**
39 **declined to be an anatomical gift donor.**

40 **SECTION 6a.** ORS 807.400, as amended by section 8, chapter 775, Oregon Laws 2005, and sec-
41 tion 6 of this 2007 Act, is amended to read:

42 807.400. (1) The Department of Transportation shall issue an identification card to any person
43 who:

44 (a) Is domiciled in or resident of this state, as described in ORS 807.062;

45 (b) Does not have a current, valid driver license;

1 (c) Furnishes such evidence of the person's age and identity as the department may require; and

2 (d) Submits to collection of biometric data by the department that establish the identity of the
3 person as provided in ORS 807.024.

4 (2) The department shall work with other agencies and organizations to attempt to improve the
5 issuance system for identification cards.

6 (3) Every original application for an identification card must be signed by the applicant. The
7 department shall require at least one document to verify the address of an applicant for issuance
8 of an identification card in addition to other documents the department may require of the applicant.
9 If the address of an applicant has changed since the last time an identification card was issued to
10 or renewed for the applicant, the department shall require proof to verify the address of an applicant
11 for renewal of an identification card, in addition to anything else the department may require.

12 (4) Every identification card shall be issued upon the standard license form described under ORS
13 807.110 and shall bear a statement to the effect that the identification card is not a license or any
14 other grant of driving privileges to operate a motor vehicle and is to be used for identification
15 purposes only. The department shall use the same security procedures, processes, materials and
16 features for an identification card as are required for a license under ORS 807.110.

17 (5) Upon order of the juvenile court, the department shall include on the card the fact that the
18 person issued the identification card is an emancipated minor.

19 (6) Each original identification card shall expire on a date consistent with the expiration dates
20 of licenses as set forth in ORS 807.130.

21 (7) Identification cards shall be renewed under the terms for renewal of licenses as set forth in
22 ORS 807.150.

23 (8) The fee for an original identification card or a renewal thereof shall be the fee established
24 under ORS 807.410.

25 (9) An identification card becomes invalid if the holder of the card changes residence address
26 from that shown on the identification card and does not provide the department with notice of the
27 change as required under ORS 807.420.

28 (10) If a person to whom an identification card was issued and who changes residence address
29 appears in person at a department office that issues identification cards, the department may do any
30 of the following:

31 (a) Issue a replacement identification card containing the new address upon receipt of the old
32 identification card and payment of the fee established for issuing a replacement identification card
33 with a changed address under ORS 807.410. Except as otherwise provided in subsection (12) of this
34 section, the replacement identification card shall bear the same distinguishing number as the card
35 being replaced.

36 (b) Note the new address on the old identification card in a manner to be determined by the
37 department.

38 (11) An identification card becomes invalid if the holder of the card changes the person's name
39 from that shown on the card, including a change of name by marriage, without providing the de-
40 partment with notice of the change as required under ORS 807.420. Upon receiving such notice and
41 the old identification card, the department shall issue a replacement identification card upon pay-
42 ment of the fee required under ORS 807.410.

43 (12) In the event that, for a reason identified by the department by rule, a person needs a re-
44 placement identification card that bears a different distinguishing number from the card being re-
45 placed, the person to whom the card was issued may obtain a replacement card from the department

1 upon furnishing proof satisfactory to the department of the need for such replacement and payment
2 of the replacement fee under ORS 807.410.

3 (13) The department may establish by rule reasons for issuing replacement identification cards
4 that are in addition to the reasons identified in subsections (10) to (12) of this section. The fee for
5 a replacement identification card is provided under ORS 807.410.

6 (14) Upon cancellation of an identification card, the card is terminated and must be surrendered
7 to the department. An identification card may be canceled for any of the reasons that driving priv-
8 ileges or a license may be canceled under ORS 809.310. The department may reissue an identifica-
9 tion card canceled under this subsection when the applicant has satisfied all requirements for the
10 identification card.

11 (15) Notwithstanding any other provision of this section, the department may issue an identifi-
12 cation card to a person under this subsection without charge when the person surrenders a license
13 or driver permit to the department for reasons described in this subsection. If the department issues
14 an identification card under this subsection, the identification card shall expire at the same time
15 as the surrendered driver license or driver permit would have expired. An identification card issued
16 under this subsection is subject to the same requirements and fees for renewal or upon expiration
17 as any other identification card issued under this section. The department may issue identification
18 cards under this subsection as described under any of the following:

19 (a) The department may issue an identification card under this subsection to a person who vol-
20 untarily surrenders a license or driver permit to the department based upon the person's recognition
21 that the person is no longer competent to drive.

22 (b) The department may issue an identification card to a person under this subsection when the
23 person's driving privileges are suspended under ORS 809.419 (1). This paragraph only applies if the
24 person voluntarily surrenders the person's license or driver permit to the department as provided
25 under ORS 809.500.

26 *[(16) Upon request of the person to whom an identification card is issued under this section, the*
27 *card shall include a statement that the person is an anatomical gift donor or has declined to be an*
28 *anatomical gift donor.]*

29 **SECTION 7. (1) The Office for Oregon Health Policy and Research shall review the pro-**
30 **cess by which an individual may designate the individual's desire to be an anatomical gift**
31 **donor or indicate the desire not to be an anatomical gift donor by January 31, 2011. In re-**
32 **viewing the process, the office shall consider the efficacy of making organs available for in-**
33 **dividuals who need them as well as the ease by which individuals may make their wishes**
34 **known through the election of donor status or status as an individual who declines to be a**
35 **donor established by ORS 97.952, 807.110 and 807.400.**

36 **(2) In conducting the review required by subsection (1) of this section, the office shall**
37 **solicit information from living anatomical gift donors, recipients of anatomical gifts, indi-**
38 **viduals who require but who have been unable to obtain an anatomical gift, groups repre-**
39 **senting anatomical gift recipients, organ banks, nephrologists, pediatricians, organizations**
40 **representing professional health care providers, insurance companies and members of the**
41 **public.**

42 **(3) The office shall report the results of the review conducted under subsection (1) of this**
43 **section and recommendations for improvement in the process to the Legislative Assembly**
44 **in the manner provided by ORS 192.245 by January 31, 2011.**

45 **SECTION 8. The amendments to ORS 97.952, 807.110 and 807.400 by sections 1a, 4a and**

1 **6a of this 2007 Act become operative on January 2, 2012.**

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