

HOUSE AMENDMENTS TO HOUSE BILL 3166

By JOINT COMMITTEE ON WAYS AND MEANS

June 18

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions; and”
2 and delete “97.958,”.

3 On page 3, after line 19, insert:

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

5 “97.952. (1) A capable individual who is at least 18 years of age may be the donor of an ana-
6 tomical gift.

7 “(2) An anatomical gift may be made by:

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

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

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

18 “[*(B) Application forms provided by the department for driver licenses and identification cards*
19 *shall include the statement ‘By signing, I agree to be an anatomical gift donor.’ The forms shall also*
20 *provide an easy, nonjudgmental mechanism for the applicant to decline to be an anatomical donor.*] The
21 holder of a driver license or identification card desiring to **be designated as a donor** [*decline to*
22 *make an anatomical gift must so designate*] on the license or card **must furnish a statement** [*by*
23 *providing a written statement to the department or indicating on the application form that is furnished*
24 *to the department*] at the time of application for granting or renewing the license or card in the
25 manner provided by the Department of Transportation. [*If an applicant does not indicate the desire*
26 *to make an anatomical gift or to decline to make an anatomical gift on the application provided to the*
27 *department, it shall be presumed that the applicant is an anatomical gift donor.*]

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

1 “(b) When requested by a procurement organization that has established a statewide donor
2 registry of donors in this state, the department shall electronically transfer the name, address, birth
3 date and donor designation as listed on the driver license or identification card of any person des-
4 ignated as a donor under this subsection. The information transferred to a procurement organization
5 shall be treated as confidential by the procurement organization and may be used only to expedite
6 the making of anatomical gifts authorized by the donor.

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

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

11 “(a) A signed statement;

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

13 “(c) Any form of communication during a terminal illness or injury addressed to a physician or
14 surgeon;

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

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

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

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

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

27 “(b) Shall not be subject to cancellation or substantial revision by persons described in ORS
28 97.954 (1).

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

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

34 “(10) If an individual has amended or revoked an anatomical gift made by driver license or
35 identification card, the department shall issue a replacement license upon payment by the individual
36 of the department’s fee for reissuance of the license or card.

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

40 “(12) Any anatomical gift validly made under ORS 97.275 (1993 Edition) prior to September 9,
41 1995, and not revoked shall continue in effect for its original period of validity.

42 “(13) An individual described in subsection (1) of this section or any person authorized in ORS
43 97.954 (1) to make an anatomical gift of all or any part of a decedent’s body may delegate such au-
44 thority to any person 18 years of age or older. Such delegation shall be in writing and signed by
45 the person delegating the authority. The person to whom the authority is delegated shall have the

1 same priority under ORS 97.954 (1) as the person delegating the authority.

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

5 On page 4, delete lines 7 through 28.

6 In line 29, delete “4” and insert “3”.

7 On page 5, line 18, delete “5” and insert “4”.

8 On page 6, after line 7, insert:

9 “**SECTION 4a.** ORS 807.110, as amended by section 7, chapter 775, Oregon Laws 2005, and
10 section 4 of this 2007 Act, is amended to read:

11 “807.110. (1) A license issued by the Department of Transportation shall contain all of the fol-
12 lowing:

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

14 “(b) For the purpose of identification, a brief description of the person to whom the license is
15 issued.

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

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

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

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

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

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

30 “(C) Be taken at the time of application for issuance of the license whether the application is
31 for an original license, replacement of a license under ORS 807.160 or for renewal of a license under
32 ORS 807.150.

33 “(g) The class of license issued and any endorsements granted. If the license is a commercial
34 driver license, the words ‘commercial driver license’ or the letters ‘CDL’ shall appear on the license.

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

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

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

41 “(b) The production of the license only by equipment that requires verification of the identity
42 of the operator of the equipment before a license may be produced.”.

43 In line 8, delete “6” and insert “5”.

44 On page 7, line 40, delete “7” and insert “6”.

45 On page 9, after line 28, insert:

1 “**SECTION 6a.** ORS 807.400, as amended by section 8, chapter 775, Oregon Laws 2005, and
2 section 6 of this 2007 Act, is amended to read:

3 “807.400. (1) The Department of Transportation shall issue an identification card to any person
4 who:

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

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

7 “(c) Furnishes such evidence of the person’s age and identity as the department may require;
8 and

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

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

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

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

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

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

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

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

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

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

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

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

45 “(11) An identification card becomes invalid if the holder of the card changes the person’s name

1 from that shown on the card, including a change of name by marriage, without providing the de-
2 partment with notice of the change as required under ORS 807.420. Upon receiving such notice and
3 the old identification card, the department shall issue a replacement identification card upon pay-
4 ment of the fee required under ORS 807.410.

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

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

13 “(14) Upon cancellation of an identification card, the card is terminated and must be surren-
14 dered to the department. An identification card may be canceled for any of the reasons that driving
15 privileges or a license may be canceled under ORS 809.310. The department may reissue an iden-
16 tification card canceled under this subsection when the applicant has satisfied all requirements for
17 the identification card.

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

26 “(a) The department may issue an identification card under this subsection to a person who
27 voluntarily surrenders a license or driver permit to the department based upon the person’s recog-
28 nition that the person is no longer competent to drive.

29 “(b) The department may issue an identification card to a person under this subsection when the
30 person’s driving privileges are suspended under ORS 809.419 (1). This paragraph only applies if the
31 person voluntarily surrenders the person’s license or driver permit to the department as provided
32 under ORS 809.500.

33 “[16] *Upon request of the person to whom an identification card is issued under this section, the*
34 *card shall include a statement that the person is an anatomical gift donor or has declined to be an*
35 *anatomical gift donor.]*

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

43 “**(2) In conducting the review required by subsection (1) of this section, the office shall**
44 **solicit information from living anatomical gift donors, recipients of anatomical gifts, indi-**
45 **viduals who require but who have been unable to obtain an anatomical gift, groups repre-**

1 **senting anatomical gift recipients, organ banks, nephrologists, pediatricians, organizations**
2 **representing professional health care providers, insurance companies and members of the**
3 **public.**

4 **“(3) The office shall report the results of the review conducted under subsection (1) of**
5 **this section and recommendations for improvement in the process to the Legislative As-**
6 **sembly in the manner provided by ORS 192.245 by January 31, 2011.**

7 **“SECTION 8. The amendments to ORS 97.952, 807.110 and 807.400 by sections 1a, 4a and**
8 **6a of this 2007 Act become operative on January 2, 2012.”.**

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