

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1036

Introduced by Thompson, 14; Engel, 17; Jensen, 20; Schrock, 38

Read first time January 13, 2004

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to organ and tissue donation; to amend sections
2 60-493, 60-494, and 60-2907, Revised Statutes Supplement,
3 2002, and sections 60-484, 60-4,144, and 60-4,181,
4 Revised Statutes Supplement, 2003; to provide for a
5 Nebraska Organ and Tissue Donor Registry; to authorize
6 the Department of Motor Vehicles to transfer certain
7 motor vehicle operator's license and state identification
8 card information; to change provisions relating to donor
9 notations on licenses and cards; to create an advisory
10 board; to harmonize provisions; to provide an operative
11 date; to repeal the original sections; and to declare an
12 emergency.

13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-484, Revised Statutes Supplement,
2 2003, is amended to read:

3 60-484. (1) Except as otherwise provided in the Motor
4 Vehicle Operator's License Act, no resident of the State of
5 Nebraska shall operate a motor vehicle upon the alleys or highways
6 of the State of Nebraska until the person has obtained an
7 operator's license for that purpose.

8 (2) Application for an operator's license may be made on
9 uniform blanks prepared and furnished by the director to the county
10 treasurers and the examiners of the Department of Motor Vehicles
11 prior to January 1, 2003. Such application may be made to an
12 examiner in any county. The standard application blanks shall be
13 sufficient in form and content to substantially carry out the
14 purposes of the act.

15 (3) ~~Beginning October 1, 2000, application~~ Application
16 for an operator's license may also be made in a manner prescribed
17 by the department. Such application may be made to an examiner in
18 any county. The examiner shall personally conduct the examination
19 of the applicant and deliver to each successful applicant an
20 examiner's certificate containing the statements made pursuant to
21 subsection (4) of this section.

22 (4) In addition to any other information and questions
23 necessary to comply with the requirements and purposes of the act,
24 the applicant (a) shall provide his or her name, age, post office
25 address, place of residence unless the applicant is a program
26 participant under the Address Confidentiality Act, date of birth,
27 sex, social security number, and brief description of himself or
28 herself, (b) may complete the voter registration portion pursuant

1 to section 32-308, (c) shall be provided the advisement language
2 required by subsection (10) of section 60-6,197, (d) shall answer
3 the following:

4 (i) Have you within the last three months (e.g. due to
5 diabetes, epilepsy, mental illness, head injury, stroke, heart
6 condition, neurological disease, etc.):

7 (A) lost voluntary control or consciousness ... yes ...
8 no

9 (B) experienced vertigo or multiple episodes of dizziness
10 or fainting ... yes ... no

11 (C) experienced disorientation ... yes ... no

12 (D) experienced seizures ... yes ... no

13 (E) experienced impairment of memory, memory loss ... yes
14 ... no

15 Please explain:

16 (ii) Do you experience any condition which affects your
17 ability to operate a motor vehicle? (e.g. due to loss of, or
18 impairment of, foot, leg, hand, arm; neurological or neuromuscular
19 disease, etc.) ... yes ... no

20 Please explain:

21 (iii) Since the issuance of your last driver's
22 license/permit has your health or medical condition changed or
23 worsened? ... yes ... no

24 Please explain, including how the above affects your ability to
25 drive:

26,

27 and (e) may answer the following:

28 (i) Do you wish to register to vote as part of this

1 application process?

2 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING
3 QUESTIONS:

4 (ii) Do you wish to be ~~an organ and tissue~~ a donor listed
5 on the Nebraska Organ and Tissue Donor Registry?

6 (iii) Do you wish to receive any additional specific
7 information regarding ~~organ and tissue donation~~ the Nebraska Organ
8 and Tissue Donor Registry?

9 (iv) Do you wish to donate \$1 to promote the Organ and
10 Tissue Donor Awareness and Education Fund?

11 (5) Application for an operator's license shall be made
12 under oath or affirmation of the applicant.

13 (6) The social security number shall not be printed on
14 the operator's license and shall be used only (a) to furnish driver
15 record information to the United States Selective Service System
16 under section 60-483, (b) with the permission of the director in
17 connection with the verification of the status of an individual's
18 driving record in this state or any other state, or (c) for
19 purposes of child support enforcement pursuant to section 42-358.08
20 or 43-512.06.

21 (7) (a) Except for an individual under the age of eighteen
22 years, each individual applying for an operator's license or a
23 state identification card shall furnish proof of date of birth and
24 identity by a valid Nebraska operator's license, a valid Nebraska
25 learner's permit, a valid Nebraska school permit, a valid
26 operator's license from another state or jurisdiction of the United
27 States, a certified birth certificate, a certified birth
28 registration, a valid United States passport, a valid United States

1 military identification card, United States military discharge
2 papers, other United States-based identification as approved by the
3 director, or information preserved in the digital system
4 implemented under section 60-484.01.

5 (b) Any individual under the age of eighteen years
6 applying for an operator's license or a state identification card
7 shall provide a certified copy of his or her birth certificate, a
8 certified birth registration, or other reliable proof of his or her
9 identity and age accompanied by a certification signed by a parent
10 or guardian explaining the inability to produce a copy of such
11 birth certificate. The applicant may be required to furnish proof
12 to the examiner that the parent or guardian signing the
13 certification is in fact the parent or guardian of such applicant.

14 Sec. 2. Section 60-493, Revised Statutes Supplement,
15 2002, is amended to read:

16 60-493. When a person applies for an operator's license
17 or state identification card, the county treasurer or examiner of
18 the Department of Motor Vehicles shall distribute a brochure
19 provided by an organ and tissue ~~recovery~~ procurement agency and
20 approved by the Department of Health and Human Services Regulation
21 and Licensure containing a description and explanation of the
22 Uniform Anatomical Gift Act to each person applying for a new or
23 renewal license or card. ~~Beginning October 1, 2000, the brochure~~
24 ~~shall include the information prescribed in subsection (1) of~~
25 ~~section 60-494.~~

26 If an individual desires to receive additional specific
27 information regarding organ and tissue donation or regarding the
28 Nebraska Organ and Tissue Donor Registry as indicated on an

1 application or examiner's certificate under section 60-484,
 2 60-4,144, or 60-4,181, the department shall notify a representative
 3 of ~~the Nebraska Organ Retrieval System~~ a federally designated organ
 4 procurement agency in Nebraska within five working days of the name
 5 and address of such individual.

6 Sec. 3. Section 60-494, Revised Statutes Supplement,
 7 2002, is amended to read:

8 60-494. (1) Each operator's license and state
 9 identification card shall include a special ~~notification~~ notation
 10 on the front of the license or card if the licensee or cardholder
 11 ~~desires to make an organ and tissue donation~~ indicates on the
 12 application or examiner's certificate under section 60-484,
 13 60-4,144, or 60-4,181 his or her wish to be a donor listed on the
 14 Nebraska Organ and Tissue Donor Registry.

15 (2) ~~The organ and tissue donation status as an organ~~
 16 donor, a tissue donor, or both shall be renewed upon renewal of
 17 each license or card ~~only~~ if the licensee or cardholder, at the
 18 time of renewal, indicates the desire to renew the ~~organ and tissue~~
 19 ~~donation.~~

20 ~~(3) No licensee or cardholder shall be deemed to have~~
 21 ~~authorized an organ and tissue donation if~~ status and the notation
 22 authorized in subsection (1) of this section has ~~not~~ been marked.
 23 The status as an organ donor, a tissue donor, or both is not
 24 changed by the suspension, cancellation, or revocation of the
 25 license or card.

26 ~~(4) (3)~~ Any person whose operator's license or state
 27 identification card indicates ~~that he or she desires to make an~~
 28 ~~organ and tissue donation~~ his or her status as an organ donor, a

1 tissue donor, or both may obtain a replacement license or card
2 changing his or her status to that of a nondonor without a notation
3 of such status. The fee for such replacement license or card shall
4 be the fee provided in section 60-4,115.

5 (4) A licensee or cardholder may also change his or her
6 status as a donor by (a) Internet access to the Nebraska Organ and
7 Tissue Donor Registry, (b) telephone request to the registry, or
8 (c) other methods approved by a federally designated organ
9 procurement agency in Nebraska.

10 (5) The Department of Motor Vehicles shall electronically
11 transfer to a federally designated organ procurement agency in
12 Nebraska all information which appears on the face of the
13 operator's license or state identification card except the image
14 and signature of each person whose license or card includes the
15 notation described in subsection (1) of this section.

16 Sec. 4. Section 60-4,144, Revised Statutes Supplement,
17 2003, is amended to read:

18 60-4,144. (1) Application for any original or renewal
19 commercial driver's license or application for any change of class
20 of commercial motor vehicle, endorsement, or restriction may be
21 made in a manner prescribed by the department. Such application
22 may be made to an examiner in any county. The examiner shall
23 personally conduct the examination of the applicant and deliver to
24 each successful applicant an examiner's certificate containing the
25 statements made pursuant to subsection (2) of this section.

26 (2) The application or examiner's certificate shall
27 include the voter registration portion pursuant to section 32-308,
28 the advisement language required by subsection (10) of section

1 60-6,197, and the following:

2 (a) The full name, the current mailing address, and the
3 residential address of the applicant, except that if the applicant
4 is a program participant under the Address Confidentiality Act, he
5 or she need not supply his or her residential address;

6 (b) A physical description of the applicant, including
7 sex, height, weight, and eye and hair colors;

8 (c) The applicant's date of birth;

9 (d) The applicant's social security number;

10 (e) The applicant's signature;

11 (f) Certification that the commercial motor vehicle in
12 which the applicant takes any driving skills examination is
13 representative of the class of commercial motor vehicle that the
14 applicant operates or expects to operate;

15 (g) The certification required pursuant to section
16 60-4,145 or 60-4,146;

17 (h) Beginning September 30, 2005, the names of all states
18 where the applicant has previously been licensed to operate any
19 type of motor vehicle;

20 (i) The following specific questions:

21 (i) Have you within the last three months (e.g. due to
22 diabetes, epilepsy, mental illness, head injury, stroke, heart
23 condition, neurological disease, etc.):

24 (A) lost voluntary control or consciousness ... yes ...

25 no

26 (B) experienced vertigo or multiple episodes of dizziness
27 or fainting ... yes ... no

28 (C) experienced disorientation ... yes ... no

1 (D) experienced seizures ... yes ... no

2 (E) experienced impairment of memory, memory loss ... yes

3 ... no

4 Please explain:

5 (ii) Do you experience any condition which affects your
6 ability to operate a motor vehicle? (e.g. due to loss of or
7 impairment of foot, leg, hand, or arm; neurological or
8 neuromuscular disease, etc.) ... yes ... no

9 Please explain:

10 (iii) Since the issuance of your last driver's
11 license/permit has your health or medical condition changed or
12 worsened? ... yes ... no

13 Please explain, including how the above affects your ability to
14 drive:

15

16 (j) Do you wish to register to vote as part of this
17 application process?

18 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING
19 QUESTIONS:

20 (k) Do you wish to be an organ and tissue a donor listed
21 on the Nebraska Organ and Tissue Donor Registry?

22 (l) Do you wish to receive any additional specific
23 information regarding organ and tissue donation the Nebraska Organ
24 and Tissue Donor Registry?

25 (m) Do you wish to donate \$1 to promote the Organ and
26 Tissue Donor Awareness and Education Fund?

27 (3) Application shall be made under oath or affirmation
28 of the applicant.

1 Sec. 5. Section 60-4,181, Revised Statutes Supplement,
2 2003, is amended to read:

3 60-4,181. (1) A state identification card shall be
4 issued by the county treasurer after the person requesting the card
5 (a) files an application or examiner's certificate with an
6 examining officer, (b) furnishes two forms of proof of
7 identification described in section 60-484, and (c) pays the fee
8 prescribed in section 60-4,115 to the county treasurer. The state
9 identification card shall contain the organ and tissue donor
10 information specified in section 60-494.

11 (2) The application or examiner's certificate shall
12 include the name, age, post office address, place of residence
13 unless the applicant is a program participant under the Address
14 Confidentiality Act, date of birth, sex, social security number,
15 and physical description of the applicant, the voter registration
16 portion pursuant to section 32-308, and the following:

17 (a) Do you wish to register to vote as part of this
18 application process?

19 (b) Do you wish to be ~~an organ and tissue~~ a donor listed
20 on the Nebraska Organ and Tissue Donor Registry?

21 (c) Do you wish to receive any additional specific
22 information regarding ~~organ and tissue donation~~ the Nebraska Organ
23 and Tissue Donor Registry?

24 (d) Do you wish to donate \$1 to promote the Organ and
25 Tissue Donor Awareness and Education Fund?

26 (3) The director may summarily cancel any state
27 identification card, and any judge or magistrate may order a state
28 identification card canceled in a judgment of conviction, if the

1 application or examiner's certificate for the card contains any
2 false or fraudulent statements which were deliberately and
3 knowingly made as to any matter material to the issuance of the
4 card or if the application or examiner's certificate does not
5 contain required or correct information. Any state identification
6 card so obtained shall be void from the date of issuance. Any
7 judgment of conviction ordering cancellation of a state
8 identification card shall be transmitted to the director who shall
9 cancel the card.

10 (4) Machine-readable information encoded on a state
11 identification card shall be limited to the information appearing
12 on the face of the card.

13 Sec. 6. Section 60-2907, Revised Statutes Supplement,
14 2002, is amended to read:

15 60-2907. The department and any officer, employee,
16 agent, or contractor of the department having custody of a motor
17 vehicle record shall, upon the verification of identity and purpose
18 of a requester, disclose and make available the requested motor
19 vehicle record, including the personal information in the record,
20 for the following purposes:

21 (1) For use by any federal, state, or local governmental
22 agency, including any court or law enforcement agency, in carrying
23 out the agency's functions or by a private person or entity acting
24 on behalf of a governmental agency in carrying out the agency's
25 functions;

26 (2) For use in connection with matters of motor vehicle
27 or driver safety and theft; motor vehicle emissions; motor vehicle
28 product alterations, recalls, or advisories; performance monitoring

1 of motor vehicles, motor vehicle parts, and dealers; motor vehicle
2 market research activities, including survey research; and removal
3 of nonowner records from the original owner records of motor
4 vehicle manufacturers;

5 (3) For use in the normal course of business by a
6 legitimate business or its agents, employees, or contractors but
7 only:

8 (a) To verify the accuracy of personal information
9 submitted by the individual to the business or its agents,
10 employees, or contractors; and

11 (b) If such information as so submitted is not correct or
12 is no longer correct, to obtain the correct information, but only
13 for the purposes of preventing fraud by, pursuing legal remedies
14 against, or recovering on a debt or security interest against, the
15 individual;

16 (4) For use in connection with any civil, criminal,
17 administrative, or arbitral proceeding in any federal, state, or
18 local court or governmental agency or before any self-regulatory
19 body, including service of process, investigation in anticipation
20 of litigation, and execution or enforcement of judgments and
21 orders, or pursuant to an order of a federal, state, or local
22 court, an administrative agency, or a self-regulatory body;

23 (5) For use in research activities, and for use in
24 producing statistical reports, so long as the personal information
25 is not published, redisclosed, or used to contact individuals;

26 (6) For use by any insurer or insurance support
27 organization, or by a self-insured entity, or its agents,
28 employees, or contractors, in connection with claims investigation

1 activities, anti-fraud activities, rating, or underwriting;

2 (7) For use in providing notice to the owners of
3 abandoned, towed, or impounded vehicles;

4 (8) For use only for a purpose permitted under this
5 section either by a private detective, plain clothes investigator,
6 or private investigative agency licensed under sections 71-3201 to
7 71-3213;

8 (9) For use by an employer or the employer's agent or
9 insurer to obtain or verify information relating to a holder of a
10 commercial driver's license that is required under the Commercial
11 Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et seq., or
12 pursuant to sections 60-4,132 and 60-4,141;

13 (10) For use in connection with the operation of private
14 toll transportation facilities;

15 (11) For bulk distribution for surveys of, marketing to,
16 or solicitations of persons who have expressly consented to such
17 disclosure if the requester has obtained the notarized written
18 consent of the individual who is the subject of the personal
19 information being requested and has provided proof of receipt of
20 such written consent to the department or an officer, employee,
21 agent, or contractor of the department on a form prescribed by the
22 department;

23 (12) For any use if the requester has obtained the
24 notarized written consent of the individual who is the subject of
25 the personal information being requested and has provided proof of
26 receipt of such written consent to the department or an officer,
27 employee, agent, or contractor of the department;

28 (13) For use, including redisclosure through news

1 publication, of a member of a medium of communication as defined in
2 section 20-145 who requests such information in connection with
3 preparing, researching, gathering, or confirming news information
4 involving motor vehicle or driver safety or motor vehicle theft;

5 (14) For use by a federally designated organ procurement
6 agency in Nebraska to create and maintain the Nebraska Organ and
7 Tissue Donor Registry; and

8 ~~(14)~~ (15) For any other use specifically authorized by
9 law that is related to the operation of a motor vehicle or public
10 safety.

11 Sec. 7. (1) A federally designated organ procurement
12 agency in Nebraska shall use the information from section 60-494 to
13 establish the Nebraska Organ and Tissue Donor Registry and shall
14 make the registry accessible to cadaveric organ and cadaveric
15 tissue agencies for the recovery or placement of organs and tissue
16 and to federally designated organ procurement agencies in other
17 states for use when a Nebraska resident is a donor of an anatomical
18 gift and is not located in Nebraska immediately preceding or at the
19 time of his or her death. The federally designated organ
20 procurement agency in Nebraska may acquire donor information from
21 sources other than the Department of Motor Vehicles and shall pay
22 all costs associated with creating and maintaining the registry.

23 (2) A person does not need to participate in the registry
24 to be an organ or tissue donor. The registry is intended to
25 facilitate organ and tissue donations and not to inhibit Nebraskans
26 from donating organs and tissue.

27 (3) No person may obtain information from the registry
28 for the purpose of fundraising. No person obtaining information

1 from the registry shall disseminate it further except to facilitate
2 the donation process at the time of the donor's death.

3 Sec. 8. (1) The Nebraska Organ Recovery System Advisory
4 Board is created. The advisory board shall include a member of the
5 board of directors of a federally designated organ procurement
6 agency in Nebraska, a representative from the Lions Eye Bank of
7 Nebraska, a representative from each transplant hospital in
8 Nebraska, a representative from a Nebraska community hospital, a
9 representative from the National Kidney Foundation of Nebraska, and
10 a representative from the Department of Motor Vehicles.
11 Representatives shall be selected by the specific entity that they
12 represent on the board. The member of the board of directors of a
13 federally designated organ procurement agency in Nebraska shall
14 serve as the chairperson of the advisory board. The agency in
15 Nebraska shall provide administrative support to the board.

16 (2) The advisory board shall evaluate the donor registry
17 system, consider processes and procedures to increase public
18 awareness and use of the donor registry, and develop a protocol to
19 ensure the security and integrity of the donor registry and
20 registrant confidentiality. The advisory board shall provide
21 technical and professional advice and counsel relating to the donor
22 registry, together with recommendations and proposals, to the board
23 of directors of a federally designated organ procurement agency in
24 Nebraska.

25 Sec. 9. This act becomes operative on July 1, 2004.

26 Sec. 10. Original sections 60-493, 60-494, and 60-2907,
27 Revised Statutes Supplement, 2002, and sections 60-484, 60-4,144,
28 and 60-4,181, Revised Statutes Supplement, 2003, are repealed.

1 Sec. 11. Since an emergency exists, this act takes
2 effect when passed and approved according to law.