

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

S

2

**SENATE BILL 852  
Health & Human Resources Committee Substitute Adopted 6/5/03**

Short Title: Organ Donor Org's./Access to DMV Records.

(Public)

---

Sponsors:

---

Referred to:

---

April 3, 2003

A BILL TO BE ENTITLED

1  
2 AN ACT TO PROVIDE INTERNET ACCESS BY ORGAN PROCUREMENT  
3 ORGANIZATIONS AND EYE BANKS TO INFORMATION IN DIVISION OF  
4 MOTOR VEHICLE RECORDS PERTAINING TO ORGAN DONATION; TO  
5 ESTABLISH THE "LICENSE TO GIVE TRUST FUND" TO FUND  
6 INITIATIVES THAT EDUCATE AND PROMOTE ORGAN AND TISSUE  
7 DONATION; TO AUTHORIZE INDIVIDUAL CONTRIBUTIONS OF ONE  
8 DOLLAR TO THE "LICENSE TO GIVE TRUST FUND" TO BE COLLECTED  
9 AT THE TIME OF DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD  
10 APPLICATION AT MOTOR VEHICLE OFFICES; AND TO APPROPRIATE  
11 FUNDS TO IMPLEMENT THIS ACT.

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** The Department of Transportation, Division of Motor  
14 Vehicles, shall establish and maintain a statewide, on-line Organ Donor Internet site.  
15 The purpose of the Organ Donor Internet site is to enable organ procurement  
16 organizations and eye banks to have timely access to the names of individuals who have  
17 stated to the Division the individual's intent to be an organ donor and have an organ  
18 donation symbol on the individual's drivers license or special identification card. The  
19 data available on the Organ Donor Internet site shall be limited to the individual's first,  
20 middle, and last name, date of birth, address, sex, county of residence, and drivers  
21 license number. The Division of Motor Vehicles shall ensure that only organ  
22 procurement organizations and eye banks operating in this State have access to the  
23 Organ Donor Internet site in read-only format. The Division of Motor Vehicles shall  
24 enable organ procurement organizations and eye banks operating in this State to have  
25 on-line access in read-only format to the Organ Donor Internet site through a unique  
26 identifier and password issued to the organ procurement organization or eye bank by the  
27 Division of Motor Vehicles. Employees of the Division who provide access to or  
28 disclosure of information in good-faith compliance with this section are not liable in  
29 damages for access to or disclosure of the information. When accessing and using

1 information obtained from the Organ Donor Internet site, organ procurement  
2 organizations and eye banks shall comply with the requirements of Part 3 of Article 16  
3 of Chapter 130A of the General Statutes.

4 **SECTION 2.** G.S. 20-43.1 reads as rewritten:

5 **"§ 20-43.1. Disclosure of personal information in motor vehicle records.**

6 (a) The Division shall disclose personal information contained in motor vehicle  
7 records in accordance with the federal Driver's Privacy Protection Act of 1994, as  
8 amended, 18 U.S.C. §§ 2721, et seq.

9 (b) As authorized in 18 U.S.C. § 2721, the Division shall not disclose personal  
10 information for the purposes specified in 18 U.S.C. § 2721(b)(11).

11 (c) The Division shall not disclose personal information for the purposes  
12 specified in 18 U.S.C. § 2721(b)(12) unless the Division receives prior written  
13 permission from the person about whom the information is requested.

14 (d) As authorized in 18 U.S.C. § 2721, the Division may disclose personal  
15 information to organ procurement organizations and eye banks operating in this State  
16 for the purpose of identifying individuals who have indicated an intent to be an organ  
17 donor. Personal information authorized under this subsection is limited to the  
18 individual's first, middle, and last name, date of birth, address, sex, county of residence,  
19 and drivers license number. Employees of the Division who provide access to or  
20 disclosure of information in good-faith compliance with this subsection are not liable in  
21 damages for access to or disclosure of the information."

22 **SECTION 3.** G.S. 20-7.3 reads as rewritten:

23 **"§ 20-7.3. Availability of organ, eye, and tissue donor cards at motor vehicle**  
24 **offices; offices; contributions to License to Give Trust Fund.**

25 (a) The Division shall make organ, eye, and tissue donor cards available to  
26 interested individuals in each office authorized to issue drivers licenses or special  
27 identification cards. The Division shall obtain donor cards from qualified organ, eye, or  
28 tissue procurement organizations or tissue banks, as defined in G.S. 130A-403. The  
29 Division shall offer a donor card to each applicant for a drivers license. Each organ  
30 donor card made available at drivers license offices shall include the following:

31 (1) A statement informing the individual that organ procurement  
32 organizations and eye banks have read-only access to the Department-  
33 operated Organ Donor Internet site listing those individuals who have  
34 stated to the Division of Motor Vehicles the individual's intent to be an  
35 organ donor and have an organ donation symbol on the individual's  
36 drivers license or special identification card.

37 (2) The type of information that will be made available on the Organ  
38 Donor Internet site.

39 (b) An applicant for a drivers license or special identification card may elect to  
40 contribute one dollar (\$1.00) to the License to Give Trust Fund established under G.S.  
41 20-7.4. The Division shall provide appropriate language on the drivers license or special  
42 identification card application form or other form in which to make the election. The  
43 contribution made under this subsection is in addition to applicable drivers license and  
44 identification card fees. The election becomes irrevocable upon payment of the

1 contribution with license or identification card fees. The Division shall quarterly  
2 transmit the contributions made pursuant to this subsection to the State Treasurer for  
3 credit to the License to Give Trust Fund. Any interest earned on funds so credited is  
4 credit to the Fund."

5 **SECTION 4.(a)** Article 2 of Chapter 20 of the General Statutes is amended  
6 by adding the following new section to read:

7 **"§ 20-7.4. License to Give Trust Fund established.**

8 (a) There is established the License to Give Trust Fund. Revenue in the Fund  
9 includes amounts credited under G.S. 20-7.3, and other funds. Any surplus in the Fund  
10 shall not revert but shall be used for the purposes stated in this section. The Fund shall  
11 be kept on deposit with the State Treasurer, as in the case of other State Funds, and may  
12 be invested by the State Treasurer in any lawful securities for investment of State funds.  
13 The License to Give Trust Fund is subject to oversight by the State Auditor pursuant to  
14 Article 5A of Chapter 147 of the General Statutes. On July 1 of each fiscal year the  
15 State Treasurer shall transfer from the Trust Fund to the Department of Transportation  
16 an amount sufficient to pay the actual costs incurred by the Department of  
17 Transportation to establish and maintain the Organ Donor Internet site.

18 (b) After funds have been transferred by the State Treasurer to the Department of  
19 Transportation pursuant to subsection (a) of this section, purposes for which funds may  
20 be expended by the License to Give Trust Fund Commission from the License to Give  
21 Trust Fund are as follows:

- 22 (1) As grants-in-aid for initiatives that educate about and promote organ  
23 and tissue donation and health care decision making at life's end.  
24 (2) Expenses of the License to Give Trust Fund Commission as authorized  
25 in G.S. 20-7.5."

26 **SECTION 4.(b)** Article 2 of Chapter 20 of the General Statutes is amended  
27 by adding the following new sections to read:

28 **"§ 20-7.5. License to Give Trust Fund Commission established.**

29 (a) There is established the License to Give Trust Fund Commission. The  
30 Commission shall be located in the Department of Administration for budgetary and  
31 administrative purposes only. The Commission may allocate funds from the License to  
32 Give Trust Fund for the purposes authorized in G.S. 20-7.4. The Commission shall have  
33 15 members, appointed as follows:

- 34 (1) Four members by the General Assembly, upon the recommendation of  
35 the President Pro Tempore of the Senate:  
36 a. One representative of Carolina Donor Services.  
37 b. One representative of LifeShare of The Carolinas.  
38 c. Two members who have demonstrated an interest in organ and  
39 tissue donation and education.  
40 (2) Four members by the General Assembly, upon the recommendation of  
41 the Speaker of the House of Representatives:  
42 a. One representative of The North Carolina Eye Bank, Inc.  
43 b. One representative of The Carolinas Center for Hospice and  
44 End-of-Life Care.

1 c. Two members who have demonstrated an interest in promoting  
2 advance care planning education.

3 (3) Seven members by the Governor:

4 a. Three members representing organ, tissue, and eye recipients,  
5 families of recipients, or families of donors. Of these three, one  
6 each from the mountain, heartland, and coastal regions of the  
7 State.

8 b. One member who is a transplant physician licensed to practice  
9 medicine in this State.

10 c. One member who has demonstrated an interest in organ and  
11 tissue donation and education.

12 d. One member who has demonstrated an interest in promoting  
13 advance care planning education.

14 e. A representative of the North Carolina Department of  
15 Transportation.

16 (b) The Commission shall elect from its membership a chair and a vice-chair for  
17 two-year terms. The Secretary of Administration shall provide meeting facilities for the  
18 Commission as required by the Chair.

19 (c) The members of the Commission shall receive per diem and necessary travel  
20 and subsistence expenses in accordance with G.S. 138-5 and G.S. 138-6, as applicable.  
21 Per diem, subsistence, and travel expenses of the members shall be paid from the  
22 License to Give Trust Fund.

23 (d) The members of the Commission shall comply with G.S. 14-234 prohibiting  
24 conflicts of interest. In addition to the restrictions imposed under G.S. 14-234, a  
25 member shall not vote on, participate in the deliberations of, or otherwise attempt  
26 through his or her official capacity to influence the vote on allocations of moneys from  
27 the License to Give Trust Fund to a nonprofit entity of which the member is an officer,  
28 director, or employee, or to a governmental entity of which the member is an employee  
29 or a member of the governing board. A violation of this subsection is a Class 1  
30 misdemeanor.

31 **"§ 20-7.6. Powers and duties of the License to Give Trust Fund Commission.**

32 The License to Give Trust Fund Commission has the following powers and duties:

33 (1) Establish general policies and guidelines for awarding grants-in-aid to  
34 nonprofit entities to conduct education and awareness activities on  
35 organ and tissue donation and advance care planning.

36 (2) Accept gifts or grants from other sources to further the purposes of the  
37 License to Give Trust Fund. Such gifts or grants shall be transmitted to  
38 the State Treasurer for credit to the Fund.

39 (3) Hire staff or contract for other expertise for the administration of the  
40 Fund. Expenses related to staffing shall be paid from the License to  
41 Give Trust Fund."

42 **SECTION 5.** There is appropriated from the General Fund to the  
43 Department of Transportation, Division of Motor Vehicles, the sum of one hundred  
44 thousand dollars (\$100,000) for the 2003-2004 fiscal year and the sum of ten thousand

1 dollars (\$10,000) for the 2004-2005 fiscal year. These funds shall be used for start-up  
2 and first year maintenance costs of the Organ Donor Internet site in accordance with  
3 Section 1 of this act.

4 **SECTION 6.** This act becomes effective January 1, 2004.