

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2004-189
SENATE BILL 852**

AN ACT TO PROVIDE INTERNET ACCESS BY ORGAN PROCUREMENT ORGANIZATIONS AND EYE BANKS TO INFORMATION IN DIVISION OF MOTOR VEHICLE RECORDS PERTAINING TO ORGAN DONATION; TO ESTABLISH THE "LICENSE TO GIVE TRUST FUND" TO FUND INITIATIVES THAT EDUCATE AND PROMOTE ORGAN AND TISSUE DONATION; AND TO INCREASE THE FEE FOR ISSUANCE, RENEWAL, AND DUPLICATION OF A DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD AND PROVIDE THAT THE PROCEEDS OF THE INCREASE SHALL BE USED TO IMPLEMENT THIS ACT.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Transportation, Division of Motor Vehicles, shall establish and maintain a statewide, online Organ Donor Internet site. The purpose of the Organ Donor Internet site is to enable federally designated organ procurement organizations and eye banks to have timely access to the names of individuals who have stated to the Division the individual's intent to be an organ donor and have an organ donation symbol on the individual's drivers license or special identification card. The data available on the Organ Donor Internet site shall be limited to the individual's first, middle, and last name, date of birth, address, sex, county of residence, and drivers license number. The Division of Motor Vehicles shall ensure that only federally designated organ procurement organizations and eye banks operating in this State have access to the Organ Donor Internet site in read-only format. The Division of Motor Vehicles shall enable federally designated organ procurement organizations and eye banks operating in this State to have online access in read-only format to the Organ Donor Internet site through a unique identifier and password issued to the organ procurement organization or eye bank by the Division of Motor Vehicles. The read-only information from the Organ Donor Internet site will be used for the sole purpose of seeking consent from the individual's next of kin for organ, tissue, or eye donation. Employees of the Division who provide access to or disclosure of information in good-faith compliance with this section are not liable in damages for access to or disclosure of the information. When accessing and using information obtained from the Organ Donor Internet site, federally designated organ procurement organizations and eye banks shall comply with the requirements of Part 3 of Article 16 of Chapter 130A of the General Statutes.

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

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

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

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

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

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

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

"§ 20-7.3. Availability of organ, eye, and tissue donor cards at motor vehicle offices.

The Division shall make organ, eye, and tissue donor cards available to interested individuals in each office authorized to issue drivers licenses or special identification cards. The Division shall obtain donor cards from qualified organ, eye, or tissue procurement organizations or tissue banks, as defined in G.S. 130A-403. The Division shall offer organ donation information and a donor card to each applicant for a drivers license. The organ donation information shall include the following:

- (1) A statement informing the individual that federally designated organ procurement organizations and eye banks have read-only access to the Department-operated Organ Donor Internet site listing those individuals who have stated to the Division of Motor Vehicles the individual's intent to be an organ donor and have an organ donation symbol on the individual's drivers license or special identification card.
- (2) The type of information that will be made available on the Organ Donor Internet site."

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

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

(a) There is established the License to Give Trust Fund. Revenue in the Fund includes amounts credited by the Division as required by law, and other funds. Any surplus in the Fund shall not revert but shall be used for the purposes stated in this section. The Fund shall be kept on deposit with the State Treasurer, as in the case of other State Funds, and may be invested by the State Treasurer in any lawful securities for investment of State funds. The License to Give Trust Fund is subject to oversight by the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

(b) The purposes for which funds may be expended by the License to Give Trust Fund Commission from the License to Give Trust Fund are as follows:

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

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

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

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

- (1) Four members by the General Assembly, upon the recommendation of the President Pro Tempore of the Senate:
 - a. One representative of Carolina Donor Services.
 - b. One representative of LifeShare of The Carolinas.
 - c. Two members who have demonstrated an interest in organ and tissue donation and education.

- (2) Four members by the General Assembly, upon the recommendation of the Speaker of the House of Representatives:
 - a. One representative of The North Carolina Eye Bank, Inc.
 - b. One representative of The Carolinas Center for Hospice and End-of-Life Care.
 - c. Two members who have demonstrated an interest in promoting advance care planning education.
- (3) Seven members by the Governor:
 - a. Three members representing organ, tissue, and eye recipients, families of recipients, or families of donors. Of these three, one each from the mountain, heartland, and coastal regions of the State.
 - b. One member who is a transplant physician licensed to practice medicine in this State.
 - c. One member who has demonstrated an interest in organ and tissue donation and education.
 - d. One member who has demonstrated an interest in promoting advance care planning education.
 - e. A representative of the North Carolina Department of Transportation.

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

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

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

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

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

- (1) Establish general policies and guidelines for awarding grants-in-aid to nonprofit entities to conduct education and awareness activities on organ and tissue donation and advance care planning.
- (2) Accept gifts or grants from other sources to further the purposes of the License to Give Trust Fund. Such gifts or grants shall be transmitted to the State Treasurer for credit to the Fund.
- (3) Hire staff or contract for other expertise for the administration of the Fund. Expenses related to staffing shall be paid from the License to Give Trust Fund."

SECTION 5.(a) G.S. 20-7(i) reads as rewritten:

"(i) Fees. – The fee for a regular drivers license is the amount set in the following table multiplied by the number of years in the period for which the license is issued:

<u>Class of Regular License</u>	<u>Fee For Each Year</u>
Class A	\$4.254.30
Class B	4.254.30

The fee for a motorcycle endorsement is one dollar and seventy-five cents (\$1.75) for each year of the period for which the endorsement is issued. The appropriate fee shall be paid before a person receives a regular drivers license or an endorsement."

SECTION 5.(b) G.S. 20-14 reads as rewritten:

"§ 20-14. Duplicate licenses.

A person may obtain a duplicate of a license issued by the Division by paying a fee of ten dollars and five cents (~~(\$10.00)~~ (\$10.05)) and giving the Division satisfactory proof that any of the following has occurred:

- (1) The person's license has been lost or destroyed.
- (2) It is necessary to change the name or address on the license.
- (3) Because of age, the person is entitled to a license with a different color photographic background or a different color border.
- (4) The Division revoked the person's license, the revocation period has expired, and the period for which the license was issued has not expired."

SECTION 5.(c) The Division of Motor Vehicles shall retain a portion of the proceeds of the increase in drivers license and duplicate license fees enacted in this Section to offset the actual cost of developing and maintaining the online Organ Donor Internet site established pursuant to Section 1 of this act. Proceeds remaining after deduction of amounts for development and maintenance costs shall be credited to the License to Give Trust Fund established under G.S. 20-7.4 and shall be used for the purposes authorized under G.S. 20-7.4 and G.S. 20-7.5.

SECTION 6. Sections 4(a) and 5 of this act become effective November 1, 2004. The remainder of this act becomes effective January 1, 2005.

In the General Assembly read three times and ratified this the 13th day of July, 2004.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:46 a.m. this 17th day of August, 2004