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RWH 4/25/08

P.L. 2007, CHAPTER 80, *approved May 4, 2007*
Senate, No. 1760 (*First Reprint*)

1 AN ACT concerning organ donation and amending P.L.1978, c.181
2 **[and]** ¹ P.L.1997, c.188 ¹and P.L.1969, c.161¹.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L. 1978, c.181 (C.39:3-12.2) is amended to
8 read as follows:

9 1. a. The **[Director of the Division of Motor Vehicles]** Chief
10 Administrator of the New Jersey Motor Vehicle Commission shall
11 provide with every new license, renewal license, identification card
12 or renewal identification card the opportunity for each person
13 pursuant to the provisions of the "Uniform Anatomical Gift Act,"
14 P.L.1969, c.161 (C.26:6-65 et seq.), to designate that the person
15 shall donate all or any body organs or parts for the purposes of
16 transplantation, therapy, medical research or education upon his
17 death.

18 b. The designation indicating that a person is a donor pursuant
19 to subsection a. of this section shall be done in accordance with
20 procedures prescribed by the **[director]** chief administrator. The
21 designation shall be displayed in print in a conspicuous form and
22 manner on the license or identification card, and electronically, by
23 substantially the following statement: "ORGAN DONOR" and
24 shall constitute sufficient legal authority for the removal of a body
25 organ or part upon the death of the licensee or identification
26 cardholder. The designation shall be removed in accordance with
27 procedures prescribed by the **[director]** chief administrator.

28 c. (Deleted by amendment, P.L.1999, c.28).

29 d. ¹**[For the purposes of this section, license shall not include**
30 **any temporary license or learner's permit]** (Deleted by amendment,
31 P.L. , c. (C.)(pending before the Legislature as this
32 bill)¹.

33 e. ¹**[The chief administrator shall provide real-time access to the**
34 **organ donor designation information the commission collects**
35 **pursuant to subsection a. of this section to the organ procurement**
36 **organizations designated pursuant to 42 U.S.C. s.273(b) to serve in**
37 **the State of New Jersey, the New Jersey.]** The chief administrator,
38 in consultation with those organ procurement organizations
39 designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of
40 New Jersey, shall establish and provide an annual education
41 program for agency employees and personnel. The program shall
42 focus on the benefits associated with organ and tissue donations, the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate STR committee amendments adopted November 27, 2006 .

1 scope and operation of New Jersey's donor program, and how the
2 agency's employees and personnel can effectively inform the public
3 about the donor program and can best assist those wishing to
4 participate in the donor program.

5 f. The chief administrator shall electronically record and store
6 all organ donor designations and identification information, and
7 shall provide the organ procurement organizations designated
8 pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey
9 with real-time electronic access to the organ donor designation
10 information collected pursuant to subsection a. of this section. An
11 organ procurement organization designated pursuant to 42 U.S.C.
12 s.1320b-8 to serve in the State of New Jersey, or any donor registry
13 established by any such organization, shall have real time electronic
14 access to those organ donor designations and identification at all
15 times, without exception, for the purposes of verifying organ and
16 tissue donation status and identity. For these purposes, the
17 federally designated organ procurement organization shall have
18 electronic access to each recorded donor's name, address, date of
19 birth, gender, color of eyes, height, and driver's license number.
20 Upon request, the chief administrator shall provide a copy of the
21 donor's original driver license application.

22 g. Those organ procurement organizations designated pursuant
23 to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey may
24 contract with a third party, in consultation with the chief
25 administrator, to assess, develop, and implement any system set-up
26 necessary to support the initial and ongoing electronic access by
27 those organizations to the donor designation and identification
28 information required to be made available in accordance with the
29 provisions of this section; however, the organ procurement
30 organizations shall not be required to incur an aggregate cost in
31 excess of \$50,000 for the purposes of this subsection.¹

32 (cf: P.L.1999, c.28, s.6)

33

34 2. Section 2 of P.L.1997, c.188 (C.39:2-3.4) is amended to read
35 as follows:

36 2. a. Notwithstanding the provisions of P.L.1963, c.73
37 (C.47:1A-1 et seq.) or any other law to the contrary, except as
38 provided in this act, the **【Division of Motor Vehicles】** Motor
39 Vehicle Commission and any officer, employee or contractor
40 thereof shall not knowingly disclose or otherwise make available to
41 any person personal information about any individual obtained by
42 the **【division】** commission in connection with a motor vehicle
43 record.

44 b. A person requesting a motor vehicle record including
45 personal information shall produce proper identification and shall
46 complete and submit a written request form provided by the
47 **【director】** chief administrator for the **【division's】** commission's
48 approval. The written request form shall bear notice that the

1 making of false statements therein is punishable and shall include,
2 but not be limited to, the requestor's name and address; the
3 requestor's driver's license number or corporate identification
4 number; the requestor's reason for requesting the record; the driver's
5 license number or the name, address and birth date of the person
6 whose driver record is requested; the license plate number or VIN
7 number of the vehicle for which a record is requested; any
8 additional information determined by the **【director】** chief
9 administrator to be appropriate and the requestor's certification as to
10 the truth of the foregoing statements. Prior to the approval of the
11 written request form, the **【division】** commission may also require
12 the requestor to submit documentary evidence supporting the reason
13 for the request.

14 In lieu of completing a written request form for each record
15 requested, the **【division】** commission may permit a person to
16 complete and submit for approval of the **【director】** chief
17 administrator or the **【director's】** chief administrator's designee, on a
18 case by case basis, a written application form for participation in a
19 public information program on an ongoing basis. The written
20 application form shall bear notice that the making of false
21 statements therein is punishable and shall include, but not be
22 limited to, the applicant's name, address and telephone number; the
23 nature of the applicant's business activity; a description of each of
24 the applicant's intended uses of the information contained in the
25 motor vehicle records to be requested; the number of employees
26 with access to the information; the name, title and signature of the
27 authorized company representative; and any additional information
28 determined by the **【director】** chief administrator to be appropriate.
29 The **【director】** chief administrator may also require the applicant to
30 submit a copy of its business credentials, such as license to do
31 business or certificate of incorporation. Prior to approval by the
32 **【director】** chief administrator or the **【director's】** chief
33 administrator's designee, the applicant shall certify in writing as to
34 the truth of all statements contained in the completed application
35 form.

36 c. Personal information shall be disclosed for use in connection
37 with matters of motor vehicle or driver safety and theft; motor
38 vehicle emissions; motor vehicle product alterations, recalls or
39 advisories; performance monitoring of motor vehicles and dealers
40 by motor vehicle manufacturers; and removal of non-owner records
41 from the original owner records of motor vehicle manufacturers to
42 carry out the purposes of the Automobile Information Disclosure
43 Act, Pub.L.85-506, the Motor Vehicle Information and Cost Saving
44 Act, Pub.L.92-513, the National Traffic and Motor Vehicle Safety
45 Act of 1966, Pub.L.89-563, the Anti-Car Theft Act of 1992,
46 Pub.L.102-519, and the Clean Air Act, Pub.L.88-206, and may be
47 disclosed as follows:

1 (1) For use by any government agency, including any court or
2 law enforcement agency in carrying out its functions, or any private
3 person or entity acting on behalf of a federal, State or local agency
4 in carrying out its functions.

5 (2) For use in connection with matters of motor vehicle or driver
6 safety and theft; motor vehicle emissions; motor vehicle product
7 alterations, recalls, or advisories; performance monitoring of motor
8 vehicles, motor vehicle parts and dealers; motor vehicle market
9 research activities, including survey research; and the removal of
10 non-owner records from the original owner records of motor vehicle
11 manufacturers.

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

14 (a) to verify the accuracy of personal information submitted by
15 the individual to the business or its agents, employees, or
16 contractors; and

17 (b) if such information as so submitted is not correct or is no
18 longer correct, to obtain the correct information, but only for the
19 purposes of preventing fraud by, pursuing legal remedies against, or
20 recovering on a debt or security interest against the individual.

21 (4) For use in connection with any civil, criminal, administrative
22 or arbitral proceeding in any federal, State or local court or agency
23 or before any self-regulatory body, including service of process,
24 investigation in anticipation of litigation, and the execution or
25 enforcement of judgments and orders, or pursuant to an order of a
26 federal, State or local court.

27 (5) For use in research activities, and for use in producing
28 statistical reports, so long as the personal information is not
29 published, redisclosed, or used to contact individuals.

30 (6) For use by any insurer or insurance support organization, or
31 by a self-insured entity, or its agents, employees, or contractors, in
32 connection with claims investigation activities, antifraud activities,
33 rating or underwriting.

34 (7) For use in providing notice to the owners of towed or
35 impounded vehicles.

36 (8) For use by an employer or its agent or insurer to obtain or
37 verify information relating to a holder of a commercial driver's
38 license that is required under the "Commercial Motor Vehicle
39 Safety Act," 49 U.S.C.App.s.2710 et seq.

40 (9) For use in connection with the operation of private toll
41 transportation facilities.

42 (10) For use by any requester, if the requester demonstrates it has
43 obtained the notarized written consent of the individual to whom
44 the information pertains.

45 (11) For product and service mail communications from
46 automotive-related manufacturers, dealers and businesses, if the
47 **'[division] commission'**¹ has implemented methods and procedures
48 to ensure that:

1 (a) individuals are provided an opportunity, in a clear and
2 conspicuous manner, to prohibit such uses; and

3 (b) product and service mail communications from automotive-
4 related manufacturers, dealers and businesses will not be directed at
5 individuals who exercise their option under subparagraph (a) of this
6 paragraph.

7 (12) For use by an organ procurement organization designated
8 pursuant to '42 U.S.C. s.273(b) to serve] 42 U.S.C. s.1320b-8 to
9 serve in' the State of New Jersey, '1[exclusively for the purposes of
10 effectively procuring and equitably distributing organs] or any
11 donor registry established by any such organization, exclusively for
12 the purposes of determining, verifying, and recording organ and
13 tissue donor designation and identity. For these purposes, an organ
14 procurement organization shall have electronic access at all times,
15 without exception, to real time organ donor designation and
16 identification information. An organ procurement organization may
17 also have information for research activities, pursuant to paragraph
18 (5) of subsection c. of this section'.

19 d. As provided by the federal "Drivers' Privacy Protection Act
20 of 1994," Pub.L.103-322, a person authorized to receive personal
21 information under paragraphs (1) through (10) of subsection c. of
22 this section may resell or redisclose the personal information only
23 for a use permitted by paragraphs (1) through (10) of subsection c.
24 of this section subject to regulation by the [division] commission.
25 A person authorized to receive personal information under
26 paragraph (11) of subsection c. of this section may resell or
27 redisclose the personal information pursuant to paragraph (11) of
28 subsection c. of this section subject to regulation by the '1[division]
29 commission'. An organization authorized to receive personal
30 information under paragraph (12) of subsection c. of this section
31 may '1[resell or]' redisclose the personal information only for the
32 purposes set forth in that paragraph.

33 e. As provided by the federal "Drivers' Privacy Protection Act
34 of 1994," Pub.L.103-322, a person authorized to receive personal
35 information under this section who resells or rediscloses personal
36 information covered by the provisions of this act shall keep for a
37 period of five years records identifying each person or entity that
38 receives information and the permitted purpose for which the
39 information will be used and shall make such records available to
40 the [division] commission upon request. Any person who receives,
41 from any source, personal information from a motor vehicle record
42 shall release or disclose that information only in accordance with
43 this act.

44 f. The release of personal information under this section shall
45 not include an individual's social security number except in
46 accordance with applicable State or federal law.

47 (cf: P.L.1997, c.188, s.2)

1 ¹3. Section 4 of P.L.1969, c.161 (C.26:6-60) is amended to read
2 as follows:

3 4. (a) A gift of all or part of the body under section 2(a) may be
4 made by will. The gift becomes effective upon the death of the
5 testator without waiting for probate. If the will is not probated, or if
6 it is declared invalid for testamentary purposes, the gift, to the
7 extent that it has been acted upon in good faith, is nevertheless valid
8 and effective.

9 (b) A gift of all or part of the body under section 2(a) may also
10 be made by document other than a will. The gift becomes effective
11 upon the death of the donor. The document, which may be a card
12 designed to be carried on the person, must be signed by the donor
13 **[in the presence of two witnesses who must sign the document in**
14 **his presence]**. If the donor cannot sign, the document may be
15 signed for him at his direction and in his presence in the presence of
16 two witnesses who must sign the document in his presence.
17 Delivery of the document of gift during the donor's lifetime is not
18 necessary to make the gift valid.

19 (c) The gift may be made to a specified donee or without
20 specifying a donee. If the latter, the gift may be accepted by the
21 attending physician as donee upon or following death. If the gift is
22 made to a specified donee who is not available at the time and place
23 of death, the attending physician upon or following death, in the
24 absence of any expressed indication that the donor desired
25 otherwise, may accept the gift as donee. The physician who
26 becomes a donee under this subsection shall not participate in the
27 procedures for removing or transplanting a part.

28 (d) Notwithstanding section 7(b), the donor may designate in his
29 will, card, or other document of gift the surgeon or physician to
30 carry out the appropriate procedures. In the absence of a
31 designation or if the designee is not available, the donee or other
32 person authorized to accept the gift may employ or authorize any
33 surgeon or physician for the purpose or, in the case of a gift of eyes,
34 he may employ or authorize a practitioner of mortuary science
35 licensed by the State Board of Mortuary Science of New Jersey, an
36 eye bank technician or a medical student who has successfully
37 completed a course in eye enucleation approved by the State Board
38 of Medical Examiners to enucleate eyes for the gift after
39 certification of death by a physician. A practitioner of mortuary
40 science, an eye bank technician or a medical student acting in
41 accordance with the provisions of this subsection shall not have any
42 liability, civil or criminal, for the eye enucleation.

43 (e) Any gift by a person designated in section 2(b) shall be made
44 by a document signed by him or made by his telegraphic, recorded
45 telephonic, or other recorded message.

46 (f) Notwithstanding any provision of law to the contrary, the
47 intent of a decedent to give all or any part of his body as a gift
48 pursuant to section 2(a) of P.L.1969, c.161 (C.26:6-58), as

S1760 [1R]

7

1 evidenced by the possession of a donor card, donor designation on a
2 driver's license, advance directive pursuant to P.L.1991, c.201
3 (C.26:2H-53 et seq.), other document of gift, or by registration with
4 a Statewide organ and tissue donor registry, shall not be revoked by
5 any person designated in section 2(b) of P.L.1969, c.161 (C.26:6-
6 58), nor shall the consent of any such person at the time of the
7 donor's death or immediately thereafter be necessary to render the
8 gift valid and effective.¹
9 (cf: P.L.1998, c.81, s.1)

10

11 ¹~~3.~~ 4.¹ This act shall take effect on the first day of the
12 ¹~~third~~ fourth¹ month following enactment.

13

14

15

16

17 _____
18 Requires MVC to share organ donor information with federally
designated organ procurement organizations.

SENATE, No. 1760

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 21, 2006

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Requires MVC to share organ donor information with federally designated organ procurement organizations.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning organ donation and amending P.L. 1978, c.181
2 and P.L. 1997, c.188.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L. 1978, c.181 (C.39:3-12.2) is amended to
8 read as follows:

9 1. a. The **[Director of the Division of Motor Vehicles]** Chief
10 Administrator of the New Jersey Motor Vehicle Commission shall
11 provide with every new license, renewal license, identification card
12 or renewal identification card the opportunity for each person
13 pursuant to the provisions of the "Uniform Anatomical Gift Act,"
14 P.L.1969, c.161 (C.26:6-65 et seq.), to designate that the person
15 shall donate all or any body organs or parts for the purposes of
16 transplantation, therapy, medical research or education upon his
17 death.

18 b. The designation indicating that a person is a donor pursuant
19 to subsection a. of this section shall be done in accordance with
20 procedures prescribed by the **[director]** chief administrator. The
21 designation shall be displayed in print in a conspicuous form and
22 manner on the license or identification card, and electronically, by
23 substantially the following statement: "ORGAN DONOR" and
24 shall constitute sufficient legal authority for the removal of a body
25 organ or part upon the death of the licensee or identification
26 cardholder. The designation shall be removed in accordance with
27 procedures prescribed by the **[director]** chief administrator.

28 c. (Deleted by amendment, P.L.1999, c.28).

29 d. For the purposes of this section, license shall not include any
30 temporary license or learner's permit.

31 e. The chief administrator shall provide real-time access to the
32 organ donor designation information the commission collects
33 pursuant to subsection a. of this section to the organ procurement
34 organizations designated pursuant to 42 U.S.C. s.273(b) to serve the
35 State of New Jersey, the New Jersey.

36 (cf: P.L. 1999, c.28, s.6)

37

38 2. Section 2 of P.L. 1997, c.188 (C.39:2-3.4) is amended to read
39 as follows:

40 2. a. Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-
41 1 et seq.) or any other law to the contrary, except as provided in this
42 act, the **[Division of Motor Vehicles]** Motor Vehicle Commission
43 and any officer, employee or contractor thereof shall not knowingly
44 disclose or otherwise make available to any person personal

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 information about any individual obtained by the **[division]**
2 commission in connection with a motor vehicle record.

3 b. A person requesting a motor vehicle record including
4 personal information shall produce proper identification and shall
5 complete and submit a written request form provided by the
6 **[director]** chief administrator for the **[division's]** commission's
7 approval. The written request form shall bear notice that the
8 making of false statements therein is punishable and shall include,
9 but not be limited to, the requestor's name and address; the
10 requestor's driver's license number or corporate identification
11 number; the requestor's reason for requesting the record; the driver's
12 license number or the name, address and birth date of the person
13 whose driver record is requested; the license plate number or VIN
14 number of the vehicle for which a record is requested; any
15 additional information determined by the **[director]** chief
16 administrator to be appropriate and the requestor's certification as to
17 the truth of the foregoing statements. Prior to the approval of the
18 written request form, the **[division]** commission may also require
19 the requestor to submit documentary evidence supporting the reason
20 for the request.

21 In lieu of completing a written request form for each record
22 requested, the **[division]** commission may permit a person to
23 complete and submit for approval of the **[director]** chief
24 administrator or the **[director's]** chief administrator's designee, on a
25 case by case basis, a written application form for participation in a
26 public information program on an ongoing basis. The written
27 application form shall bear notice that the making of false
28 statements therein is punishable and shall include, but not be
29 limited to, the applicant's name, address and telephone number; the
30 nature of the applicant's business activity; a description of each of
31 the applicant's intended uses of the information contained in the
32 motor vehicle records to be requested; the number of employees
33 with access to the information; the name, title and signature of the
34 authorized company representative; and any additional information
35 determined by the **[director]** chief administrator to be appropriate.
36 The **[director]** chief administrator may also require the applicant to
37 submit a copy of its business credentials, such as license to do
38 business or certificate of incorporation. Prior to approval by the
39 **[director]** chief administrator or the **[director's]** chief
40 administrator's designee, the applicant shall certify in writing as to
41 the truth of all statements contained in the completed application
42 form.

43 c. Personal information shall be disclosed for use in connection
44 with matters of motor vehicle or driver safety and theft; motor
45 vehicle emissions; motor vehicle product alterations, recalls or
46 advisories; performance monitoring of motor vehicles and dealers
47 by motor vehicle manufacturers; and removal of non-owner records

1 from the original owner records of motor vehicle manufacturers to
2 carry out the purposes of the Automobile Information Disclosure
3 Act, Pub.L.85-506, the Motor Vehicle Information and Cost Saving
4 Act, Pub.L.92-513, the National Traffic and Motor Vehicle Safety
5 Act of 1966, Pub.L.89-563, the Anti-Car Theft Act of 1992,
6 Pub.L.102-519, and the Clean Air Act, Pub.L.88-206, and may be
7 disclosed as follows:

8 (1) For use by any government agency, including any court or
9 law enforcement agency in carrying out its functions, or any private
10 person or entity acting on behalf of a federal, State or local agency
11 in carrying out its functions.

12 (2) For use in connection with matters of motor vehicle or driver
13 safety and theft; motor vehicle emissions; motor vehicle product
14 alterations, recalls, or advisories; performance monitoring of motor
15 vehicles, motor vehicle parts and dealers; motor vehicle market
16 research activities, including survey research; and the removal of
17 non-owner records from the original owner records of motor vehicle
18 manufacturers.

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

21 (a) to verify the accuracy of personal information submitted by
22 the individual to the business or its agents, employees, or
23 contractors; and

24 (b) if such information as so submitted is not correct or is no
25 longer correct, to obtain the correct information, but only for the
26 purposes of preventing fraud by, pursuing legal remedies against, or
27 recovering on a debt or security interest against the individual.

28 (4) For use in connection with any civil, criminal, administrative
29 or arbitral proceeding in any federal, State or local court or agency
30 or before any self-regulatory body, including service of process,
31 investigation in anticipation of litigation, and the execution or
32 enforcement of judgments and orders, or pursuant to an order of a
33 federal, State or local court.

34 (5) For use in research activities, and for use in producing
35 statistical reports, so long as the personal information is not
36 published, redisclosed, or used to contact individuals.

37 (6) For use by any insurer or insurance support organization, or
38 by a self-insured entity, or its agents, employees, or contractors, in
39 connection with claims investigation activities, antifraud activities,
40 rating or underwriting.

41 (7) For use in providing notice to the owners of towed or
42 impounded vehicles.

43 (8) For use by an employer or its agent or insurer to obtain or
44 verify information relating to a holder of a commercial driver's
45 license that is required under the "Commercial Motor Vehicle
46 Safety Act," 49 U.S.C.App.s.2710 et seq.

47 (9) For use in connection with the operation of private toll
48 transportation facilities.

1 (10) For use by any requester, if the requester demonstrates it has
2 obtained the notarized written consent of the individual to whom
3 the information pertains.

4 (11) For product and service mail communications from
5 automotive-related manufacturers, dealers and businesses, if the
6 division has implemented methods and procedures to ensure that:

7 (a) individuals are provided an opportunity, in a clear and
8 conspicuous manner, to prohibit such uses; and

9 (b) product and service mail communications from automotive-
10 related manufacturers, dealers and businesses will not be directed at
11 individuals who exercise their option under subparagraph (a) of this
12 paragraph.

13 (12) For use by an organ procurement organization designated
14 pursuant to 42 U.S.C. s.273(b) to serve the State of New Jersey,
15 exclusively for the purposes of effectively procuring and equitably
16 distributing organs.

17 d. As provided by the federal "Drivers' Privacy Protection Act of
18 1994," Pub.L. 103-322, a person authorized to receive personal
19 information under paragraphs (1) through (10) of subsection c. of
20 this section may resell or redisclose the personal information only
21 for a use permitted by paragraphs (1) through (10) of subsection c.
22 of this section subject to regulation by the **[division]** commission.
23 A person authorized to receive personal information under
24 paragraph (11) of subsection c. of this section may resell or
25 redisclose the personal information pursuant to paragraph (11) of
26 subsection c. of this section subject to regulation by the division.
27 An organization authorized to receive personal information under
28 paragraph (12) of subsection c. of this section may resell or
29 redisclose the personal information only for the purposes set forth
30 in that paragraph.

31 e. As provided by the federal "Drivers' Privacy Protection Act of
32 1994," Pub.L. 103-322, a person authorized to receive personal
33 information under this section who resells or rediscloses personal
34 information covered by the provisions of this act shall keep for a
35 period of five years records identifying each person or entity that
36 receives information and the permitted purpose for which the
37 information will be used and shall make such records available to
38 the **[division]** commission upon request. Any person who receives,
39 from any source, personal information from a motor vehicle record
40 shall release or disclose that information only in accordance with
41 this act.

42 f. The release of personal information under this section shall
43 not include an individual's social security number except in
44 accordance with applicable State or federal law.

45 (cf: P.L.1997, c.188, s.2)

46

47 3. This act shall take effect on the first day of the third month
48 following enactment.

STATEMENT

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This bill would require the New Jersey Motor Vehicle Commission to share its organ donor information with appropriate organ procurement organizations.

As part of the State's driver license program, applicants for new licenses and those applying for license renewals are afforded an opportunity to designate whether they wish upon their deaths to donate all or any of their body organs or tissues for the purposes of transplantation, therapy, medical research or education.

While the Motor Vehicle Commission has all this information available, it is not readily accessible by the State's federally designated organ procurement organizations, the organizations charged with the responsibility of effectively procuring and equitably distributing donated organs and tissues within New Jersey.

This bill requires the Motor Vehicle Commission to provide real-time access to the organ donor designation information the commission collects as part of the State's driver license issuance and renewal program to the two organ procurement organizations the federal government has designated to serve New Jersey. Those two organizations are the New Jersey Organ and Tissue Sharing Network, which serves northern New Jersey, and the Gift of Life Organ Donation Program, which serves the southern part of the State.

The bill specifies that the information made available to these organizations may only be used for organ procurement and distribution purposes.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1760

STATE OF NEW JERSEY

DATED: JANUARY 29, 2007

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1760 (1R).

Senate Bill No. 1760 (1R) requires the New Jersey Motor Vehicle Commission (MVC) to share its organ donor information with the federally designated organ procurement organizations (OPOs) operating in this State, which are charged with the responsibility of effectively procuring and equitably distributing donated organs and tissues within New Jersey.

Currently, applicants for new driver licenses and license renewals may designate whether they wish to donate all or any of their body organs or tissues, upon their deaths, for the purposes of transplantation, therapy, medical research, or education; however, the OPOs cannot readily obtain this information from MVC.

The bill provides specifically as follows:

- The Chief Administrator of MVC, in consultation with the OPOs, is to establish and provide an annual education program for agency employees and personnel. The program is to focus on the benefits associated with organ and tissue donations, the scope and operation of New Jersey's donor program, and how MVC employees and personnel can effectively inform the public about the donor program and best assist those wishing to participate in the donor program.
- MVC is to electronically record and store all organ donor designations and identification information and provide real time electronic access to the organ donor designation information that it collects, in the course of issuing and renewing driver licenses, to the two OPOs designated by the federal government to serve New Jersey (the New Jersey Organ and Tissue Sharing Network and the Gift of Life Organ Donation Program, which serve northern and southern New Jersey, respectively).
- The information to be made available to the OPOs includes the donor's name, address, date of birth, gender, color of eyes, height, and driver's license number.
- The information made available to the OPOs may only be used for the purposes of:

-- determining, verifying, and recording organ and tissue donor designation and identity; and

-- use in research activities and producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

The OPOs may contract with a third party, in consultation with the chief administrator of the MVC, to assess, develop, and implement any system set-up necessary to support the initial and ongoing electronic access by those organizations to the donor designation and identification information; however, the OPO's will not be required to incur an aggregate cost in excess of \$50,000 for this purpose.

The bill also deletes a provision of the "Uniform Anatomical Gift Act," that two witnesses must be present when an organ donor signs a donor card and must sign the document in the donor's presence. The bill takes effect on the first day of the fourth month following enactment.

FISCAL IMPACT:

Data is unavailable to estimate the cost of establishing the information systems and real time electronic access proposed by the bill. According to information informally provided by the MVC to the Office of Legislative Services, the OPOs have agreed to reimburse the New Jersey Office of Information Technology for up to \$50,000 of the costs incurred as the third party that will develop and implement the system set-up. If the costs of the Office of Information Technology are less than \$50,000, there will be no net cost to the State.

In addition, the MVC will incur unknown ongoing activity costs for staff education related to the information database.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 1760

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 27, 2006

The Senate Transportation Committee reports favorably Senate Bill No. 1760 with committee amendments.

As amended by the committee, this bill would require the New Jersey Motor Vehicle Commission (MVC) to share its organ donor information with the federally designated organ procurement organizations (OPOs) operating in this State, which are charged with the responsibility of effectively procuring and equitably distributing donated organs and tissues within New Jersey.

Currently, applicants for new driver licenses and license renewals may designate whether they wish to donate all or any of their body organs or tissues, upon their deaths, for the purposes of transplantation, therapy, medical research, or education; however, the OPOs cannot readily obtain this information from MVC.

The bill provides specifically as follows:

- The Chief Administrator of MVC, in consultation with the OPOs, is to establish and provide an annual education program for agency employees and personnel. The program is to focus on the benefits associated with organ and tissue donations, the scope and operation of New Jersey's donor program, and how MVC employees and personnel can effectively inform the public about the donor program and best assist those wishing to participate in the donor program.
- MVC is to electronically record and store all organ donor designations and identification information and provide real time electronic access to the organ donor designation information that it collects, in the course of issuing and renewing driver licenses, to the two OPOs designated by the federal government pursuant to 42 U.S.C. s.273 to serve New Jersey (the New Jersey Organ and Tissue Sharing Network and the Gift of Life Organ Donation Program, which serve northern and southern New Jersey, respectively).
- The information to be made available to the OPOs includes the donor's name, address, date of birth, gender, color of eyes, height, and driver's license number.
- The information made available to the OPOs may only be used for the purposes of:

-- determining, verifying, and recording organ and tissue donor designation and identity; and

-- use in research activities and producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

- The bill also amends section 4 of P.L.1969, c.161 (C.26:6-60) to delete its provision that two witnesses must be present when an organ donor signs a donor card and must sign the document in the donor's presence.
- The bill takes effect on the first day of the fourth month following enactment.

The committee amended the bill to clarify the purpose of the bill to ensure that the federally designated OPOs operating in New Jersey have electronic access at all times to real time organ donor designation and identification information; authorize the OPOs to contract with a third party, in consultation with the MVC chief administrator, to assess, develop, and implement any system set-up necessary to support the initial and ongoing electronic access by the OPOs to the donor designation and identification information required to be made available in accordance with this bill, but stipulate that the OPOs will not be required to incur an aggregate cost in excess of \$50,000 for these purposes; and change the effective date from the first day of the third month to the first day of the fourth month following enactment.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1760 STATE OF NEW JERSEY 212th LEGISLATURE

DATED: FEBRUARY 9, 2007

SUMMARY

- Synopsis:** Requires MVC to share organ donor information with federally designated organ procurement organizations.
- Type of Impact:** Ongoing cost increase, with possible partial revenue offset.
- Agencies Affected:** Motor Vehicle Commission, Office of Information Technology.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - possible revenue offset		
Agency Cost	Indeterminate		

- The Motor Vehicle Commission (MVC) will coordinate with the New Jersey Organ and Tissue Sharing Network and the Gift of Life Organ Donation Program to establish real-time access to the agency's organ-donor databases, as well as ongoing educational and system maintenance costs.
- The organ procurement organizations (OPOs) have agreed to reimburse the Office of Information technology for initial system setup costs, up to \$50,000. The MVC will incur ongoing educational activity costs.

BILL DESCRIPTION

Senate Bill No. 1760 (1R) of 2006 proposes to require the MVC to share its organ donor information with the federally designated private-sector organ procurement organizations (OPOs) operating in this State, which are charged with the responsibility of effectively procuring and equitably distributing donated organs and tissues within New Jersey.

Currently, applicants for new driver licenses and license renewals may designate whether they wish to donate all or any of their body organs or tissues, upon their deaths, for the purposes of transplantation, therapy, medical research, or education; however, the OPOs cannot readily obtain this information from MVC.

The bill provides specifically as follows:

- The Chief Administrator of MVC, in consultation with the OPOs, is to establish and provide an annual education program for agency employees and personnel. The program is to focus on the benefits associated with organ and tissue donations, the scope and operation of New Jersey's donor program, and how MVC employees and personnel can effectively inform the public about the donor program and best assist those wishing to participate in the donor program.
- The MVC is to electronically record and store all organ donor designations and identification information and provide real time electronic access to the organ donor designation information that it collects, in the course of issuing and renewing driver licenses, to the two OPOs designated by the federal government pursuant to 42 U.S.C. s.273 to serve New Jersey (the New Jersey Organ and Tissue Sharing Network and the Gift of Life Organ Donation Program, which serve northern and southern New Jersey, respectively). The OPOs will not be required to incur an aggregate cost in excess of \$50,000 for these purposes.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

Data is unavailable to estimate the cost of establishing the information systems proposed by the bill. According to information informally provided by the MVC, the OPOs have agreed to reimburse the Office of Information Technology for costs incurred as the third party that, under section 1.g. of the bill, is to develop and implement the system set-up. If the activity costs of the Office of Information Technology are less than \$50,000, there will be no net cost to the State.

In addition, the MVC will incur unknown ongoing activity costs for staff education related to the database.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Mark J. Trease
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67.

ASSEMBLY, No. 3137

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 18, 2006

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

Assemblyman ERIC MUNOZ

District 21 (Essex, Morris, Somerset and Union)

Co-Sponsored by:

Assemblyman Epps

SYNOPSIS

Requires MVC to share organ donor information with federally designated organ procurement organizations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/20/2006)

1 AN ACT concerning organ donation and amending P.L.1978, c.181,
2 P.L.1997, c.188 and P.L.1969, c.161.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to read
8 as follows:

9 1. a. The **[Director of the Division of Motor Vehicles]** Chief
10 Administrator of the New Jersey Motor Vehicle Commission shall
11 provide with every new license, renewal license, identification card
12 or renewal identification card the opportunity for each person
13 pursuant to the provisions of the "Uniform Anatomical Gift Act,"
14 P.L.1969, c.161 (C.26:6-65 et seq.), to designate that the person
15 shall donate all or any body organs or parts for the purposes of
16 transplantation, therapy, medical research or education upon his
17 death.

18 b. The designation indicating that a person is a donor pursuant
19 to subsection a. of this section shall be done in accordance with
20 procedures prescribed by the **[director]** chief administrator. The
21 designation shall be displayed in print in a conspicuous form and
22 manner on the license or identification card, and electronically, by
23 substantially the following statement: "ORGAN DONOR" and
24 shall constitute sufficient legal authority for the removal of a body
25 organ or part upon the death of the licensee or identification
26 cardholder. The designation shall be removed in accordance with
27 procedures prescribed by the **[director]** chief administrator.

28 c. (Deleted by amendment, P.L.1999, c.28).

29 d. For the purposes of this section, license shall not include any
30 temporary license or learner's permit.

31 e. The chief administrator shall provide real-time access to the
32 organ procurement organizations designated pursuant to 42 U.S.C.
33 s.273 which serve the State of New Jersey to the organ donor
34 designation information collected pursuant to subsection a. of this
35 section

36 (cf: P.L.1999, c.28, s.6)

37

38 2. Section 2 of P.L. 1997, c.188 (C.39:2-3.4) is amended to read
39 as follows:

40 2. a. Notwithstanding the provisions of P.L.1963, c.73
41 (C.47:1A-1 et seq.) or any other law to the contrary, except as
42 provided in this act, the **[Division of Motor Vehicles]** Motor
43 Vehicle Commission and any officer, employee or contractor
44 thereof shall not knowingly disclose or otherwise make available to
45 any person personal information about any individual obtained by

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the **【division】** commission in connection with a motor vehicle
2 record.

3 b. A person requesting a motor vehicle record including
4 personal information shall produce proper identification and shall
5 complete and submit a written request form provided by the
6 **【director】** chief administrator for the **【division's】** commission's
7 approval. The written request form shall bear notice that the
8 making of false statements therein is punishable and shall include,
9 but not be limited to, the requestor's name and address; the
10 requestor's driver's license number or corporate identification
11 number; the requestor's reason for requesting the record; the driver's
12 license number or the name, address and birth date of the person
13 whose driver record is requested; the license plate number or VIN
14 number of the vehicle for which a record is requested; any
15 additional information determined by the **【director】** chief
16 administrator to be appropriate and the requestor's certification as to
17 the truth of the foregoing statements. Prior to the approval of the
18 written request form, the **【division】** commission may also require
19 the requestor to submit documentary evidence supporting the reason
20 for the request.

21 In lieu of completing a written request form for each record
22 requested, the **【division】** commission may permit a person to
23 complete and submit for approval of the **【director】** chief
24 administrator or the **【director's】** chief administrator's designee, on a
25 case by case basis, a written application form for participation in a
26 public information program on an ongoing basis. The written
27 application form shall bear notice that the making of false
28 statements therein is punishable and shall include, but not be
29 limited to, the applicant's name, address and telephone number; the
30 nature of the applicant's business activity; a description of each of
31 the applicant's intended uses of the information contained in the
32 motor vehicle records to be requested; the number of employees
33 with access to the information; the name, title and signature of the
34 authorized company representative; and any additional information
35 determined by the **【director】** chief administrator to be appropriate.
36 The **【director】** chief administrator may also require the applicant to
37 submit a copy of its business credentials, such as license to do
38 business or certificate of incorporation. Prior to approval by the
39 **【director】** chief administrator or the **【director's】** chief
40 administrator's designee, the applicant shall certify in writing as to
41 the truth of all statements contained in the completed application
42 form.

43 c. Personal information shall be disclosed for use in connection
44 with matters of motor vehicle or driver safety and theft; motor
45 vehicle emissions; motor vehicle product alterations, recalls or
46 advisories; performance monitoring of motor vehicles and dealers
47 by motor vehicle manufacturers; and removal of non-owner records

1 from the original owner records of motor vehicle manufacturers to
2 carry out the purposes of the Automobile Information Disclosure
3 Act, Pub.L.85-506, the Motor Vehicle Information and Cost Saving
4 Act, Pub.L.92-513, the National Traffic and Motor Vehicle Safety
5 Act of 1966, Pub.L.89-563, the Anti-Car Theft Act of 1992,
6 Pub.L.102-519, and the Clean Air Act, Pub.L.88-206, and may be
7 disclosed as follows:

8 (1) For use by any government agency, including any court or
9 law enforcement agency in carrying out its functions, or any private
10 person or entity acting on behalf of a federal, State or local agency
11 in carrying out its functions.

12 (2) For use in connection with matters of motor vehicle or driver
13 safety and theft; motor vehicle emissions; motor vehicle product
14 alterations, recalls, or advisories; performance monitoring of motor
15 vehicles, motor vehicle parts and dealers; motor vehicle market
16 research activities, including survey research; and the removal of
17 non-owner records from the original owner records of motor vehicle
18 manufacturers.

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

21 (a) to verify the accuracy of personal information submitted by
22 the individual to the business or its agents, employees, or
23 contractors; and

24 (b) if such information as so submitted is not correct or is no
25 longer correct, to obtain the correct information, but only for the
26 purposes of preventing fraud by, pursuing legal remedies against, or
27 recovering on a debt or security interest against the individual.

28 (4) For use in connection with any civil, criminal, administrative
29 or arbitral proceeding in any federal, State or local court or agency
30 or before any self-regulatory body, including service of process,
31 investigation in anticipation of litigation, and the execution or
32 enforcement of judgments and orders, or pursuant to an order of a
33 federal, State or local court.

34 (5) For use in research activities, and for use in producing
35 statistical reports, so long as the personal information is not
36 published, redisclosed, or used to contact individuals.

37 (6) For use by any insurer or insurance support organization, or
38 by a self-insured entity, or its agents, employees, or contractors, in
39 connection with claims investigation activities, antifraud activities,
40 rating or underwriting.

41 (7) For use in providing notice to the owners of towed or
42 impounded vehicles.

43 (8) For use by an employer or its agent or insurer to obtain or
44 verify information relating to a holder of a commercial driver's
45 license that is required under the "Commercial Motor Vehicle
46 Safety Act," 49 U.S.C.App.s.2710 et seq.

47 (9) For use in connection with the operation of private toll
48 transportation facilities.

1 (10) For use by any requester, if the requester demonstrates it
2 has obtained the notarized written consent of the individual to
3 whom the information pertains.

4 (11) For product and service mail communications from
5 automotive-related manufacturers, dealers and businesses, if the
6 division has implemented methods and procedures to ensure that:

7 (a) individuals are provided an opportunity, in a clear and
8 conspicuous manner, to prohibit such uses; and

9 (b) product and service mail communications from automotive-
10 related manufacturers, dealers and businesses will not be directed at
11 individuals who exercise their option under subparagraph (a) of this
12 paragraph.

13 (12) For use by an organ procurement organization designated
14 pursuant to 42 U.S.C. s.273 to operate within the State of New
15 Jersey, or any donor registry established by any such organization,
16 exclusively for the purposes of determining, verifying and recording
17 organ and tissue donor designation and the identity of decedents.
18 For these purposes, an organ procurement organization shall have
19 access at all times, without exception, to real time organ donor
20 designation and identification information. An organ procurement
21 organization may also have information for research activities,
22 pursuant to paragraph (5) of subsection c. of this section.

23 d. As provided by the federal "Drivers' Privacy Protection Act of
24 1994," Pub.L. 103-322, a person authorized to receive personal
25 information under paragraphs (1) through (10) of subsection c. of
26 this section may resell or redisclose the personal information only
27 for a use permitted by paragraphs (1) through (10) of subsection c.
28 of this section subject to regulation by the **[division]** commission.
29 A person authorized to receive personal information under
30 paragraph (11) of subsection c. of this section may resell or
31 redisclose the personal information pursuant to paragraph (11) of
32 subsection c. of this section subject to regulation by the division.
33 An organization authorized to receive personal information under
34 paragraph (12) of subsection c. of this section may redisclose the
35 personal information only for the purposes set forth in that
36 paragraph.

37 e. As provided by the federal "Drivers' Privacy Protection Act of
38 1994," Pub.L. 103-322, a person authorized to receive personal
39 information under this section who resells or rediscloses personal
40 information covered by the provisions of this act shall keep for a
41 period of five years records identifying each person or entity that
42 receives information and the permitted purpose for which the
43 information will be used and shall make such records available to
44 the **[division]** commission upon request. Any person who receives,
45 from any source, personal information from a motor vehicle record
46 shall release or disclose that information only in accordance with
47 this act.

1 f. The release of personal information under this section shall
2 not include an individual's social security number except in
3 accordance with applicable State or federal law.

4 (cf: P.L.1997, c.188, s.2)

5

6 3. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to read
7 as follows:

8 1. a. The **【Director of the Division of Motor Vehicles】** Chief
9 Administrator of the Motor Vehicle Commission shall provide with
10 every new license, renewal license, identification card or renewal
11 identification card the opportunity for each person pursuant to the
12 provisions of the "Uniform Anatomical Gift Act," P.L.1969, c.161
13 (C.26:6-65 et seq.), to designate that the person shall donate all or
14 any body organs or parts for the purposes of transplantation,
15 therapy, medical research or education upon his death.

16 b. The designation indicating that a person is a donor pursuant
17 to subsection a. of this section shall be done in accordance with
18 procedures prescribed by the **【director】** chief administrator. The
19 designation shall be displayed in print in a conspicuous form and
20 manner on the license or identification card, and electronically, by
21 substantially the following statement: "ORGAN DONOR" and
22 shall constitute sufficient legal authority for the removal of a body
23 organ or part upon the death of the licensee or identification
24 cardholder. The designation shall be removed in accordance with
25 procedures prescribed by the **【director】** chief administrator.

26 c. (Deleted by amendment, P.L.1999, c.28).

27 d. **【For the purposes of this section, license shall not include any**
28 **temporary license or learner's permit.】** (Deleted by amendment,
29 P.L. , c. (C.) (pending before the Legislature as this bill).

30 e. The chief administrator, in consultation with those organ
31 procurement organizations designated pursuant to 42 U.S.C. s.273
32 to operate within the State of New Jersey, shall establish and
33 provide an annual education program for all commission employees
34 and personnel. The program shall focus on the benefits associated
35 with organ and tissue donations, the scope and operation of New
36 Jersey's donor program and how the commission's employees and
37 personnel can effectively inform the public about the donor
38 program and can best assist those wishing to participate in the
39 donor program.

40 f. The chief administrator shall electronically record and store
41 all organ donor designations and identification information. An
42 organ procurement organization designated pursuant to 42 U.S.C.
43 s.273 to operate within the State of New Jersey, or any donor
44 registry established by any such organization, shall have real time
45 access to those organ donor designations and identification at all
46 times, without exception, for the purposes of verifying organ and
47 tissue donation status and identity. For these purposes, the

1 federally designated organ procurement organization shall have
2 access to each recorded donor's name, address, date of birth,
3 gender, color or eyes, height, and driver's license number, digitized
4 picture and signature.

5 (cf: P.L.1999, c.28, s.6)

6

7 4. Section 4 of P.L.1969, c.161 (C.26:6-60) is amended to read
8 as follows:

9 4. (a) A gift of all or part of the body under section 2(a) may be
10 made by will. The gift becomes effective upon the death of the
11 testator without waiting for probate. If the will is not probated, or if
12 it is declared invalid for testamentary purposes, the gift, to the
13 extent that it has been acted upon in good faith, is nevertheless valid
14 and effective.

15 (b) A gift of all or part of the body under section 2(a) may also
16 be made by document other than a will. The gift becomes effective
17 upon the death of the donor. The document, which may be a card
18 designed to be carried on the person, must be signed by the donor
19 [in the presence of two witnesses who must sign the document in
20 his presence]. If the donor cannot sign, the document may be
21 signed for him at his direction and in his presence in the presence of
22 two witnesses who must sign the document in his presence.
23 Delivery of the document of gift during the donor's lifetime is not
24 necessary to make the gift valid.

25 (c) The gift may be made to a specified donee or without
26 specifying a donee. If the latter, the gift may be accepted by the
27 attending physician as donee upon or following death. If the gift is
28 made to a specified donee who is not available at the time and place
29 of death, the attending physician upon or following death, in the
30 absence of any expressed indication that the donor desired
31 otherwise, may accept the gift as donee. The physician who
32 becomes a donee under this subsection shall not participate in the
33 procedures for removing or transplanting a part.

34 (d) Notwithstanding section 7(b), the donor may designate in his
35 will, card, or other document of gift the surgeon or physician to
36 carry out the appropriate procedures. In the absence of a
37 designation or if the designee is not available, the donee or other
38 person authorized to accept the gift may employ or authorize any
39 surgeon or physician for the purpose or, in the case of a gift of eyes,
40 he may employ or authorize a practitioner of mortuary science
41 licensed by the State Board of Mortuary Science of New Jersey, an
42 eye bank technician or a medical student who has successfully
43 completed a course in eye enucleation approved by the State Board
44 of Medical Examiners to enucleate eyes for the gift after
45 certification of death by a physician. A practitioner of mortuary
46 science, an eye bank technician or a medical student acting in
47 accordance with the provisions of this subsection shall not have any
48 liability, civil or criminal, for the eye enucleation.

1 (e) Any gift by a person designated in section 2(b) shall be made
2 by a document signed by him or made by his telegraphic, recorded
3 telephonic, or other recorded message.

4 (f) Notwithstanding any provision of law to the contrary, the
5 intent of a decedent to give all or any part of his body as a gift
6 pursuant to section 2(a) of P.L.1969, c.161 (C.26:6-58), as
7 evidenced by the possession of a donor card, donor designation on a
8 driver's license, advance directive pursuant to P.L.1991, c.201
9 (C.26:2H-53 et seq.), other document of gift, or by registration with
10 a Statewide organ and tissue donor registry, shall not be revoked by
11 any person designated in section 2(b) of P.L.1969, c.161 (C.26:6-
12 58), nor shall the consent of any such person at the time of the
13 donor's death or immediately thereafter be necessary to render the
14 gift valid and effective.
15 (cf: P.L.1998, c.81, s.1)

16
17 5. This act shall take effect on the first day of the third month
18 following enactment.

21 STATEMENT

22
23 This bill would require the New Jersey Motor Vehicle
24 Commission to share its organ donor information with appropriate
25 organ procurement organizations.

26 As part of the State's driver license program, applicants for new
27 licenses and those applying for license renewals are afforded an
28 opportunity to designate whether they wish upon their deaths to
29 donate all or any of their body organs or tissues for the purposes of
30 transplantation, therapy, medical research or education.

31 While the Motor Vehicle Commission has all this information
32 available, it is not readily accessible by the State's federally
33 designated organ procurement organizations, the organizations
34 charged with the responsibility of effectively procuring and
35 equitably distributing donated organs and tissues within New
36 Jersey.

37 This bill requires the Motor Vehicle Commission to provide real-
38 time access to the organ donor designation information the
39 commission collects as part of the State's driver license issuance
40 and renewal program to the two organ procurement organizations
41 the federal government has designated to serve New Jersey. Those
42 two organizations are the New Jersey Organ and Tissue Sharing
43 Network, which serves northern New Jersey, and the Gift of Life
44 Organ Donation Program, which serves southern New Jersey. The
45 information that is to be made available to these organizations
46 includes the donor's name, address, date of birth, gender, color of
47 eyes, height and driver's license number, digitized picture and
48 signature.

A3137 CONAWAY, MUNOZ

9

1 The bill specifies that the information made available to these
2 organizations may only be used for organ procurement and
3 distribution purposes.

4 The bill also amends section 4 of P.L.1969, c.161 (C.26:6-60) to
5 remove the requirement that organ donor cards must be signed in
6 the presence of two witnesses who, in turn, must sign the document
7 in the donor's presence.

ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3137

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 19, 2006

The Assembly Health and Senior Services Committee reports favorably and with committee amendments Assembly Bill No. 3137.

As amended by the committee, this bill would require the New Jersey Motor Vehicle Commission (MVC) to share its organ donor information with the federally designated organ procurement organizations (OPOs) operating in this State, which are charged with the responsibility of effectively procuring and equitably distributing donated organs and tissues within New Jersey.

Currently, applicants for new driver licenses and license renewals may designate whether they wish to donate all or any of their body organs or tissues, upon their deaths, for the purposes of transplantation, therapy, medical research, or education; however, the OPOs cannot readily obtain this information from MVC.

The bill provides specifically as follows:

- The Chief Administrator of MVC, in consultation with the OPOs, is to establish and provide an annual education program for all commission employees and personnel. The program is to focus on the benefits associated with organ and tissue donations, the scope and operation of New Jersey's donor program and how MVC employees and personnel can effectively inform the public about the donor program and best assist those wishing to participate in the donor program.
- MVC is to provide real time electronic access to the organ donor designation information that it collects, in the course of issuing and renewing driver licenses, to the two OPOs designated by the federal government pursuant to 42 U.S.C. s.273 to serve New Jersey (the New Jersey Organ and Tissue Sharing Network and the Gift of Life Organ Donation Program, which serve northern and southern New Jersey, respectively).
- The information to be made available to the OPOs includes the donor's name, address, date of birth, gender, color of eyes, height and driver's license number, digitized picture and signature.
- The information made available to the OPOs may only be used for the purposes of:

-- determining, verifying and recording organ and tissue donor designation and identity; and

-- use in research activities and producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

- The bill also amends section 4 of P.L.1969, c.161 (C.26:6-60) to delete its provision that two witnesses must be present when an organ donor signs a donor card and must sign the document in the donor's presence.
- The bill takes effect on the first day of the fourth month following enactment.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

- clarify the purpose of the bill to ensure that the federally designated OPOs operating in New Jersey have electronic access at all times to real time organ donor designation and identification information;
- authorize the OPOs to contract with a third party, in consultation with the MVC chief administrator, to assess, develop, and implement any system set-up necessary to support the initial and ongoing electronic access by the OPOs to the donor designation and identification information required to be made available in accordance with this bill; but stipulate that the OPOs will not be required to incur an aggregate cost in excess of \$50,000 for these purposes;
- require that the MVC chief administrator work cooperatively with the OPOs to ensure access to the information required to be made available in accordance with the provisions of the bill; and
- change the effective date from the first day of the third month to the first day of the fourth month following enactment.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3137

with Assembly Floor Amendments
(Proposed By Assemblyman CONAWAY)

ADOPTED: JANUARY 29, 2007

These amendments make technical changes in the bill to conform its provisions with Senate Bill No. 1760 (1R) (Madden/Vitale). The amendments: delete an unnecessary section of the bill which amends existing law (section 1 of P.L.1978, c.181; C.39:3-12.2) and consolidate the amendatory provisions of that section in another section of the bill which amends the same law; correct references to the federal law (42 U.S.C. s.1320b-8) pursuant to which organ procurement organizations are designated to serve in this State; and update references to the former Division of Motor Vehicles (in section 2) as the Motor Vehicle Commission, which were inadvertently omitted from the current version of the bill.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3137

STATE OF NEW JERSEY 212th LEGISLATURE

DATED: FEBRUARY 13, 2007

SUMMARY

- Synopsis:** Requires MVC to share organ donor information with federally designated organ procurement organizations.
- Type of Impact:** Ongoing cost increase, with possible partial revenue offset.
- Agencies Affected:** Motor Vehicle Commission, Office of Information Technology.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - possible revenue offset		
Agency Cost	Indeterminate		

- The Motor Vehicle Commission (MVC) will coordinate with the New Jersey Organ and Tissue Sharing Network and the Gift of Life Organ Donation Program to establish real-time access to the agency's organ-donor databases, as well as ongoing educational and system maintenance costs.
- The organ procurement organizations (OPOs) have agreed to reimburse the Office of Information technology for initial system setup costs, up to \$50,000. The MVC will incur ongoing educational activity costs.

BILL DESCRIPTION

Assembly Bill No. 3137 (1R) of 2006 proposes to require the MVC to share its organ donor information with the federally designated private-sector organ procurement organizations (OPOs) operating in this State, which are charged with the responsibility of effectively procuring and equitably distributing donated organs and tissues within New Jersey.

Currently, applicants for new driver licenses and license renewals may designate whether they wish to donate all or any of their body organs or tissues, upon their deaths, for the purposes

of transplantation, therapy, medical research, or education; however, the OPOs cannot readily obtain this information from MVC.

The bill provides specifically as follows:

- The Chief Administrator of MVC, in consultation with the OPOs, is to establish and provide an annual education program for agency employees and personnel. The program is to focus on the benefits associated with organ and tissue donations, the scope and operation of New Jersey's donor program, and how MVC employees and personnel can effectively inform the public about the donor program and best assist those wishing to participate in the donor program.
- The MVC is to electronically record and store all organ donor designations and identification information and provide real time electronic access to the organ donor designation information that it collects, in the course of issuing and renewing driver licenses, to the two OPOs designated by the federal government pursuant to 42 U.S.C. s.273 to serve New Jersey (the New Jersey Organ and Tissue Sharing Network and the Gift of Life Organ Donation Program, which serve northern and southern New Jersey, respectively). The OPOs will not be required to incur an aggregate cost in excess of \$50,000 for these purposes.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

Data is unavailable to estimate the cost of establishing the information systems proposed by the bill. According to information informally provided by the MVC, the OPOs have agreed to reimburse the Office of Information Technology for costs incurred as the third party that, under section 3 of the bill, is to develop and implement the system set-up. If the activity costs of the Office of Information Technology are less than \$50,000, there will be no net cost to the State.

In addition, the MVC will incur unknown ongoing activity costs for staff education related to the database.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Mark J. Trease
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 3137

STATE OF NEW JERSEY 212th LEGISLATURE

DATED: MARCH 14, 2007

SUMMARY

- Synopsis:** Requires MVC to share organ donor information with federally designated organ procurement organizations.
- Type of Impact:** Ongoing cost increase, with possible partial revenue offset.
- Agencies Affected:** Motor Vehicle Commission, Office of Information Technology.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - possible revenue offset		
Agency Cost	Indeterminate		

- The Motor Vehicle Commission (MVC) will coordinate with the New Jersey Organ and Tissue Sharing Network and the Gift of Life Organ Donation Program to establish real-time access to the agency's organ-donor databases, as well as ongoing educational and system maintenance costs.
- The organ procurement organizations (OPOs) have agreed to reimburse the Office of Information technology for initial system setup costs, up to \$50,000. The MVC will incur ongoing educational activity costs.

BILL DESCRIPTION

Assembly Bill No. 3137 (2R) of 2006 proposes to require the MVC to share its organ donor information with the federally designated private-sector organ procurement organizations (OPOs) operating in this State, which are charged with the responsibility of effectively procuring and equitably distributing donated organs and tissues within New Jersey.

Currently, applicants for new driver licenses and license renewals may designate whether they wish to donate all or any of their body organs or tissues, upon their deaths, for the purposes of transplantation, therapy, medical research, or education; however, the OPOs cannot readily obtain this information from MVC.

The bill provides specifically as follows:

- The Chief Administrator of MVC, in consultation with the OPOs, is to establish and provide an annual education program for agency employees and personnel. The program is to focus on the benefits associated with organ and tissue donations, the scope and operation of New Jersey's donor program, and how MVC employees and personnel can effectively inform the public about the donor program and best assist those wishing to participate in the donor program.
- The MVC is to electronically record and store all organ donor designations and identification information and provide real time electronic access to the organ donor designation information that it collects, in the course of issuing and renewing driver licenses, to the two OPOs designated by the federal government pursuant to 42 U.S.C. s.273 to serve New Jersey (the New Jersey Organ and Tissue Sharing Network and the Gift of Life Organ Donation Program, which serve northern and southern New Jersey, respectively). The OPOs will not be required to incur an aggregate cost in excess of \$50,000 for these purposes.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

Data is unavailable to estimate the cost of establishing the information systems proposed by the bill. According to information informally provided by the MVC, the OPOs have agreed to reimburse the Office of Information Technology for costs incurred as the third party that, under section 1.g. of the bill, is to develop and implement the system set-up. If the activity costs of the Office of Information Technology are less than \$50,000, there will be no net cost to the State.

In addition, the MVC will incur unknown ongoing activity costs for staff education related to the database.

Section: Authorities, Utilities, Transportation and Communications

*Analyst: Mark J. Trease
Associate Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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