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BILL ANALYSIS



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House Bill 4469 (as passed by the House)
House Bill 4470 (Substitute H-2 as passed by the House)
Sponsor: Representative John Gleason (H.B. 4469)
Representative Philip LaJoy (H.B. 4470)
House Committee: Transportation
Senate Committee: Transportation

Date Completed: 4-26-05

CONTENT

House Bill 4469 would amend the Public Health Code to provide that a driver's license or State ID with a heart insignia on the front would constitute a document of anatomical gift; and specify that an anatomical gift made according to a will or document of gift would be irrevocable regardless of the desires of the deceased's next of kin.

House Bill 4470 (H-2) would amend the Michigan Vehicle Code to do the following:

- Require the Secretary of State (SOS), in conjunction with the application for a driver's license (instead of with the issuance of a license, beginning January 1, 2007) to give the applicant information explaining the right to make an anatomical gift and describing the Organ, Tissue, and Eye Donor Registry, and an opportunity to have his or her name placed on the Registry.
- Require the SOS, beginning January 1, 2007, to maintain a record of an individual who indicated a willingness to have his or her name placed on the Registry.
- Require the SOS to maintain the Registry in a manner that provided electronic access, including the transfer of data to the State's Federally designated organ procurement agency (Gift of Life Michigan).
- Prohibit the SOS from charging a duplicate driver's license fee to add a heart insignia indicating that a person was an organ donor.
- Include violations that occurred in another country in a provision preventing the issuance of a driver's license for previous moving violations.

The bills are tie-barred to each other and to House Bill 4082 and Senate Bill 301. House Bill 4082 would amend the Michigan Vehicle Code to require the driver's license of an organ donor to contain a heart insignia on the front, and require the SOS to ask each licensee if he or she agreed to participate in the Registry, beginning January 1, 2007. Senate Bill 301 proposes similar amendments to Public Act 222 of 1972, which provides for an official State personal ID card. House Bills 4469 and 4470 (H-2) are described below in further detail.

House Bill 4469

Under Part 101 of the Public Health Code, an individual who is at least 18 years old and of sound mind may make a gift of all or a physical part of his or her body, effective upon his or her death, to any of the following:

- Any hospital, surgeon, or physician for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation.
- Any accredited medical or dental school, college, or university for education, research, advancement of medical or dental science, or therapy.
- Any bank or storage facility for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation.
- Any specified individual for therapy or transplantation.
- Any approved or accredited school of optometry, nursing, or veterinary medicine.

Under Part 101, a State ID card or driver's license containing a statement that the card holder or licensee is an organ and tissue donor, along with the signature of the holder or licensee and at least one witness, constitutes a document of gift. Under the bill, beginning January 1, 2007, a State ID card or driver's license containing a heart insignia, as proposed by House Bill 4082 and Senate Bill 301, would constitute a document of gift.

Part 101 specifies that an anatomical gift made by will or by a document of gift other than a will is not revocable after the donor's death. The bill would add, "regardless of the expressed desires of the deceased donor's next of kin who may oppose the donor's organ, tissue, or eye donation".

House Bill 4470 (H-2)

Driver's License Application Requirements

The Vehicle Code requires an applicant for an operator's or chauffeur's license to supply a birth certificate attesting to his or her age, or other sufficient documents or identification as the SOS may require. The application must be made in a manner prescribed by the SOS and contain the applicant's full name, date of birth, residence address, height, sex, eye color, signature, other information required or permitted on the license under the Code, and, to the extent required to comply with Federal law, the applicant's Social Security number. Under the bill, beginning January 1, 2007, the application also would have to include the applicant's intent to be an organ donor.

The Code prohibits the SOS from disclosing an applicant's Social Security number to another person except for certain purposes. Under the bill, the SOS could disclose a Social Security number, with the Department of Community Health (DCH), for comparison with vital records the DCH maintains under Part 28 of the Public Health Code. (Under Part 28, "vital record" means a certificate or registration of birth, death, marriage, or divorce; an acknowledgement of parentage; or related data.)

Under the Vehicle Code, an applicant for a driver's license with a vehicle group designation and a hazardous material endorsement must provide his or her fingerprints that were taken by a law enforcement official or a designated representative for investigation as required by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act. Instead, under the bill, the applicant would have to provide his or her fingerprints as prescribed by State and Federal law.

Registry & Gift Information

Currently, in conjunction with the issuance of a driver's license, the SOS must provide written information explaining the applicant's right to make an anatomical gift in the event of death under Part 101 of the Public Health Code, as well as information describing the Organ Donation Registry program maintained by Gift of Life and giving the applicant the opportunity to be placed on the Registry. The bill would delete the requirement that the information be written, and would require the SOS to provide this information in conjunction with the application for, or, until January 1, 2007, the issuance of a driver's license. The bill

also would refer to the Organ, Tissue, and Eye Donor Registry rather than the Organ Donation Registry. In addition, when issuing a driver's license, the SOS currently must give an applicant the opportunity to specify on his or her card that he or she is willing to make an anatomical gift in the event of death. The bill would require this in conjunction with the application for, or, until January 1, 2007, the issuance of a license.

Organ & Tissue Donation Record

Currently, the SOS must inform an applicant for a driver's license that, if he or she indicates a willingness to have his or her name placed on the Registry, the SOS will forward his or her name and address to the Registry. Under the bill, the SOS would have to inform the applicant, instead, that the SOS would mark his or her record for the Registry.

Under the Code, if an applicant indicates a willingness to have his or her name placed on the Registry, the SOS must forward the applicant's name and address to the Registry within 10 days. Under the bill, the SOS also would have to forward the applicant's date of birth. The 10-day forwarding requirement would apply until January 1, 2007. Beginning on that date, the SOS would have to maintain a record of the individual. As currently provided, this information would be exempt from disclosure under the Freedom of Information Act. The bill also would require the SOS to maintain the Registry in a manner that provided electronic access, including the transfer of data to Gift of Life, its successor organizations, and tissue and eye banks with limitations on the use of and access to the Registry as determined by the SOS.

Renewal Fee

Under the Code, if a driver's license is lost, destroyed, or mutilated, or becomes illegible, the licensee may apply for renewal of the license and pay an \$18 fee for a duplicate chauffeur's license or a \$9 fee for a duplicate operator's license. Additionally, for each correction of a license, the licensee must apply for renewal and pay the applicable fee. The SOS may not charge a fee, however, for a change of address or a correction required to correct a Department of State error. Under the bill, beginning January 1, 2007, the SOS also could not charge a fee to add or remove a heart insignia, as proposed by House Bill 4082.

License Denial

Under the Code, the SOS may not issue a driver's license to a person who has been convicted of, has received a juvenile disposition for, or has been determined responsible for at least two moving violations under a Michigan law, a substantially corresponding local ordinance, or a substantially corresponding law of another state, within the preceding three years, if the violations occurred before the person was issued an original license in Michigan or another state. Under the bill, the SOS also could not issue a license if the violations occurred before the person was issued an original license in another country.

MCL 333.10104 (H.B. 4469)
257.303 et al. (H.B. 4470)

Legislative Analyst: Julie Koval

FISCAL IMPACT

House Bill 4469

The bill would have no fiscal impact on State or local government.

House Bill 4470 (H-2)

Programming costs would be absorbed through the Department of State's Business Application Modernization Project. Minimal costs would result from inquiry requirements regarding whether applicants or current driver's license holders wished to participate in the Registry.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.