

HB3238



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3238

by Rep. Christine Winger

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-117
755 ILCS 50/5-20

from Ch. 95 1/2, par. 6-117
was 755 ILCS 50/5

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall offer to each applicant for issuance or renewal of a driver's license or identification card who is 18 years of age or older the opportunity to have his or her name excluded from (rather than included in) the First Person Consent organ and tissue donor registry. Provides that if an individual does not exclude his or her name from the registry, the Secretary shall note the individual's agreement to be included in the registry. Amends the Illinois Anatomical Gift Act. Provides that a donor may make an anatomical gift by declining to deny issuance of a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card. Makes conforming changes. Effective immediately.

LRB100 05416 AXK 15427 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 6-117 as follows:

6 (625 ILCS 5/6-117) (from Ch. 95 1/2, par. 6-117)

7 Sec. 6-117. Records to be kept by the Secretary of State.

8 (a) The Secretary of State shall file every application for
9 a license or permit accepted under this Chapter, and shall
10 maintain suitable indexes thereof. The records of the Secretary
11 of State shall indicate the action taken with respect to such
12 applications.

13 (b) The Secretary of State shall maintain appropriate
14 records of all licenses and permits refused, cancelled,
15 disqualified, revoked, or suspended and of the revocation,
16 suspension, and disqualification of driving privileges of
17 persons not licensed under this Chapter, and such records shall
18 note the reasons for such action.

19 (c) The Secretary of State shall maintain appropriate
20 records of convictions reported under this Chapter. Records of
21 conviction may be maintained in a computer processible medium.

22 (d) The Secretary of State may also maintain appropriate
23 records of any accident reports received.

1 (e) The Secretary of State shall also maintain appropriate
2 records of any disposition of supervision or records relative
3 to a driver's referral to a driver remedial or rehabilitative
4 program, as required by the Secretary of State or the courts.
5 Such records shall only be available for use by the Secretary,
6 the driver licensing administrator of any other state, law
7 enforcement agencies, the courts, and the affected driver or,
8 upon proper verification, such affected driver's attorney.

9 (f) The Secretary of State shall also maintain or contract
10 to maintain appropriate records of all photographs and
11 signatures obtained in the process of issuing any driver's
12 license, permit, or identification card. The record shall be
13 confidential and shall not be disclosed except to those
14 entities listed under Section 6-110.1 of this Code.

15 (g) The Secretary of State may establish a First Person
16 Consent organ and tissue donor registry in compliance with
17 subsection (b-1) of Section 5-20 of the Illinois Anatomical
18 Gift Act, as follows:

19 (1) The Secretary shall offer, to each applicant for
20 issuance or renewal of a driver's license or identification
21 card who is 18 years of age or older, the opportunity to
22 have his or her name excluded from ~~included in~~ the First
23 Person Consent organ and tissue donor registry. The
24 Secretary must advise the applicant or licensee that he or
25 she is under no compulsion to have his or her name included
26 in the registry. An individual who does not exclude ~~agrees~~

1 ~~to having~~ his or her name from ~~included in~~ the First Person
2 Consent organ and tissue donor registry has given full
3 legal consent to the donation of any of his or her organs
4 or tissue upon his or her death. A brochure explaining this
5 method of executing an anatomical gift must be given to
6 each applicant for issuance or renewal of a driver's
7 license or identification card. The brochure must advise
8 the applicant or licensee (i) that he or she is under no
9 compulsion to have his or her name included in this
10 registry and (ii) that he or she may wish to consult with
11 family, friends, or clergy before doing so.

12 (2) The Secretary of State may establish additional
13 methods by which an individual may have his or her name
14 included in the First Person Consent organ and tissue donor
15 registry.

16 (3) When an individual has not excluded ~~agreed to have~~
17 his or her name from ~~included in~~ the First Person Consent
18 organ and tissue donor registry, the Secretary of State
19 shall note the individual's ~~that~~ agreement to be included
20 in the First Person consent organ and tissue donor
21 registry. Representatives of federally designated organ
22 procurement agencies and tissue banks and the offices of
23 Illinois county coroners and medical examiners may inquire
24 of the Secretary of State whether a potential organ donor's
25 name is included in the First Person Consent organ and
26 tissue donor registry, and the Secretary of State may

1 provide that information to the representative.

2 (4) An individual may withdraw his or her consent to be
3 listed in the First Person Consent organ and tissue donor
4 registry maintained by the Secretary of State by notifying
5 the Secretary of State in writing, or by any other means
6 approved by the Secretary, of the individual's decision to
7 have his or her name removed from the registry.

8 (5) The Secretary of State may undertake additional
9 efforts, including education and awareness activities, to
10 promote organ and tissue donation.

11 (6) In the absence of gross negligence or willful
12 misconduct, the Secretary of State and his or her employees
13 are immune from any civil or criminal liability in
14 connection with an individual's consent to be listed in the
15 organ and tissue donor registry.

16 (Source: P.A. 94-75, eff. 1-1-06; 95-382, eff. 8-23-07;
17 95-1034, eff. 2-17-09.)

18 Section 10. The Illinois Anatomical Gift Act is amended by
19 changing Section 5-20 as follows:

20 (755 ILCS 50/5-20) (was 755 ILCS 50/5)

21 Sec. 5-20. Manner of Executing Anatomical Gifts.

22 (a) A donor may make an anatomical gift:

23 (1) by declining to deny issuance of ~~authorizing~~ a
24 statement or symbol indicating that the donor has made an

1 anatomical gift to be imprinted on the donor's driver's
2 license or identification card;

3 (2) in a will;

4 (3) during a terminal illness or injury of the donor,
5 by any form of communication addressed to at least 2
6 adults, at least one of whom is a disinterested witness; or

7 (4) as provided in subsection (b) of this Section.

8 (b) A donor or other person authorized to make an
9 anatomical gift under subsection (a) of Section 5-5 may make a
10 gift by a donor card or other record signed by the donor or
11 other person making the gift or by authorizing that a statement
12 or symbol indicating that the donor has made an anatomical gift
13 be included on a donor registry. If the donor or other person
14 is physically unable to sign a record, the record may be signed
15 by another individual at the direction of the donor or other
16 person and must:

17 (1) be witnessed by at least 2 adults, at least one of
18 whom is a disinterested witness, who have signed at the
19 request of the donor or the other person; and

20 (2) state that it has been signed and witnessed as
21 provided in paragraph (1) of this subsection (b).

22 (b-1) A gift under Section 5-5 (a) may also be made by an
23 individual declining to exclude ~~consenting to have~~ his or her
24 name from ~~included in~~ the First Person Consent organ and tissue
25 donor registry maintained by the Secretary of State under
26 Section 6-117 of the Illinois Vehicle Code. An individual

1 declining to exclude ~~individual's consent to have~~ his or her
2 name from ~~included in~~ the First Person Consent organ and tissue
3 donor registry constitutes full legal authority for the
4 donation of any of his or her organs or tissue for purposes of
5 transplantation, therapy, or research. Declining ~~Consenting~~ to
6 be excluded from ~~included in~~ the First Person Consent organ and
7 tissue donor registry is effective without regard to the
8 presence or signature of witnesses.

9 (b-5) Revocation, suspension, expiration, or cancellation
10 of a driver's license or identification card upon which an
11 anatomical gift is indicated does not invalidate the gift.

12 (b-10) An anatomical gift made by will takes effect upon
13 the donor's death whether or not the will is probated.
14 Invalidation of the will after the donor's death does not
15 invalidate the gift.

16 (c) The anatomical gift may be made to a specified donee or
17 without specifying a donee. If the gift is made to a specified
18 donee who is not available at the time and place of death, then
19 if made for the purpose of transplantation, it shall be
20 effectuated in accordance with Section 5-25.

21 (d) The donee or other person authorized to accept the gift
22 pursuant to Section 5-12 may employ or authorize any qualified
23 technician, surgeon, or physician to perform the recovery.

24 (e) A person authorized to make an anatomical gift under
25 subsection (b) of Section 5-5 may make an anatomical gift by a
26 document of gift signed by the person making the gift or by

1 that person's oral communication that is electronically
2 recorded or is contemporaneously reduced to a record and signed
3 by the individual receiving the oral communication.

4 (e-5) An anatomical gift by a person authorized under
5 subsection (b) of Section 5-5 may be amended or revoked orally
6 or in a record by a member of a prior class who is reasonably
7 available for the giving of authorization or refusal. If more
8 than one member of the prior class is reasonably available for
9 the giving of authorization or refusal, the gift made by a
10 person authorized under subsection (b) of Section 5-5 may be:

11 (1) amended only if a majority of the class members
12 reasonably available for the giving of authorization or
13 refusal agree to the amending of the gift; or

14 (2) revoked only if a majority of the class members
15 reasonably available for the giving of authorization or
16 refusal agree to the revoking of the gift or if they are
17 equally divided as to whether to revoke the gift.

18 (e-10) A revocation under subsection (e-5) is effective
19 only if, before an incision has been made to remove a part from
20 the donor's body or before invasive procedures have been
21 commenced to prepare the recipient, the procurement
22 organization, non-transplant anatomic bank, transplant
23 hospital, or physician or technician knows of the revocation.

24 (f) When there is a suitable candidate for organ donation
25 and a donation or consent to donate has not yet been given,
26 procedures to preserve the decedent's body for possible organ

1 and tissue donation may be implemented under the authorization
2 of the applicable organ procurement organization, at its own
3 expense, prior to making a donation request pursuant to Section
4 5-25. If the organ procurement organization does not locate a
5 person authorized to consent to donation or consent to donation
6 is denied, then procedures to preserve the decedent's body
7 shall be ceased and no donation shall be made. The organ
8 procurement organization shall respect the religious tenets of
9 the decedent, if known, such as a pause after death, before
10 initiating preservation services. Nothing in this Section
11 shall be construed to authorize interference with the coroner
12 in carrying out an investigation or autopsy.

13 (Source: P.A. 98-172, eff. 1-1-14.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.