

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4671

BY DELEGATES ROBINSON, HORNBUCKLE, HILL, PACK,
ROWAN, WORRELL, ROWE, ESTEP-BURTON, PUSHKIN,
SKAFF AND BYRD

[Introduced February 04, 2020; Referred to the
Committee on Technology and Infrastructure then
Government Organization]

1 A BILL to amend and reenact §17B-1B-2 of the Code of West Virginia, 1931, as amended, relating
 2 to organ and tissue donation, and requiring the Division of Motor Vehicle to notify an
 3 applicant for a new or renewed Motor Vehicle License or Identification Card that he or she
 4 will be automatically added to the division’s organ donation registry unless the applicant
 5 expressly indicates that they do not consent to organ donation.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 1B. DRIVERS’ OR CHAUFFEURS’ LICENSE IDENTIFICATION OF
 ANATOMICAL ORGAN DONORS.**

§17B-1B-2. License application to contain space for donor.

1 The commission shall provide space on every application for a driver’s or chauffeur’s
 2 license or renewal thereof in which the applicant may indicate his or her desire to have such
 3 marking on his or her driver’s or chauffeur’s license. In addition, any person whose license has
 4 not expired or who has already obtained a license may have such marking affixed by the
 5 commissioner upon request.

6 Beginning July 1, 2021, the commissioner shall redesign the driver’s license and
 7 identification card application system to advise all individuals that, at the time of applying for or
 8 renewing a driver’s license or identification card, the individual shall be automatically enrolled in
 9 the division’s organ donation registry and deemed to have consented to anatomical donation of
 10 his or her organs and tissue upon determination of the individual’s legal death, unless the
 11 individual expressly elects not to be an organ and tissue donor.

12 The following instruction and question shall be asked:

13 West Virginia strongly supports organ and tissue donation because of its life-saving and
 14 life-enhancing opportunities. You will be automatically enrolled in the DMV’s organ donation
 15 registry and deemed to have consented to being an organ and tissue donor and this designation
 16 will appear on your driver’s license or identification card. If you do not want to be considered an

17 organ and tissue donor, you must elect to not be included on the organ donor registry by inserting
18 your initials on the line below.

19 At this time, I do not wish to be included on the organ donor registry.

20 Unless an individual responds that the individual does not want to be considered a
21 possible organ donor, a marking indicating that the individual is an organ donor shall be noted on
22 the front of the driver's license or identification card clearly indicating the individual's intent to
23 donate his or her organs or tissue. A notation on an individual's driver's license or identification
24 card that he or she intends to donate his or her organs or tissue is deemed sufficient to satisfy all
25 requirements for consent to organ or tissue donation.

NOTE: The purpose of this bill is to require the Division of Motor Vehicle to notify an applicant for a new or renewed Motor Vehicle License or Identification Card that he or she will be automatically added to the division's organ donation registry unless the applicant expressly indicates that they do not consent to organ donation.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.