

Representative Gage Froerer proposes the following substitute bill:

UTAH ANATOMICAL GIFT ACT AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: Brian E. Shiozawa

LONG TITLE

General Description:

This bill amends provisions regarding the Anatomical Gift Act.

Highlighted Provisions:

This bill:

- ▶ modifies and expands the list of persons who may make an anatomical gift of a decedent's body or part;
- ▶ makes an individual's indication of intent to make an anatomical gift valid until the individual withdraws intent;
- ▶ prohibits the Driver License Division from asking an individual to indicate again upon renewal of a driver license or identification card the individual's intent to make an anatomical gift; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 **26-28-105**, as last amended by Laws of Utah 2011, Chapter 297

27 **26-28-109**, as enacted by Laws of Utah 2007, Chapter 60

28 **53-3-214**, as last amended by Laws of Utah 2012, Chapter 335

29

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **26-28-105** is amended to read:

32 **26-28-105. Manner of making anatomical gift before donor's death.**

33 (1) A donor may make an anatomical gift:

34 (a) by authorizing a statement or symbol indicating that the donor has made an
35 anatomical gift to be imprinted on the donor's driver license or identification card;

36 (b) in a will;

37 (c) during a terminal illness or injury of the donor, by any form of communication
38 addressed to at least two adults, at least one of whom is a disinterested witness; or

39 (d) as provided in Subsection (2).

40 (2) A donor or other person authorized to make an anatomical gift under Section
41 **26-28-104** may make a gift by a donor card or other record signed by the donor or other person
42 making the gift or by authorizing that a statement or symbol indicating that the donor has made
43 an anatomical gift be included on a donor registry. If the donor or other person is physically
44 unable to sign a record, the record may be signed by another ~~[individual]~~ person at the direction
45 of the donor or other person and shall:

46 (a) be witnessed by at least two adults, at least one of whom is a disinterested witness,
47 who have signed at the request of the donor or the other person; and

48 (b) state that it has been signed and witnessed as provided in Subsection (2)(a).

49 (3) (a) Revocation, suspension, expiration, or cancellation of a driver license or
50 identification card upon which an anatomical gift is indicated does not invalidate the gift.

51 (b) The authorization of an anatomical gift on a donor's driver license or identification
52 card is valid until the donor withdraws that authorization.

53 (4) An anatomical gift made by will takes effect upon the donor's death whether or not
54 the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

55 Section 2. Section **26-28-109** is amended to read:

56 **26-28-109. Who may make anatomical gift of decedent's body or part.**

57 (1) Subject to Subsections (2) and (3) and unless barred by Section 26-28-107 or
 58 26-28-108, an anatomical gift of a decedent's body or part for purpose of transplantation,
 59 therapy, research, or education may be made by any member of the following classes of
 60 persons who is reasonably available, in the order of priority listed:

61 (a) an agent of the decedent at the time of death who could have made an anatomical
 62 gift under Subsection 26-28-104(2) immediately before the decedent's death;

63 (b) the spouse of the decedent;

64 (c) adult children of the decedent;

65 (d) parents of the decedent;

66 (e) adult siblings of the decedent;

67 (f) adult grandchildren of the decedent;

68 (g) grandparents of the decedent;

69 (h) the persons who were acting as the guardians of the person of the decedent at the
 70 time of death; [~~and~~]

71 (i) an adult who exhibited special care and concern for the decedent; and

72 [~~(i)~~] (j) any other person having the authority to dispose of the decedent's body.

73 (2) If there is more than one member of a class listed in Subsection (1)(a), (c), (d), (e),
 74 (f), (g), or (i) entitled to make an anatomical gift, an anatomical gift may be made by a member
 75 of the class unless that member or a person to which the gift may pass under Section 26-28-111
 76 knows of an objection by another member of the class. If an objection is known, the gift may
 77 be made only by a majority of the members of the class who are reasonably available.

78 (3) A person may not make an anatomical gift if, at the time of the decedent's death, a
 79 person in a prior class under Subsection (1) is reasonably available to make or to object to the
 80 making of an anatomical gift.

81 Section 3. Section 53-3-214 is amended to read:

82 **53-3-214. Renewal -- Fees required -- Extension without examination.**

83 (1) (a) The holder of a valid license may renew the holder's license and any
 84 endorsement to the license by applying:

85 (i) at any time within six months before the license expires; or

86 (ii) more than six months [~~prior to~~] before the expiration date if the applicant furnishes
 87 proof that the applicant will be absent from the state during the six-month period [~~prior to~~]

88 before the expiration of the license.

89 (b) The application for a renewal of, extension of, or any endorsement to a license shall
90 be accompanied by a fee under Section 53-3-105.

91 (2) (a) Except as provided under Subsections (2)(b) and (3), upon application for
92 renewal of a regular license certificate, provisional license, and ~~any~~ an endorsement to a
93 regular license certificate, the division shall reexamine each applicant as if for an original
94 license and endorsement to the license, if applicable.

95 (b) Except as provided under Subsection (2)(c), upon application for renewal of a
96 limited-term license certificate, limited-term provisional license certificate, ~~and any~~ or an
97 endorsement to a limited-term license certificate, the division shall:

98 (i) reexamine ~~each~~ an applicant as if for an original limited-term license certificate
99 and endorsement to the limited-term license certificate, if applicable; and

100 (ii) verify through valid documentary evidence that the status by which the individual
101 originally qualified for the limited-term license certificate has been extended by the United
102 States Citizenship and Immigration Services or other authorized agency of the United States
103 Department of Homeland Security.

104 (c) The division may waive any or all portions of the test designed to demonstrate the
105 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

106 (3) (a) Except as provided under Subsections (3)(b) and (c), the division may extend a
107 regular license certificate, any endorsement to the regular license certificate, a provisional
108 license, and any endorsement to a provisional license for five years without examination for
109 licensees whose driving records for the five years immediately preceding the determination of
110 eligibility for extension show:

111 (i) no suspensions;

112 (ii) no revocations;

113 (iii) no conviction for reckless driving under Section 41-6a-528; and

114 (iv) no more than four reportable violations in the preceding five years.

115 (b) Except as provided in Subsection (3)(g), after the expiration of a regular license
116 certificate, a new regular license certificate and any endorsement to a regular license certificate
117 may not be issued until the person has again passed the tests under Section 53-3-206 and paid
118 the required fee.

119 (c) After the expiration of a limited-term license certificate, a new limited-term license
120 certificate and any endorsement to a limited-term license certificate may not be issued until the
121 person has:

122 (i) again passed the tests under Section 53-3-206 and paid the required fee; and

123 (ii) presented documentary evidence that the status by which the individual originally
124 qualified for the limited-term license certificate has been extended by the United States
125 Citizenship and Immigration Services or other authorized agency of the United States
126 Department of Homeland Security.

127 (d) A person 65 years of age or older shall take and pass the eye examination specified
128 in Section 53-3-206.

129 (e) An extension may not be granted to any person:

130 (i) who is identified by the division as having a medical impairment that may represent
131 a hazard to public safety;

132 (ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial
133 Driver License Act;

134 (iii) who is holding a limited-term license certificate; or

135 (iv) who is holding a driving privilege card issued in accordance with Section
136 53-3-207.

137 (f) The division shall allow extensions:

138 (i) by mail, electronic means, or other means as determined by the division at the
139 appropriate extension fee rate under Section 53-3-105;

140 (ii) only if the applicant qualifies under this section; and

141 (iii) for only one extension.

142 (g) The division may waive any or all portions of the test designed to demonstrate the
143 applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

144 (h) If an individual applying online for renewal of a regular license certificate has
145 previously indicated under Subsection 53-3-205(8)(a)(vi) intent to make an anatomical gift, the
146 online application may not include a request for the individual to reindicate the individual's
147 intent to make an anatomical gift.