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SENATE BILL 6814

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State of Washington                      61st Legislature                      2010 Regular Session

By Senators Pridemore, Murray, Fairley, and Shin

Read first time 02/01/10. Referred to Committee on Transportation.

1            AN ACT Relating to anatomical gifts made by driver's license and  
2            identicard applicants; and amending RCW 46.20.113, 46.20.1131, and  
3            68.64.040.

4            BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 46.20.113 and 2008 c 139 s 27 are each amended to read  
6            as follows:

7            The department of licensing shall provide a statement whereby the  
8            licensee may certify his or her unwillingness to make an anatomical  
9            gift under RCW 68.64.030, as now or hereafter amended. The department  
10           shall provide the statement and ensure that the opt-out anatomical gift  
11           under this section is clear, visible, and prominently displayed in at  
12           least one of the following ways:

- 13            (1) On each driver's license; or
- 14            (2) With each driver's license; or
- 15            (3) With each in-person driver's license application.

16           **Sec. 2.** RCW 46.20.1131 and 2008 c 139 s 28 are each amended to  
17           read as follows:

18           The department shall electronically transfer the information of all

1 persons who upon application for a driver's license or identicard  
2 volunteer to donate organs or tissue to a registry created in RCW  
3 68.64.200, and any subsequent changes to the applicant's donor status  
4 when the applicant renews a driver's license or identicard or applies  
5 for a new driver's license or identicard. The department shall assume  
6 that all persons who apply for a driver's license or identicard are  
7 willing to be organ and tissue donors, unless the applicant indicates  
8 otherwise as provided in RCW 46.20.113.

9 **Sec. 3.** RCW 68.64.040 and 2008 c 139 s 5 are each amended to read  
10 as follows:

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

12 (a) By authorizing a statement or symbol indicating that the donor  
13 has made an anatomical gift to be imprinted on the donor's driver's  
14 license or identification card. An anatomical gift is assumed to have  
15 been made by all driver's license and identification card holders  
16 unless otherwise indicated as provided in RCW 46.20.113;

17 (b) In a will;

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

21 (d) As provided in subsection (2) of this section.

22 (2) A donor or other person authorized to make an anatomical gift  
23 under RCW 68.64.030 may make a gift by a donor card or other record  
24 signed by the donor or other person making the gift or by authorizing  
25 that a statement or symbol indicating that the donor has made an  
26 anatomical gift be included on a donor registry. If the donor or other  
27 person is physically unable to sign a record, the record may be signed  
28 by another individual at the direction of the donor or other person and  
29 must:

30 (a) Be witnessed by at least two adults, at least one of whom is a  
31 disinterested witness, who have signed at the request of the donor or  
32 the other person; and

33 (b) State that it has been signed and witnessed as provided in (a)  
34 of this subsection.

35 (3) Revocation, suspension, expiration, or cancellation of a  
36 driver's license or identification card through which an anatomical  
37 gift has been made does not invalidate the gift.

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

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