



1997 ASSEMBLY BILL 612

November 13, 1997 - Introduced by Representatives BAUMGART and AINSWORTH, by request of Thomas Roenitz. Referred to Committee on Highways and Transportation.

1 **AN ACT to renumber and amend** 157.06 (2) (f) 5. b., 343.175 (1r) and 343.50 (4m)
2 **(b); to amend** 157.06 (2) (f) (intro.), 343.17 (3) (a) 5., 343.17 (3) (b), 343.175 (2)
3 (a), 343.175 (2) (ag), 343.175 (2) (ar), 343.175 (2) (b) and 343.50 (3); and **to**
4 **create** 157.06 (2) (i) 2. a., 343.175 (1r) (a) 2. and 3., 343.175 (4) and 343.50 (4m)
5 (b) 1. b. and c. of the statutes; **relating to:** driver's licenses and identification
6 cards issued by the department of transportation and anatomical donations.

Analysis by the Legislative Reference Bureau

Under current law, a driver's license or identification card (ID card) that is issued by the department of transportation may be used by a licensee or ID card holder who is at least 18 years of age as a donor card to make an anatomical gift (organ donation) or as a document of refusal to make an anatomical gift. The use of the license or ID card as either a donor card or document of refusal is optional.

This bill requires each licensee and ID card holder to use his or her driver's license or ID card as a donor card or document of refusal with respect to making an anatomical gift. The front side of each license and ID card is required to contain the following statement before the space reserved for the licensee or ID card holder to sign the license or ID card: "Upon my death, I wish to donate any needed organ or part." A licensee or ID card holder may use the license or ID card as a donor card by signing the license or ID card without crossing out this statement. Alternatively, a licensee or ID card holder may use the license or ID card as a document of refusal to

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make an anatomical gift by signing the license or ID card after completely crossing out this statement. A licensee or ID card holder may continue to use the reverse side of the license or ID card (or, in certain cases, a separate document) to amend or revoke either an anatomical gift or a refusal to make an anatomical gift. However, a licensee or ID card holder may use the license or ID card as a donor card even after refusing to make an anatomical gift on the front side of the license or ID card by revoking this refusal on the reverse side of the license or ID card.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 157.06 (2) (f) (intro.) of the statutes is amended to read:

2 157.06 (2) (f) (intro.) A donor may amend or revoke an anatomical gift or revoke
3 a refusal to make an anatomical gift under par. (i) by doing any of the following:

4 **SECTION 2.** 157.06 (2) (f) 5. b. of the statutes is renumbered 157.06 (2) (f) 5. and
5 amended to read:

6 157.06 (2) (f) 5. Crossing out or amending the donor authorization or crossing
7 out or otherwise revoking a refusal in the space provided on his or her license as
8 prescribed in s. 343.175 (2) or identification card as prescribed in s. 343.50 (3).

9 **SECTION 3.** 157.06 (2) (i) 2. a. of the statutes is created to read:

10 157.06 (2) (i) 2. a. Completely crossing out the statement making an anatomical
11 gift specified in s. 343.17 (3) (a) 5. before signing the front side of his or her license
12 under s. 343.175 (2) or identification card under s. 343.50 (3).

13 **SECTION 4.** 343.17 (3) (a) 5. of the statutes is amended to read:

14 343.17 (3) (a) 5. A facsimile of the person's signature, or a space upon which
15 the licensee shall immediately write his or her usual signature with a pen and ink
16 on receipt of the license, without which the license is not valid. Before the space for
17 the licensee's signature under this subdivision, the license document shall contain

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1 a conspicuous statement, as follows: "Upon my death, I wish to donate any needed
2 organ or part."

3 **SECTION 5.** 343.17 (3) (b) of the statutes is amended to read:

4 343.17 (3) (b) The reverse side of the license shall contain an explanation of any
5 restriction codes or endorsement abbreviations used on the front of the license, in
6 sufficient detail to identify the nature of the restrictions or endorsements to a law
7 enforcement officer of this state or another jurisdiction. Except for a commercial
8 driver license or a license labeled "CDL-Occupational" as described in s. 343.03 (3)
9 (b) and (e), a part of the reverse side of each license shall be printed to serve as a
10 ~~document of gift under s. 157.06 (2) (b) and (c) or a document of~~ statement of
11 amendment or revocation of an anatomical gift or revocation of a refusal to make an
12 anatomical gift under s. 157.06 (2) (i) (f) 5.

13 **SECTION 6.** 343.175 (1r) of the statutes is renumbered 343.175 (1r) (a) (intro.)
14 and amended to read:

15 343.175 (1r) (a) (intro.) In addition to the inquiry under sub. (1), if the applicant
16 is at least 18 years of age, the department shall orally state to the applicant that he
17 or she has the opportunity to ~~indicate~~ do any of the following:

18 1. Indicate his or her willingness to be an organ donor by signing the front side
19 of the license document in the space following the statement making an anatomical
20 gift specified in s. 343.17 (3) (a) 5. without completely crossing out the statement.

21 (b) If the applicant indicates that he or she is undecided in response to the
22 inquiry under sub. (1), the department shall provide the applicant with written
23 information that all organ procurement organizations and the department have
24 together developed. If the applicant makes an affirmative response to the inquiry
25 under sub. (1), the department shall request at that time that the applicant ~~write on~~

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1 ~~the license the information that is specified under~~ comply with sub. (2) (ar) and affix
2 a sticker, as described in sub. (3) (a), to the front side of the license document.

3 **SECTION 7.** 343.175 (1r) (a) 2. and 3. of the statutes are created to read:

4 343.175 (1r) (a) 2. Refuse to make an anatomical gift by signing the front side
5 of the license after completely crossing out the statement making an anatomical gift
6 specified in s. 343.17 (3) (a) 5.

7 3. Amend or revoke an anatomical gift or revoke a refusal to make an
8 anatomical gift in the space provided on the reverse side of the license. A revocation
9 of a refusal to make an anatomical gift under subd. 2. constitutes making an
10 anatomical gift under s. 157.06 (2) (b) and (c) 2.

11 **SECTION 8.** 343.175 (2) (a) of the statutes is amended to read:

12 343.175 (2) (a) ~~Except as provided in par. (ag), a~~ A part of the reverse front side
13 of each license shall be printed to serve as a document of gift under s. 157.06 (2) (b)
14 and (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i) 2.
15 a. Except as provided in par. (ag), a part of the reverse side of each license shall be
16 printed to serve as a statement of amendment or revocation of an anatomical gift or
17 revocation of a refusal to make an anatomical gift under s. 157.06 (2) (f) 5.

18 **SECTION 9.** 343.175 (2) (ag) of the statutes is amended to read:

19 343.175 (2) (ag) The department shall print a separate document to be issued
20 to all persons issued a commercial driver license or a license labeled
21 "CDL-Occupational" as described in s. 343.03 (3) (b) and (e) and make provisions so
22 that the document may be attached to the reverse side of the license document along
23 one edge. This document shall serve as a ~~document of gift under s. 157.06 (2) (b) and~~
24 ~~(c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i)~~

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1 statement of amendment or revocation of an anatomical gift or revocation of a refusal
2 to make an anatomical gift under s. 157.06 (2) (f) 5.

3 **SECTION 10.** 343.175 (2) (ar) of the statutes is amended to read:

4 343.175 (2) (ar) If the person desires to be an organ donor, he or she may so
5 indicate in the space provided on the license by signing the front side of the license
6 in the space following the statement making an anatomical gift specified in s. 343.17
7 (3) (a) 5. without completely crossing out the statement or, if the person has refused
8 to make an anatomical gift by completely crossing out the statement making an
9 anatomical gift specified in s. 343.17 (3) (a) 5. before signing the front side of the
10 license, by revoking the refusal to make an anatomical gift in the space provided on
11 the reverse side of the license. The donor may supply information in the space
12 provided on the reverse side of the license, including the specific body parts or organs
13 to be donated, the name of the donee, the purpose for which the gift is made and the
14 physician whom the donor wishes to carry out the appropriate procedures. The
15 anatomical gift described on the license shall be signed by the licensee.

16 **SECTION 11.** 343.175 (2) (b) of the statutes is amended to read:

17 343.175 (2) (b) The licensee may revoke or amend his or her gift by crossing out
18 or amending the donor authorization in the space provided on the license or as
19 otherwise prescribed in s. 157.06. The licensee may refuse to make an anatomical
20 gift by so indicating in the space provided on the license completely crossing out the
21 statement making an anatomical gift specified in s. 343.17 (3) (a) 5. before signing
22 the front side of the license, or as otherwise prescribed in s. 157.06.

23 **SECTION 12.** 343.175 (4) of the statutes is created to read:

24 343.175 (4) **APPLICABILITY.** This section also applies to identification cards
25 under s. 343.50.

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1 **SECTION 13.** 343.50 (3) of the statutes, as affected by 1997 Wisconsin Act 27,
2 is amended to read:

3 343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as
4 an operator's license but shall be of a design which is readily distinguishable from
5 the design of an operator's license and bear upon it the words "IDENTIFICATION
6 CARD ONLY". The information on the card shall be the same as specified under s.
7 343.17 (3). The card ~~may~~ shall serve as a document of gift ~~under s. 157.06 (2) (b) and~~
8 ~~(e) or refusal as provided in s. 343.175 (2) and the holder may affix a sticker thereto~~
9 ~~as provided in s. 343.175 (3). The card may also serve as a document of refusal to~~
10 ~~make an anatomical gift under s. 157.06 (2) (i).~~ The card shall contain the holder's
11 photograph and, if applicable, shall be of the design specified under s. 343.17 (3) (a)
12 12.

13 **SECTION 14.** 343.50 (4m) (b) of the statutes is renumbered 343.50 (4m) (b) 1.
14 (intro.) and amended to read:

15 343.50 (4m) (b) 1. (intro.) In addition to the inquiry under par. (a), if the
16 applicant is at least 18 years of age, the department shall orally state to the applicant
17 that he or she has the opportunity to ~~indicate~~ do any of the following:

18 a. Indicate his or her willingness to be an organ donor by signing the front side
19 of the identification card in the space following the statement making an anatomical
20 gift specified in s. 343.17 (3) (a) 5. without completely crossing out the statement.

21 2. If the applicant indicates that he or she is undecided in response to the
22 inquiry under par. (a), the department shall provide the applicant with written
23 information that all organ procurement organizations and the department have
24 together developed. If the applicant makes an affirmative response to the inquiry
25 under par. (a), the department shall request at that time that the applicant ~~write on~~

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1 ~~the identification card the information that is required to make an anatomical gift~~
2 ~~under s. 157.06 (2) (b) and (c) comply with s. 343.175 (2) (ar) and affix a sticker thereto~~
3 as provided in s. 343.175 (3).

4 **SECTION 15.** 343.50 (4m) (b) 1. b. and c. of the statutes are created to read:

5 343.50 (4m) (b) 1. b. Refuse to make an anatomical gift by signing the front side
6 of the identification card after completely crossing out the statement making an
7 anatomical gift specified in s. 343.17 (3) (a) 5.

8 c. Amend or revoke an anatomical gift or revoke a refusal to make an
9 anatomical gift in the space provided on the reverse side of the identification card.
10 A revocation of a refusal to make an anatomical gift under subd. 1. b. constitutes
11 making an anatomical gift under s. 157.06 (2) (b) and (c) 2.

12 **SECTION 16. Initial applicability.**

13 (1) This act first applies to licenses and identification cards that are issued by
14 the department of transportation on the effective date of this subsection.

15 **SECTION 17. Effective date.**

16 (1) This act takes effect on the first day of the 7th month beginning after
17 publication.

18 (END)