

SENATE BILL NO. 57

INTRODUCED BY CONOVER

IN THE SENATE

January 7, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
January 9, 1985	Fiscal Note requested.
January 15, 1985	Fiscal Note returned.
January 16, 1985	Committee recommend bill do pass as amended. Report adopted.
January 17, 1985	Bill printed and placed on members' desks.
January 18, 1985	Second reading, do pass.
January 19, 1985	Considered correctly engrossed.
January 21, 1985	Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.

IN THE HOUSE

January 22, 1985	Introduced and referred to Committee on Judiciary.
January 24, 1985	New Fiscal Note requested.
January 28, 1985	New Fiscal Note returned.
March 7, 1985	Committee recommend bill be concurred in. Report adopted.

March 9, 1985

Second reading, concurred in.

On motion, taken from third reading and rereferred to Committee on Appropriations.

March 28, 1985

Committee recommend bill be concurred in. Report adopted.

March 30, 1985

Second reading, concurred in.

April 1, 1985

Third reading, concurred in.

Returned to Senate.

IN THE SENATE

April 1, 1985

Received from House.

April 2, 1985

Sent to enrolling.

Reported correctly enrolled.

1 SENATE BILL NO. 57
2 INTRODUCED BY CONOVER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A DONOR'S
5 STATEMENT UNDER THE UNIFORM ANATOMICAL GIFT ACT ON THE
6 REVERSE OF THE MOTOR VEHICLE OPERATOR'S OR CHAUFFEUR'S
7 LICENSE; AMENDING SECTIONS 61-5-301 AND 72-17-204, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 72-17-204, MCA, is amended to read:
11 "72-17-204. Manner of executing gift -- effectiveness.

12 (1) A gift of all or part of the body under 72-17-201(1) may
13 be made by will. The gift becomes effective upon the death
14 of the testator without waiting for probate. If the will is
15 not probated or if it is declared invalid for testamentary
16 purposes, the gift, to the extent that it has been acted
17 upon in good faith, is nevertheless valid and effective.

18 (2) (a) A gift of all or part of the body under
19 72-17-201(1) may also be made by document other than a will.
20 The gift becomes effective upon the death of the donor.

21 (b) The document ~~which~~ may be a card designed to be
22 carried on the person and must be signed by the donor in
23 the presence of two witnesses who must sign the document in
24 his presence. If the donor cannot sign, the document may be
25 signed for him at his direction and in his presence in the

1 presence of two witnesses who must sign the document in his
2 presence. Delivery of the document of gift during the
3 donor's lifetime is not necessary to make the gift valid.

4 (c) The document may be a statement provided on the
5 reverse side of the person's Montana motor vehicle
6 operator's or chauffeur's license. The statement must be
7 signed by the owner of the operator's or chauffeur's license
8 in the presence of two witnesses who must sign the statement
9 in the presence of the donor. Delivery of the license during
10 the owner's lifetime is not necessary to make the gift
11 valid. The gift is invalidated upon expiration,
12 cancellation, revocation, or suspension of the license, and
13 the gift must be renewed upon renewal of each operator's or
14 chauffeur's license.

15 (3) Any gift by a person designated in 72-17-201(2)
16 shall be made by a document signed by him or made by his
17 telegraphic, recorded telephonic, or other recorded
18 message."

19 Section 2. Section 61-5-301, MCA, is amended to read:

20 "61-5-301. Indication Statement of anatomical gift on
21 driver's license of--intent--to--make-anatomical-gift. The
22 department of justice shall provide on the reverse of each
23 operator's or chauffeur's license a space-for-indicating
24 when statement whereby the licensee has-executed may execute
25 a document under 72-17-204 of intent to make a gift of all



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1 or part of his body under the Uniform Anatomical Gift Act.
2 The department shall also furnish the licensee a means of
3 revoking the document of gift upon the license."

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 041-85

Form BD-15

In compliance with a written request received January 09, 19 85, there is hereby submitted a Fiscal Note for S.B. 57 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

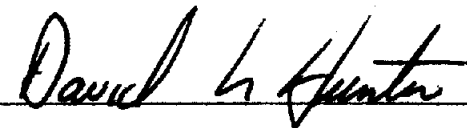
Senate Bill 57 directs the Department of Justice, Motor Vehicle Division, to provide a statement on the reverse side of an individual's Montana Motor Vehicle Operator's or Chauffer's License whereby they may choose to donate an antatomatical gift.

ASSUMPTIONS:

1. The type and process for making driver licenses will have to be changed in order to comply with the proposed legislation.
2. The current process for making driver's license is automated and the equipment used in laminating will not accept another thickness.
3. The intent of the proposed legislation can be accomplished by manually laminating licenses of those individuals desiring to donate an anatomical gift.
4. The volume of individuals wishing to use this program is estimated to be 100 per month.
5. Will require .25 FTE (grade 6, step 2) to hand laminate those licenses which will have the anatomical gift declaration and to perform the necessary record keeping.
6. Cost of rent, utilities, postage, office equipment and other costs associated with the program other than those listed in fiscal impact will be absorbed.
7. A hand laminator and diecutter will have to be purchased to accomplish the program.

FISCAL IMPACT:

	<u>FY 1986</u>	<u>FY 1987</u>	<u>Total Biennium</u>
Personal Services	\$ 3,527	\$ 3,528	\$ 7,055
Printing	2,000	1,000	3,000
Office Supplies	500	500	1,000
Maintenance		500	500
Equipment	7,500		7,500
Total Cost To General Fund	<u>\$13,527</u>	<u>\$ 5,528</u>	<u>\$19,055</u>



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: JAN 14, 1985

STATE OF MONTANA
FISCAL NOTE

Amended
REQUEST NO. FNN 041-85
Form BD-15

In compliance with a written request received January 24, 19 85, there is hereby submitted a Fiscal Note for Amended S. B. 57 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 57, as amended, provides for the attachment of a donor's statement under the Uniform Anatomical Gift Act, to the back of the Motor Vehicle Operator's or Chauffeur's license and directs the Department of Justice, Motor Vehicle Division, to provide each driver's license applicant with printed information regarding this section and to provide a sticker to each applicant desiring to be a donor.

ASSUMPTIONS:

1. There are approximately 162,500 driver licenses and 11,500 duplicate driver's licenses issued each year.
2. Each applicant will be given a pamphlet explaining the Uniform Anatomical Gift Act.
3. Each applicant, who after reading the pamphlet, desires a sticker to affix to the back of his/her driver's license, will be given one.
4. It would be the responsibility of the applicant, using instructions provided in the pamphlet, to properly fill out and place the sticker on the back of the driver's license.

FISCAL IMPACT:

	<u>FY 1986</u>	<u>FY 1987</u>	<u>Biennium</u>
General Fund:			
Operating Expense:			
Printing	\$ 5,500	\$ 5,500	\$ 11,000

David L Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 28, 1985
Amended S B 57

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

SENATE BILL NO. 57

INTRODUCED BY CONOVER

A BILL FOR AN ACT ENTITLED: "AN ACT ~~AUTHORIZING~~ PROVIDING
FOR THE ATTACHMENT OF A DONOR'S STATEMENT UNDER THE UNIFORM
ANATOMICAL GIFT ACT ON TO THE REVERSE BACK OF THE MOTOR
VEHICLE OPERATOR'S OR CHAUFFEUR'S LICENSE; AMENDING SECTIONS
61-5-301 AND 72-17-204, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 72-17-204, MCA, is amended to read:

"72-17-204. Manner of executing gift -- effectiveness.

(1) A gift of all or part of the body under 72-17-201(1) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(2) (a) A gift of all or part of the body under 72-17-201(1) may also be made by document other than a will. The gift becomes effective upon the death of the donor.

(b) The document, which may be a card designed to be carried on the person, and must be signed by the donor in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be

signed for him at his direction and in his presence in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

~~(c) The document may be a statement provided--on ATTACHED TO the reverse side of the person's Montana motor vehicle operator's or chauffeur's license. The statement must be signed by the owner of the operator's or chauffeur's license in the presence of two witnesses who must sign the statement in the presence of the donor. Delivery of the license during the owner's lifetime is not necessary to make the gift valid. The gift is invalidated upon expiration, cancellation, revocation, or suspension of the license, and the gift must be renewed upon renewal of each operator's or chauffeur's license.~~

(3) Any gift by a person designated in 72-17-201(2) shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message."

Section 2. Section 61-5-301, MCA, is amended to read:

"61-5-301. ~~Indication~~ Statement--of--anatomical--gift INDICATION on driver's license ~~of intent to make anatomical gift~~ OF INTENT TO MAKE ANATOMICAL GIFT. (1) The department of justice shall provide on ~~the reverse of~~ each operator's or chauffeur's license a ~~space for indicating when~~ statement

1 whereby SPACE FOR INDICATING WHEN the licensee has-executed
2 may-execute HAS EXECUTED a document under 72-17-204 of
3 intent to make a gift of all or part of his body under the
4 Uniform Anatomical Gift Act.

5 (2) THE DEPARTMENT SHALL PROVIDE EACH APPLICANT, AT
6 THE TIME OF APPLICATION, PRINTED INFORMATION CALLING THE
7 APPLICANT'S ATTENTION TO THE PROVISIONS OF THIS SECTION, AND
8 EACH APPLICANT MUST BE GIVEN AN OPPORTUNITY TO INDICATE IN
9 THE SPACE PROVIDED UNDER SUBSECTION (1) HIS INTENT TO MAKE
10 AN ANATOMICAL GIFT.

11 (3) THE DEPARTMENT SHALL ISSUE TO EVERY APPLICANT WHO
12 INDICATES SUCH AN INTENT A STATEMENT WHICH, WHEN SIGNED BY
13 THE LICENSEE IN THE MANNER PRESCRIBED IN 72-17-204,
14 CONSTITUTES A DOCUMENT OF ANATOMICAL GIFT. THIS STATEMENT
15 MUST BE PRINTED ON A STICKER THAT THE DONOR MAY ATTACH
16 PERMANENTLY TO THE BACK OF HIS DRIVER'S LICENSE.

17 (4) The department shall also furnish the licensee a
18 means of revoking the document of gift upon the license."

-End-

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17 purposes, the gift, to the extent that it has been acted
18 upon in good faith, is nevertheless valid and effective.

19 (2) (a) A gift of all or part of the body under
20 72-17-201(1) may also be made by document other than a will.
21 The gift becomes effective upon the death of the donor.

22 (b) The document, which may be a card designed to be
23 carried on the person, and must be signed by the donor in
24 the presence of two witnesses who must sign the document in
25 his presence. If the donor cannot sign, the document may be

1 signed for him at his direction and in his presence in the
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4 donor's lifetime is not necessary to make the gift valid.

5 (c) The document may be a statement provided--on
6 ATTACHED TO the reverse side of the person's Montana motor
7 vehicle operator's or chauffeur's license. The statement
8 must be signed by the owner of the operator's or chauffeur's
9 license in the presence of two witnesses who must sign the
10 statement in the presence of the donor. ~~Delivery of the~~
11 ~~license during the owner's lifetime is not necessary to make~~
12 ~~the gift valid. The gift--is--invalidated--upon--expiration,~~
13 ~~cancellation,--revocation,--or--suspension--of--the--license,--and~~
14 ~~the gift must be renewed upon renewal of each operator's--or~~
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