

## CHAPTER 16

( SB 30 )

AN ACT relating to motor vehicle registration and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *Any person applying online for motor vehicle registration renewal shall be requested by the cabinet, at the time of renewal, to make a voluntary donation to promote an organ donor program.*
- (b) *A county clerk may ask any person applying for an initial or renewal motor vehicle registration to make a voluntary donation to promote an organ donor program.*
- (2) *Any donation under this section shall be added to the regular fee for motor vehicle registration renewal.*
- (3) (a) *Any donation made under paragraph (a) of subsection (1) of this section shall be paid to the cabinet and shall be forwarded by the cabinet on a monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such moneys are hereby appropriated to be used exclusively for the purpose of promoting an organ donor program. A donation under this section shall be voluntary and may be refused by the applicant at the time of online renewal.*
- (b) *Any donation made under paragraph (b) of subsection (1) of this section shall be paid to the county clerk and forwarded by the county clerk on a monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such moneys are hereby appropriated to be used exclusively for the purpose of promoting an organ donor program. A donation under this section shall be voluntary and may be refused by the applicant at the time of application.*
- (4) (a) *The cabinet shall provide an opportunity for any person applying for online motor vehicle registration renewal to express willingness to make an anatomical gift under Section 2 of this Act. If a person who has made a declaration under this subsection wishes to rescind that declaration, that person shall notify the Kentucky Circuit Court Clerks' Trust for Life, which shall remove the person from their records.*
- (b) *A county clerk may provide an opportunity for any person applying for initial or renewal motor vehicle registration, to express willingness to make an anatomical gift under Section 2 of this Act. If a person who has made a declaration under this subsection wishes to rescind that declaration, that person shall notify the Kentucky Circuit Court Clerks' Trust for Life, which shall remove the person from their records.*
- (5) *The Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of this section.*

➔Section 2. KRS 311.1917 is amended to read as follows:

- (1) A donor may make an anatomical gift:
  - (a) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;
  - (b) *By authorizing a statement through the motor vehicle registration process under Section 1 of this Act;*
  - (c)~~(b)~~ In a will;
  - (d)~~(c)~~ During a terminal illness or injury of the donor, by any form of communication addressed to at least two (2) adults, at least one (1) of whom is a disinterested witness; or
  - (e)~~(d)~~ As provided in subsection (2) of this section.
- (2) A donor or other person authorized to make an anatomical gift under KRS 311.1915 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If

the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and shall:

- (a) Be witnessed by at least two (2) adults, at least one (1) of whom is a disinterested witness, who have signed at the request of the donor or the other person; and
  - (b) State that it has been signed and witnessed as provided in paragraph (a) of this subsection.
- (3) Revocation, suspension, expiration, or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.
  - (4) An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.
  - (5) The making of an anatomical gift shall not under any circumstances be construed to authorize or direct the denial of health care or hydration and nourishment when the withholding or withdrawal of health care or hydration and nourishment will result in or hasten death.

**Signed by Governor March 10, 2022.**