

CHAPTER 226

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 96-1138

BY REPRESENTATIVES Sullivan, Armstrong, DeGette, Jerke, Kerns, Lamm, Lawrence, Leyba, Morrison, Schwarz, and Tucker; also SENATORS Coffman, Dennis, Hernandez, Hopper, Johnson, Lacy, Linkhart, Martinez, Pascoe, L. Powers, Rupert, Thiebaut, and Wham.

AN ACT**CONCERNING THE PROMOTION OF ORGAN AND TISSUE DONATION, AND MAKING APPROPRIATIONS IN CONNECTION THEREWITH.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 42-2-107 (4), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to organ and tissue donation awareness fund. (4) (a) The department shall provide on the front side of each driver's license or provisional driver's license a space for indicating when the licensee has made an anatomical gift pursuant to part 1 of article 34 of title 12, C.R.S. The department shall also provide on the reverse side of such license a card as provided in section 12-34-105 (5) (a), C.R.S.

(b) (I) (A) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT THE AVAILABILITY OF HUMAN ORGANS AND TISSUE BY VOLUNTARY DESIGNATION OF DONORS UNDER THE PROVISIONS OF THE "UNIFORM ANATOMICAL GIFT ACT", PART 1 OF ARTICLE 34 OF TITLE 12, C.R.S., IS CRITICAL FOR ADVANCEMENTS IN MEDICAL SCIENCE TO OCCUR AND FOR THE SUCCESSFUL USE OF VARIOUS MEDICAL TREATMENTS TO SAVE AND PROLONG LIVES.

(B) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND DECLARES THAT STATE GOVERNMENT SHOULD PLAY A ROLE IN INCREASING THE AVAILABILITY OF HUMAN ORGANS AND TISSUE TO PROCUREMENT AGENCIES, AS DEFINED IN SECTION 12-34-102 (7.5), C.R.S., BY ACTING AS A CONDUIT TO MAKE MONEYS AVAILABLE FOR PROMOTING ORGAN AND TISSUE DONATION, AND THAT THIS ROLE CONSTITUTES A

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PUBLIC PURPOSE.

(II) THERE IS HEREBY CREATED IN THE STATE TREASURY THE ORGAN AND TISSUE DONATION AWARENESS FUND, WHICH SHALL CONSIST OF ALL MONEYS CREDITED THERETO FROM ALL SOURCES INCLUDING BUT NOT LIMITED TO MONEYS COLLECTED FROM VOLUNTARY CONTRIBUTIONS FOR ORGAN AND TISSUE DONATION PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH (b) AND SECTION 42-2-118 (1) (a) (II). ALL MONEYS IN THE FUND AT THE END OF ANY FISCAL YEAR, AFTER APPROPRIATIONS MADE PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (b), SHALL REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SET FORTH IN SUBPARAGRAPH (III) OF THIS PARAGRAPH (b) AND SHALL NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND. IN ACCORDANCE WITH SECTION 24-36-114, C.R.S., ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF THIS FUND SHALL BE CREDITED TO THE GENERAL FUND. AT THE END OF EACH FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ALL DESIGNATED MONEYS IN THE ORGAN AND TISSUE DONATION AWARENESS FUND TO THE TRANSPLANT COUNCIL OF THE ROCKIES (TCOR), AS DIRECTED BY SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (b).

(III) THE GENERAL ASSEMBLY SHALL APPROPRIATE ANNUALLY FROM THE ORGAN AND TISSUE DONATION AWARENESS FUND:

(A) TO THE TRANSPLANT COUNCIL OF THE ROCKIES (TCOR), SUCH AMOUNT AS IS NECESSARY TO PROVIDE FUNDING FOR ACTIVITIES TO PROMOTE ORGAN AND TISSUE DONATION THROUGH THE CREATION AND DISSEMINATION, BY MEANS OF ELECTRONIC MEDIA AND OTHERWISE, OF EDUCATIONAL INFORMATION INCLUDING PUBLIC SERVICE ANNOUNCEMENTS AND INFORMATION TO INCREASE AWARENESS IN THE MEDICAL PROFESSIONS AND RELATED FIELDS. THE TRANSPLANT COUNCIL OF THE ROCKIES (TCOR) SHALL CREATE, BY AMENDMENT TO ITS ARTICLES OF INCORPORATION OR BYLAWS OR OTHERWISE, AS APPROPRIATE, AN ADVISORY GROUP TO ALLOCATE MONEYS RECEIVED PURSUANT TO THIS SUB-SUBPARAGRAPH (A). SUCH ADVISORY BODY SHALL INCLUDE A REPRESENTATIVE OF ANY QUALIFIED TRANSPLANT ORGANIZATION. SUCH ORGANIZATIONS SHALL INCLUDE THOSE FOR ORGANS, TISSUE, BONE MARROW, AND BLOOD. THE ADVISORY BODY CREATED UNDER THIS SUB-SUBPARAGRAPH (A) SHALL REPORT IN WRITING IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT AND AT SUCH INTERVALS AS REQUIRED BY THE DEPARTMENT ON THE USE OF MONEYS RECEIVED UNDER THIS SUB-SUBPARAGRAPH (A). NO MONEYS MADE AVAILABLE PURSUANT TO THIS PARAGRAPH (b) SHALL BE USED TO ENCOURAGE FETAL TISSUE DONATION.

(B) TO THE DEPARTMENT OF REVENUE ITS COSTS OF ADMINISTERING MONEYS DESIGNATED AS CONTRIBUTIONS TO THE FUND PURSUANT TO THIS PARAGRAPH (b).

(IV) APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (b) SHALL NOT EXCEED MONEYS IN THE ORGAN AND TISSUE DONATION AWARENESS FUND THAT ARE AVAILABLE FOR APPROPRIATION.

(V) AN APPLICANT MAY MAKE A DONATION OF ONE DOLLAR TO THE ORGAN AND TISSUE DONATION AWARENESS FUND, CREATED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), TO PROMOTE THE DONATION OF ORGANS AND TISSUES UNDER THE PROVISIONS OF THE "UNIFORM ANATOMICAL GIFT ACT", PART 1 OF ARTICLE 34 OF

TITLE 12, C.R.S. THE DEPARTMENT SHALL COLLECT SUCH DONATIONS AND TRANSMIT THEM TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE ORGAN AND TISSUE DONATION AWARENESS FUND. THE DONATION PRESCRIBED IN THIS SUBPARAGRAPH (V) IS VOLUNTARY AND MAY BE REFUSED BY THE APPLICANT. THE DEPARTMENT SHALL MAKE AVAILABLE INFORMATIONAL BOOKLETS OR OTHER INFORMATIONAL SOURCES ON THE IMPORTANCE OF ORGAN AND TISSUE DONATIONS TO APPLICANTS AS DESIGNED AND APPROVED BY THE ADVISORY BODY CREATED UNDER SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (b). THE DEPARTMENT SHALL INQUIRE OF EACH APPLICANT AT THE TIME THE COMPLETED APPLICATION IS PRESENTED WHETHER THE APPLICANT IS INTERESTED IN MAKING THE ONE DOLLAR DONATION PRESCRIBED IN THIS SUBPARAGRAPH (V) AND SHALL ALSO SPECIFICALLY INFORM THE APPLICANT OF THE OPTION FOR ORGAN AND TISSUE DONATIONS BY COMPLETING THE CARD ON THE REVERSE SIDE OF THE LICENSE AS PROVIDED IN SECTION 12-34-105 (5) (a), C.R.S.

(VI) THE PROVISIONS OF ARTICLE 16 OF TITLE 6, C.R.S., SHALL NOT APPLY TO THE ACTIVITIES OF THE DEPARTMENT UNDER THIS PARAGRAPH (b).

(VII) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 1999.

SECTION 2. 42-2-118 (1) (a), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-2-118. Renewal of license - donations to organ and tissue donation awareness fund. (1) (a) (I) Every license issued under section 42-2-114 shall be renewable prior to its expiration, upon application in person, payment of the required fee, passing of an eye test, passing of such other examinations as the applicant's physical limitations or driver's record indicates to be desirable, and payment of any penalty assessment, fine, cost, or forfeiture as prescribed by subsection (3) of this section.

(II) (A) AN APPLICANT MAY MAKE A DONATION OF ONE DOLLAR TO THE ORGAN AND TISSUE DONATION AWARENESS FUND, CREATED IN SECTION 42-2-107 (4) (b) (II), TO PROMOTE THE DONATION OF ORGANS AND TISSUES UNDER THE PROVISIONS OF THE "UNIFORM ANATOMICAL GIFT ACT", PART 1 OF ARTICLE 34 OF TITLE 12, C.R.S. THE DEPARTMENT SHALL COLLECT SUCH DONATIONS AND TRANSMIT THEM TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE ORGAN AND TISSUE DONATION AWARENESS FUND. THE DONATION PRESCRIBED IN THIS SUB-SUBPARAGRAPH (A) IS VOLUNTARY AND MAY BE REFUSED BY THE APPLICANT. THE DEPARTMENT SHALL MAKE AVAILABLE INFORMATIONAL BOOKLETS OR OTHER INFORMATIONAL SOURCES ON THE IMPORTANCE OF ORGAN AND TISSUE DONATIONS TO APPLICANTS AS DESIGNED AND APPROVED BY THE ADVISORY BODY CREATED UNDER SECTION 42-2-107 (4) (b) (III) (A). THE DEPARTMENT SHALL INQUIRE OF EACH APPLICANT AT THE TIME THE COMPLETED APPLICATION IS PRESENTED WHETHER THE APPLICANT IS INTERESTED IN MAKING THE ONE DOLLAR DONATION PRESCRIBED IN THIS SUB-SUBPARAGRAPH (A) AND SHALL ALSO SPECIFICALLY INFORM THE APPLICANT OF THE OPTION FOR ORGAN AND TISSUE DONATIONS BY COMPLETING THE CARD ON THE REVERSE SIDE OF THE LICENSE AS PROVIDED IN SECTION 12-34-105 (5) (a), C.R.S.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 1999.

SECTION 3. 6-16-103 (1) and (5), Colorado Revised Statutes, 1992 Repl. Vol., are amended to read:

6-16-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Charitable organization" means any person who is or holds himself out to be established for any benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy, public health, environmental conservation, civic, or other eleemosynary purpose, any person who operates for the benefit of the objectives of law enforcement officers, fire fighters, other persons who protect the public safety, or veterans, or any person who in any manner employs a charitable appeal or an appeal which suggests that there is a charitable purpose as the basis for any solicitation. "CHARITABLE ORGANIZATION" DOES NOT INCLUDE THE DEPARTMENT OF REVENUE COLLECTING VOLUNTARY CONTRIBUTIONS FOR ORGAN AND TISSUE DONATIONS UNDER THE PROVISIONS OF SECTIONS 42-2-107 (4) (b) (V) AND 42-2-118 (1) (a) (II), C.R.S.

(5) "Contribution" means the grant, promise, or pledge of money, credit, property, financial assistance, or any other thing of value in response to a solicitation. "Contribution" does not include VOLUNTARY CONTRIBUTIONS FOR ORGAN AND TISSUE DONATIONS UNDER THE PROVISIONS OF SECTIONS 42-2-107 (4) (b) (V) AND 42-2-118 (1) (a) (II), C.R.S., AND bona fide fees, dues, or assessments paid by members of a charitable organization if membership is not conferred primarily as consideration for making a contribution in response to a solicitation.

SECTION 4. 6-16-103 (7), Colorado Revised Statutes, 1992 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6-16-103. Definitions. As used in this article, unless the context otherwise requires:

(7) "Paid solicitor" or "professional fund raiser" means a person who, for monetary compensation, performs any service in which contributions will be solicited in this state by such compensated person or by any compensated person he employs, procures, or engages, directly or indirectly, to solicit for contributions. The following persons are not "paid solicitors" or "professional fund raisers":

(e) ANY EMPLOYEE OF THE DEPARTMENT OF REVENUE COLLECTING VOLUNTARY CONTRIBUTIONS FOR ORGAN AND TISSUE DONATIONS UNDER THE PROVISIONS OF SECTIONS 42-2-107 (4) (b) (V) AND 42-2-118 (1) (a) (II), C.R.S.

SECTION 5. Appropriations. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the organ and tissue donation awareness fund created in section 42-2-107 (4) (b) (II), Colorado Revised Statutes, not otherwise appropriated, to the department of revenue, for the fiscal year beginning July 1, 1996, the sum of ten thousand eight hundred dollars (\$10,800), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the organ and tissue donation awareness fund created in section 42-2-107

(4) (b) (II), Colorado Revised Statutes, not otherwise appropriated, to the department of the treasury for allocation to the Transplant Council of the Rockies (TCOR), for the fiscal year beginning July 1, 1996, the sum of one hundred forty-one thousand seven hundred fifty dollars (\$141,750), or so much thereof as may be necessary, for the implementation of this act.

SECTION 6. Effective date. This act shall take effect July 1, 1996.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 1996