

**NEBRASKA ADMINISTRATIVE CODE**

**TITLE 248, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 3**

**NEBRASKA DEPARTMENT OF MOTOR VEHICLES**

**RULES AND REGULATIONS GOVERNING DONATION OF ANATOMICAL GIFTS ORGANS AND TISSUES BY NOTATION ON DRIVER'S LICENSE OR STATE IDENTIFICATION CARD, NEB. REV. STAT. §§ 60-493, 60-494, 60-495, 60-4,144, 60-4,181 AND THE REVISED UNIFORM ANATOMICAL GIFT ACT NEB. REV. STAT. §§ 71-4802 AND 71-4804.**

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NEBRASKA DEPARTMENT OF MOTOR VEHICLES  
Nebraska Department of Motor Vehicles

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LAST EFFECTIVE DATE: October 7, 1998.

~~CHAPTER 3—RULES AND REGULATIONS GOVERNING DONATION OF ANATOMICAL GIFTS~~ORGANS AND TISSUES BY NOTATION ON DRIVER'S LICENSE OR STATE IDENTIFICATION CARD, NEB. REV. STAT. §§ 60-493, 60-494, 60-495, 60-4,144, 60-4,181 AND THE REVISED UNIFORM ANATOMICAL GIFT ACT NEB. REV. STAT. §§ 71-4802 AND 71-4804.

**001 SCOPE.** These rules and regulations govern the Nebraska Department of Motor Vehicles' procedures for ~~donation of anatomical gifts~~organ and tissue donations pursuant to Neb. Rev. Stat. §§ 60-493, 60-494, 60-495, 60-4,144, 60-4,181 and the Revised Uniform Anatomical Gift Act Neb. Rev. Stat. §§ 71-4802 and 71-4804.

**002 DEFINITIONS.**

**002.01 Application** means an application blank for a new, renewal, revised, or duplicate state identification card or operator's license.

**002.02 Department** means the Nebraska Department of Motor Vehicles.

**002.03 Director** means the Director of the Nebraska Department of Motor Vehicles.

**002.04 Donee** means the recipient of an anatomical donation.

**002.054 Donor** means an individual who makes a gift of all or part of his or her bodyan organ or tissue donation.

**002.06 Gift** means the act of making an anatomical donation.

**002.075 Operator's or driver's license** ~~shall means~~ any license or permit to operate a motor vehicle issued under the laws of this state, including any replacement or duplicate license or instruction permit.

**002.08 Part** includes ~~organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of a human body, and parts~~ includes parts.

**002.096 State Identification Card** ~~shall means~~ an identification card issued under the laws of this state, including a replacement or duplicate card.

**003 DONOR.**

~~**003.01 Qualifications.** Any individual of sound mind may give all or any part of his or her body for specific purposes as described in Neb. Rev. Stat. § 71-4803 and 003.02.~~

~~**003.02 Purpose for Donation.** The purpose of an anatomical donation must fall into one or more of the following categories:~~

~~**003.02A Education, Research or Scientific Advancement.** For medical or dental education, research, advancement of medical or dental science, therapy or transplantation, if the donee is any hospital, surgeon, or physician;~~

~~**003.02B Education, Research or Scientific Advancement.** For education, research, advancement of medical or dental science or therapy, if the donee is an accredited medical or dental school, college or university;~~

~~**003.02C Education, Research or Scientific Advancement.** For medical or dental education, research, advancement of medical or dental science, therapy or transplantation if the donee is the State Anatomical Board, any bank or storage facility; or~~

~~**003.02D Therapy or Transplantation.** For therapy or transplantation to any specified individual who needs it.~~

~~**003.03 Restrictions upon Donations.** The donee shall not accept the gift if the donee has actual notice that the decedent did not wish to donate or that the gift is opposed by the decedent's next of kin, guardian, or other person as listed in Neb. Rev. Stat. § 71-4802.~~

**0043 APPLICATION.**

~~**0043.01 Form.** Application for a new or renewal operator's license or state identification card shall be made upon uniform blanks prepared and furnished by the Director to the examiners of the Department.~~

~~**0043.02 Contents.** Every application for an operator's license or state identification card made to the Department shall include the following in regards to anatomical gifts organ and tissue donations:~~

OPTIONAL – YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING QUESTIONS:

1. Do you wish to make be an anatomical gift organ and tissue donor?\* If so, please complete the following:

— I give:

- ~~\_\_\_\_\_ (i) \_\_\_\_\_ any needed organs or tissues.~~
- ~~\_\_\_\_\_ (ii) \_\_\_\_\_ only the following organs or tissues \_\_\_\_\_  
(specify the organ or tissue) for transplantation, therapy, or medical or dental  
education or research.~~
- ~~\_\_\_\_\_ (iii) \_\_\_\_\_ my body for anatomical study if needed.\*\* Limitations or special wishes  
if any \_\_\_\_\_~~

2. Do you wish to receive any additional specific information regarding anatomical gifts organ and tissue donation and the Donor Registry of Nebraska? \_\_\_\_\_
3. Do you wish to donate \$1.00 to promote the Organ and Tissue Donor Awareness and Education Fund?

~~\*An anatomical gift means a gift of all or any part of your body for transplantation, therapy, or medical or dental education or research. For purposes of an anatomical gift, parts of your body include organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of a human body. You may make an anatomical gift if you are of sound mind. The anatomical gift is effective upon your death and the consent of your next of kin, guardian, or other person as listed in section 71-4802.~~

~~\*\*In order for you to donate your body to the State Anatomical Board, you must complete a bequeathal form which is available from the board.~~

~~Signature of Donor~~

\_\_\_\_\_  
Date of Birth of Donor

~~Date Signed~~

\_\_\_\_\_  
City and State

~~Witness~~

\_\_\_\_\_  
Witness

**0043.03 Brochure.** The county treasurer or ~~examinera~~ staff person of the Department of ~~Motor Vehicles~~ shall distribute a brochure provided by an organ and tissue recovery agency and approved by the Department of Health and Human Services containing a description and explanation of the Revised Uniform Anatomical Gift Act to each person who applies for a new or renewal operator's license or state identification card.

**0043.04 Specific Information.** If an individual desires to receive additional specific information regarding ~~anatomical gifts~~ organ and tissue donations as indicated on an application, the Department shall notify a Nebraska Organ Retrieval System

representative of the name and address of such individual within five (5) working days of the date of entry into the Department's records.

~~004.05 Witnesses. Each examiner or county official is required to act as a witness to the signing of the donor's application for a operator's license or state identification card. Two (2) witnesses are required.~~

~~0043.065 Renewal. At the time of renewal of an operator's license or state identification card which has been used to make an anatomical gift organ and/or tissue donation, the gift donation will be renewed only if the licensee or cardholder affirmatively completes the portion of the application form which indicates his or her desire to make an anatomical gift organ and/or tissue donation and his or her signing of the form is witnessed as required by 004.05. An anatomical gift organ and/or tissue donation is not automatically renewed with the mere renewal of an operator's license or state identification card.~~

**0054 NOTATION OF DONATION ON LICENSE OR IDENTIFICATION CARD.** Each operator's license and state identification card shall include a special notation on the front of the license or card if the licensee or cardholder indicates on the application or examiner's certificate under Neb. Rev. Stat. §§ 60-484, 60-4,144, or 60-4,181 his or her wish to be an organ donor, a tissue donor, or both and the licensee or cardholder is at least 16 years of age or older.

~~005.01 License. Each operator's license and state identification card shall provide the following anatomical gift information on the licensee or cardholder:~~

~~005.01A Notation. The special notification indicating that the licensee or cardholder is a potential donor shall be on the front of the card.~~

~~The following information shall be on the back of the license or identification card:~~

~~005.01B Statement of Donation. The statement: "I do hereby make an anatomical gift effective on my death" shall be at the top of the back, followed by~~

~~005.01C Signature. A dated signature of the licensee or cardholder;~~

~~005.01D Designation of Tissues. A designation as to which body organs or tissues may be donated;~~

~~005.04E Witnesses. The signatures of two (2) witnesses who witnessed the signature of the licensee or cardholder.~~

~~005.04F Other Information. Such other information as the Director may determine may be placed on the operator's license or state identification card.~~

**005.02 Special Notification.** A special notification, "Organ Donor", shall be included on the front of the operator's license or state identification card if the licensee or cardholder desires to make an anatomical gift. No licensee or cardholder shall be

~~deemed to have authorized an anatomical gift if the special notation has not been marked.~~

~~**005.03 Special Notification Completion.** If an individual wishes to be a donor, and has indicated this by so marking question #1 on the application, "YES" shall be typed on the front of the license in the special notification "Organ Donor".~~

~~If question #1 is marked "NO" or left blank, the special notification "Organ Donor" on the front of the license shall be left blank.~~

**0065 STATUS CHANGE.**

~~**0065.01 Donor.** Any person whose operator's license or state identification card indicates that he or she desires to make an anatomical gift this or her status as an organ donor, a tissue donor, or both, may obtain a replacement license or card changing his or her status to that of a non-donor without a notation of such status. The fee for such replacement license or card shall be ~~\$5.00~~ the fee provided in Neb. Rev. Stat. § 60-4115.~~

~~**0065.02 Non-donor.** Any person whose operator's license or state identification card indicates that he or she does not desire to make an anatomical gift organ and/or tissue donation may obtain a replacement operator's license or state identification card changing his or her status to that of a donor. The fee for such replacement license or card shall be ~~\$5.00~~ the fee provided in Neb. Rev. Stat. § 60-4115.~~

~~**005.03 Change of Status.** A licensee or cardholder may also change his or her status as a donor by (a) Internet access to the Donor Registry of Nebraska, (b) telephone request to the registry, or (c) other methods approved by the federally designated organ procurement organization in Nebraska.~~

**006 DONATIONS.**

~~**006.01 Fees.** All \$1.00 donations designated for the Organ and Tissue Donor Awareness and Education Fund which are collected by the county treasurers and transferred to the State Treasurer as part of the licensing fee will be administered by the Department of Health and Human Services according to the purposes set forth in Neb. Rev. Stat. § 60-495.~~

~~**006.02 Information Transfer.** The Department shall electronically transfer to the Donor Registry of Nebraska all information which appears on the face of an original or replacement operator's license or state identification card except the image and signature of each person whose license or card includes the notation described in 004 of these rules and regulations.~~

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**007** **EFFECTIVE DATE.** A donation becomes effective upon the donor's death and the consent of the donor's next of kin, guardian, or other person as listed in Neb. Rev. Stat. § 71-4802.