

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 474

Human Resources Senate Committee Substitute Adopted 6/20/89

Short Title: Human Tissue Transportation.

(Public)

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Sponsors:

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Referred to:

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March 7, 1989

A BILL TO BE ENTITLED

1 AN ACT TO REDEFINE VEHICLES USED IN THE TRANSPORTATION OF  
2 HUMAN TISSUES AND ORGANS FOR TRANSPLANTATION, AND TO  
3 CLARIFY THE LAW PERTAINING TO HOSPITAL ORGAN PROCUREMENT  
4 PROTOCOLS.  
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 20-125(b) reads as rewritten:

8 "(b) Every vehicle owned and operated by a police department or by the  
9 Department of Crime Control and Public Safety including the State Highway Patrol or  
10 by the Wildlife Resources Commission or the Division of Marine Fisheries and used  
11 exclusively for law enforcement purposes, or by a fire department, either municipal or  
12 rural, or by a fire patrol, whether such fire department or patrol be a paid organization or  
13 a voluntary association, vehicles ~~designed, equipped and used exclusively for the~~ used by  
14 an organ procurement organization or agency for the recovery and transportation of  
15 human tissues and organs for transplantation, and every ambulance used for answering  
16 emergency calls, shall be equipped with special lights, bells, sirens, horns or exhaust  
17 whistles of a type approved by the Commissioner of Motor Vehicles.

18 The operators of all such vehicles so equipped are hereby authorized to use such  
19 equipment at all times while engaged in the performance of their duties and services,  
20 both within their respective corporate limits and beyond.

21 In addition to the use of special equipment authorized and required by this  
22 subsection, the chief and assistant chiefs of any police department or of any fire  
23 department, whether the same be municipal or rural, paid or voluntary, county fire

1 marshals, assistant fire marshals, transplant coordinators, and emergency management  
2 coordinators, are hereby authorized to use such special equipment on privately owned  
3 vehicles operated by them while actually engaged in the performance of their official or  
4 semiofficial duties or services either within or beyond their respective corporate limits.

5 And vehicles driven by inspectors in the employ of the North Carolina Utilities  
6 Commission shall be equipped with a bell, siren, or exhaust whistle of a type approved  
7 by the Commissioner, and all vehicles owned and operated by the State Bureau of  
8 Investigation for the use of its agents and officers in the performance of their official  
9 duties may be equipped with special lights, bells, sirens, horns or exhaust whistles of a  
10 type approved by the Commissioner of Motor Vehicles.

11 Every vehicle used or operated for law enforcement purposes by the sheriff or any  
12 salaried deputy sheriff or salaried rural policeman of any county, whether owned by the  
13 county or not, may be, but is not required to be, equipped with special lights, bells,  
14 sirens, horns or exhaust whistles of a type approved by the Commissioner of Motor  
15 Vehicles. Such special equipment shall not be operated or activated by any person  
16 except by a law enforcement officer while actively engaged in performing law  
17 enforcement duties.

18 In addition to the use of special equipment authorized and required by this  
19 subsection, the chief and assistant chiefs of each emergency rescue squad which is  
20 recognized or sponsored by any municipality or civil preparedness agency, are hereby  
21 authorized to use such special equipment on privately owned vehicles operated by them  
22 while actually engaged in their official or semiofficial duties or services either within or  
23 beyond the corporate limits of the municipality which recognizes or sponsors such  
24 organization.”

25 Sec. 2. G.S. 20-130.1(b) reads as rewritten:

26 "(b) The provisions of subsection (a) of this section do not apply to the following:

- 27 (1) A police car;
- 28 (2) A highway patrol car;
- 29 (3) A vehicle owned by the Wildlife Resources Commission and operated  
30 exclusively for law-enforcement purposes;
- 31 (4) An ambulance;
- 32 (5) A vehicle ~~designed, equipped, and used exclusively for the~~ used by an  
33 organ procurement organization or agency for the recovery and  
34 transportation of human tissues and organs for transplantation;
- 35 (6) A fire-fighting vehicle;
- 36 (7) A school bus;
- 37 (8) A vehicle operated by any member of a municipal or rural fire  
38 department in the performance of his duties, regardless of whether  
39 members of that fire department are paid or voluntary;
- 40 (9) A vehicle of a voluntary lifesaving organization (including the private  
41 vehicles of the members of such an organization) that has been  
42 officially approved by the local police authorities and which is manned  
43 or operated by members of that organization while answering an  
44 official call;

- 1 (10) A vehicle operated by medical doctors or anesthetists in emergencies;  
2 (11) A motor vehicle used in law enforcement by the sheriff, or any  
3 salaried rural policeman in any county, regardless of whether or not  
4 the county owns the vehicle;  
5 (11a) A vehicle operated by the State Fire Marshal or his representatives in  
6 the performance of their duties, whether or not the State owns the  
7 vehicle;  
8 (12) A vehicle operated by any county fire marshal, assistant fire marshal,  
9 or emergency management coordinator in the performance of his  
10 duties, regardless of whether or not the county owns the vehicle; ~~and~~  
11 (13) Any lights that may be prescribed by the Interstate Commerce  
12 Commission; and  
13 (14) A vehicle operated by a transplant coordinator who is an employee of  
14 an organ procurement organization or agency when the transplant  
15 coordinator is responding to a call to recover or transport human  
16 tissues or organs for transplantation."

17 Sec. 3. G.S. 20-156(b) reads as rewritten:

18 "(b) The driver of a vehicle upon the highway shall yield the right-of-way to  
19 police and fire department vehicles and public and private ambulances, vehicles  
20 ~~designed, equipped and used exclusively for the~~ used by an organ procurement  
21 organization or agency for the recovery or transportation of human tissues and organs  
22 for transplantation or a vehicle operated by a transplant coordinator who is an employee  
23 of an organ procurement organization or agency when the transplant coordinator is  
24 responding to a call to recover or transport human tissues or organs for transplantation,  
25 and to rescue squad emergency service vehicles and vehicles operated by county fire  
26 marshals and civil preparedness coordinators when the operators of said vehicles are  
27 giving a warning signal by appropriate light and by bell, siren or exhaust whistle audible  
28 under normal conditions from a distance not less than 1,000 feet. When appropriate  
29 warning signals are being given, as provided in this subsection, an emergency vehicle  
30 may proceed through an intersection or other place when the emergency vehicle is  
31 facing a stop sign, a yield sign, or a traffic light which is emitting a flashing strobe  
32 signal or a beam of steady or flashing red light. This provision shall not operate to  
33 relieve the driver of a police or fire department vehicle or public or private ambulance  
34 or vehicles ~~designed, equipped and used exclusively for the~~ used by an organ procurement  
35 organization or agency for the recovery or transportation of human tissues and organs  
36 for transplantation or a vehicle operated by a transplant coordinator who is an employee  
37 of an organ procurement organization or agency when the transplant coordinator is  
38 responding to a call to recover or transport human tissues or organs for transplantation,  
39 or rescue squad emergency service vehicle or county fire marshals or civil preparedness  
40 coordinators from the duty to drive with due regard for the safety of all persons using  
41 the highway, nor shall it protect the driver of any such vehicle or county fire marshal or  
42 civil preparedness coordinator from the consequence of any arbitrary exercise of such  
43 right-of-way."

44 Sec. 4. G.S. 130A-412.1.(a) reads as rewritten:

1 **"§ 130A-412.1. Duty of hospitals to establish organ procurement protocols.**

2 (a) In order to facilitate the goals of this Part, each hospital shall be required to  
3 establish written protocols for the identification of potential organ and tissue donors  
4 that:

- 5 (1) Assure that the families of potential organ and tissue donors are made  
6 aware of the option of organ or tissue donation and their option to  
7 decline;
- 8 (2) Encourage discretion and sensitivity with respect to the circumstances,  
9 views and beliefs of such families;
- 10 (3) Require that only an the organ procurement agency designated by the  
11 Secretary of Health and Human Services be notified of potential organ  
12 and tissue donors; and
- 13 (4) Assure that procedures are established for identifying and consulting  
14 with holders of properly executed donor cards." ♦

15 Sec. 5. This act is effective upon ratification.