

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 537  
HOUSE BILL 474

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

The General Assembly of North Carolina enacts:

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

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

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

In addition to the use of special equipment authorized and required by this subsection, the chief and assistant chiefs of any police department or of any fire department, whether the same be municipal or rural, paid or voluntary, county fire marshals, assistant fire marshals, transplant coordinators, and emergency management coordinators, are hereby authorized to use such special equipment on privately owned vehicles operated by them while actually engaged in the performance of their official or semiofficial duties or services either within or beyond their respective corporate limits.

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

Every vehicle used or operated for law enforcement purposes by the sheriff or any salaried deputy sheriff or salaried rural policeman of any county, whether owned by the county or not, may be, but is not required to be, equipped with special lights, bells,

sirens, horns or exhaust whistles of a type approved by the Commissioner of Motor Vehicles. Such special equipment shall not be operated or activated by any person except by a law enforcement officer while actively engaged in performing law enforcement duties.

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

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

- "(b) The provisions of subsection (a) of this section do not apply to the following:
- (1) A police car;
  - (2) A highway patrol car;
  - (3) A vehicle owned by the Wildlife Resources Commission and operated exclusively for law-enforcement purposes;
  - (4) An ambulance;
  - (5) A vehicle ~~designed, equipped, and used exclusively for the~~ used by an organ procurement organization or agency for the recovery and transportation of human tissues and organs for transplantation;
  - (6) A fire-fighting vehicle;
  - (7) A school bus;
  - (8) A vehicle operated by any member of a municipal or rural fire department in the performance of his duties, regardless of whether members of that fire department are paid or voluntary;
  - (9) A vehicle of a voluntary lifesaving organization (including the private vehicles of the members of such an organization) that has been officially approved by the local police authorities and which is manned or operated by members of that organization while answering an official call;
  - (10) A vehicle operated by medical doctors or anesthetists in emergencies;
  - (11) A motor vehicle used in law enforcement by the sheriff, or any salaried rural policeman in any county, regardless of whether or not the county owns the vehicle;
  - (11a) A vehicle operated by the State Fire Marshal or his representatives in the performance of their duties, whether or not the State owns the vehicle;
  - (12) A vehicle operated by any county fire marshal, assistant fire marshal, or emergency management coordinator in the performance of his duties, regardless of whether or not the county owns the vehicle; ~~and~~
  - (13) Any lights that may be prescribed by the Interstate Commerce Commission; and

- (14) A vehicle operated by a transplant coordinator who is an employee of an organ procurement organization or agency when the transplant coordinator is responding to a call to recover or transport human tissues or organs for transplantation."

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

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

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

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

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

- (1) Assure that the families of potential organ and tissue donors are made aware of the option of organ or tissue donation and their option to decline;
- (2) Encourage discretion and sensitivity with respect to the circumstances, views and beliefs of such families;
- (3) Require that only an the organ procurement agency designated by the Secretary of Health and Human Services be notified of potential organ and tissue donors; and

(4) Assure that procedures are established for identifying and consulting with holders of properly executed donor cards."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 30th day of June, 1989.