

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 497, As Amended

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE YELLOW DOT MOTOR VEHICLE MEDICAL INFORMATION ACT; AMENDING
2 TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 47, TITLE 39,
3 IDAHO CODE, TO ESTABLISH THE YELLOW DOT MOTOR VEHICLE MEDICAL INFOR-
4 MATION ACT, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT,
5 TO DEFINE TERMS, TO PROVIDE FOR AUTHORIZATION AND FUNDING, TO PROVIDE
6 FOR PUBLICITY, TO PROVIDE FOR A CERTAIN MEDICAL INFORMATION FORM, TO
7 PROVIDE FOR THE DISTRIBUTION OF PROGRAM MATERIALS, TO PROVIDE FOR USE OF
8 THE PROGRAM IN EMERGENCY SITUATIONS, TO PROVIDE A LIMITATION OF LIABIL-
9 ITY FOR CERTAIN FIRST RESPONDERS AND HEALTH CARE WORKERS, AND TO PROVIDE
10 THAT THE PRESENCE OF A YELLOW DOT ON A MOTOR VEHICLE SHALL NOT PROVIDE
11 PROBABLE CAUSE.
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended
15 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
16 ter 47, Title 39, Idaho Code, and to read as follows:

17 CHAPTER 47

18 YELLOW DOT MOTOR VEHICLE MEDICAL INFORMATION ACT

19 39-4701. SHORT TITLE. This act shall be known and may be cited as the
20 "Yellow Dot Motor Vehicle Medical Information Act."

21 39-4702. LEGISLATIVE INTENT. It is the intent of the Legislature to
22 establish a yellow dot program to assist:

- 23 (1) Drivers and passengers who participate in the program;
24 (2) Emergency medical responders in reporting critical medical infor-
25 mation in the event of a motor vehicle accident or a medical emergency in-
26 volving a participant's vehicle; and
27 (3) Peace officers, or other law enforcement personnel, in becoming
28 aware of a motorist's or passenger's critical medical information that may
29 affect the officer's encounter with the motorist or passenger during a traf-
30 fic stop or welfare check.

31 39-4703. DEFINITIONS. As used in this chapter:

- 32 (1) "Accident" means any event that results in an unintended injury or
33 property damage attributable directly or indirectly to the motion of a motor
34 vehicle or its load, a snowmobile, or special mobile equipment.
35 (2) "Department" means the department of health and welfare.
36 (3) "Driver" means every person who drives or is in actual physical con-
37 trol of a vehicle.
38 (4) "Emergency medical responder" means:

1 (a) Emergency medical services licensed personnel as defined in sec-
2 tion 56-1012(19), Idaho Code; or

3 (b) A physician, nurse, or other health care provider on the scene of
4 a motor vehicle accident or emergency situation as provided in section
5 39-4708, Idaho Code, or who is accompanying or attending a patient re-
6 moved from such an accident or emergency situation in an ambulance.

7 (5) "Motor vehicle" or "vehicle" means every vehicle that is self-pro-
8 pelled and, for the purpose of titling and registration meets federal motor
9 vehicle safety standards as defined in section 49-107, Idaho Code. Motor ve-
10 hicle does not include vehicles moved solely by human power, electric per-
11 sonal assistive mobility devices, personal delivery devices, electric-as-
12 sisted bicycles, and motorized wheelchairs or other such vehicles that are
13 specifically exempt from titling or registration requirements under title
14 49, Idaho Code.

15 (6) "Other responder" means a firefighter, peace officer, or other law
16 enforcement personnel on the scene.

17 (7) "Peace officer" means any employee of a police or law enforcement
18 agency that is a part of or administered by the state or any political subdi-
19 vision thereof and whose duties include and primarily consist of the preven-
20 tion and detection of crime and the enforcement of penal, traffic, or highway
21 laws of this state or any political subdivision of this state.

22 (8) "Yellow dot motor vehicle medical information program" or "yellow
23 dot program" means the program established pursuant to this chapter.

24 39-4704. AUTHORIZATION AND FUNDING. (1) The department is authorized
25 to develop and assist in the implementation of the yellow dot program.

26 (2) The department may accept donations and grants from any source, in-
27 cluding eligible federal safety funds, to pay the expenses the department in
28 the development and implementation of the yellow dot program.

29 39-4705. PUBLICIZING PROGRAM. The department shall take reasonable
30 measures to publicize the yellow dot program to potential participants, law
31 enforcement officers, and emergency medical responders. In publicizing the
32 yellow dot program, the department may cooperate with local law enforcement
33 agencies, fire departments, emergency medical services agencies, the de-
34 partment of veterans affairs, and other governmental agencies. The depart-
35 ment may also cooperate with and seek the assistance of interested nonprofit
36 organizations, including but not limited to AARP, American automobile as-
37 sociation, disabled American veterans, American veterans (AMVETS), the
38 American legion, veterans of foreign wars of the United States, the military
39 order of the purple heart, and the Idaho commission on aging. The department
40 may also develop training materials on the yellow dot program that may be
41 furnished to law enforcement agencies, fire departments, and emergency med-
42 ical services agencies and used by such organizations for training purposes.

43 39-4706. STANDARD MEDICAL INFORMATION FORM. (1) The department is au-
44 thorized to create a standard medical information form providing space for
45 each participant to supply, at a minimum, the following information:

46 (a) The participant's name;

47 (b) A photograph of the participant;

- 1 (c) Two (2) emergency contacts identified by the participant and their
2 contact information;
- 3 (d) The participant's relevant medical information, including medical
4 conditions, recent surgeries, allergies, and medications;
- 5 (e) The participant's hospital preference;
- 6 (f) Up to two (2) preferred physicians identified by the participant
7 and their contact information; and
- 8 (g) The date on which the participant completed the form.
- 9 (2) The medical information form shall include a statement that the
10 yellow dot program functions only as a facilitator and that all information
11 supplied on the medical information form is the sole responsibility of the
12 participant.
- 13 (3) The medical information form shall also include statements that the
14 participant supplies the medical information voluntarily and that the par-
15 ticipant authorizes the disclosure to, and use of, such medical information
16 by emergency medical responders and other responders for the purposes de-
17 scribed in section 39-4708, Idaho Code.

- 18 39-4707. DISTRIBUTION OF PROGRAM MATERIALS. (1) The department may
19 provide for, assist in, or authorize the printing of the standard medical
20 information form as provided in section 39-4706, Idaho Code, and assembling
21 of a yellow dot folder containing the medical information form and a yellow
22 dot decal with an adhesive backing.
- 23 (2) Upon request, the department may provide yellow dot folders to the
24 agencies and nonprofit organizations identified in section 39-4705, Idaho
25 Code, subject to the limitations of resources for funding the program. The
26 department may allow such agencies and organizations to copy the standard
27 medical information form and assemble yellow dot folders for distribution to
28 participants, or the department may authorize these agencies and organiza-
29 tions to prepare yellow dot folders for distribution.
- 30 (3) The department may also provide for dissemination of the medical
31 information form and other yellow dot materials online.
- 32 (4) The department shall not charge any fee to participate in the yellow
33 dot program.

- 34 39-4708. MOTOR VEHICLE ACCIDENTS OR EMERGENCY SITUATIONS. (1) If a
35 driver or passenger of a motor vehicle becomes involved in a motor vehicle
36 accident or emergency situation and a yellow dot decal is affixed to the
37 vehicle, an emergency medical responder or other responder at the scene is
38 authorized to search the vehicle for a yellow dot folder or folders.
- 39 (2) An emergency medical responder or other responder may use the in-
40 formation contained in the yellow dot folder for the following purposes:
- 41 (a) To identify a participant in the yellow dot program;
- 42 (b) To ascertain whether the participant has a medical condition that
43 may impede communication with the responder;
- 44 (c) To communicate with the participant's emergency contacts about the
45 location and general condition of the participant; and
- 46 (d) To consider the person's current medications and preexisting medi-
47 cal conditions when emergency medical treatment is administered for any
48 injury the participant suffers.

1 (3) If, during a traffic stop involving a motor vehicle with a yellow
2 dot decal affixed to the vehicle, a law enforcement officer reasonably be-
3 lieves the driver or passenger has a medical condition that is affecting the
4 officer's encounter with the driver or a passenger, such law enforcement of-
5 ficer, upon receiving consent from the driver or passenger, is authorized to
6 review any yellow dot folder or folders present in the vehicle.

7 39-4709. LIABILITY. Except for wanton or willful conduct, no emer-
8 gency medical responder or other responder, nor any employer of an emergency
9 medical responder or other responder, shall incur any liability if the emer-
10 gency medical responder or other responder is unable to make contact, in good
11 faith, with an emergency contact person or disseminates or fails to dissem-
12 inate any information from the yellow dot folder to other emergency medical
13 responders, hospitals, or any health care providers who render emergency
14 medical treatment to the participant. No health care provider or employer
15 of a health care provider shall incur any civil or criminal liability if the
16 provider relies in good faith on the information provided through the yellow
17 dot program.

18 39-4710. PRESENCE OF A YELLOW DOT ON A MOTOR VEHICLE SHALL NOT PROVIDE
19 PROBABLE CAUSE. Nothing in this chapter shall provide a peace officer with
20 probable cause or other legal authority to stop a motor vehicle. Except for
21 the limited authority provided in section 39-4708, Idaho Code, nothing in
22 this chapter shall provide a peace officer with probable cause or other legal
23 authority to search a motor vehicle or its occupants.