

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-fifth Legislature Second Regular Session - 2020

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 497

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE YELLOW DOT MOTOR VEHICLE MEDICAL INFORMATION ACT; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 47, TITLE 39, IDAHO CODE, TO ESTABLISH THE YELLOW DOT MOTOR VEHICLE MEDICAL INFORMATION ACT, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR AUTHORIZATION AND FUNDING, TO PROVIDE FOR PUBLICITY, TO PROVIDE FOR A CERTAIN MEDICAL INFORMATION FORM, TO PROVIDE FOR THE DISTRIBUTION OF PROGRAM MATERIALS, TO PROVIDE FOR USE OF THE PROGRAM IN EMERGENCY SITUATIONS, AND TO PROVIDE A LIMITATION OF LIABILITY FOR CERTAIN FIRST RESPONDERS AND HEALTH CARE WORKERS.

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

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

CHAPTER 47

YELLOW DOT MOTOR VEHICLE MEDICAL INFORMATION ACT

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

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

- (1) Drivers and passengers who participate in the program;
- (2) Emergency medical responders in reporting critical medical information in the event of a motor vehicle accident or a medical emergency involving a participant's vehicle; and
- (3) Peace officers, or other law enforcement personnel, in becoming aware of a motorist's or passenger's critical medical information that may affect the officer's encounter with the motorist or passenger during a traffic stop or welfare check.

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

- (1) "Accident" means any event that results in an unintended injury or property damage attributable directly or indirectly to the motion of a motor vehicle or its load, a snowmobile, or special mobile equipment.
- (2) "Department" means the department of health and welfare.
- (3) "Driver" means every person who drives or is in actual physical control of a vehicle.
- (4) "Emergency medical responder" means:
  - (a) Emergency medical services licensed personnel as defined in section 56-1012(19), Idaho Code; or

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

(5) "Motor vehicle" or "vehicle" means every vehicle that is self-propelled and, for the purpose of titling and registration meets federal motor vehicle safety standards as defined in section 49-107, Idaho Code. Motor vehicle does not include vehicles moved solely by human power, electric personal assistive mobility devices, personal delivery devices, electric-assisted bicycles, and motorized wheelchairs or other such vehicles that are specifically exempt from titling or registration requirements under title 49, Idaho Code.

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

(7) "Peace officer" means any employee of a police or law enforcement agency that is a part of or administered by the state or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic, or highway laws of this state or any political subdivision of this state.

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

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

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

39-4705. PUBLICIZING PROGRAM. The department shall take reasonable measures to publicize the yellow dot program to potential participants, law enforcement officers, and emergency medical responders. In publicizing the yellow dot program, the department may cooperate with local law enforcement agencies, fire departments, emergency medical services agencies, the department of veterans affairs, and other governmental agencies. The department may also cooperate with and seek the assistance of interested nonprofit organizations, including but not limited to AARP, American automobile association, disabled American veterans, American veterans (AMVETS), the American legion, veterans of foreign wars of the United States, the military order of the purple heart, and the Idaho commission on aging. The department may also develop training materials on the yellow dot program that may be furnished to law enforcement agencies, fire departments, and emergency medical services agencies and used by such organizations for training purposes.

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

(a) The participant's name;

(b) A photograph of the participant;

(c) Two (2) emergency contacts identified by the participant and their contact information;

1 (d) The participant's relevant medical information, including medical  
2 conditions, recent surgeries, allergies, and medications;

3 (e) The participant's hospital preference;

4 (f) Up to two (2) preferred physicians identified by the participant  
5 and their contact information; and

6 (g) The date on which the participant completed the form.

7 (2) The medical information form shall include a statement that the  
8 yellow dot program functions only as a facilitator and that all information  
9 supplied on the medical information form is the sole responsibility of the  
10 participant.

11 (3) The medical information form shall also include statements that the  
12 participant supplies the medical information voluntarily and that the par-  
13 ticipant authorizes the disclosure to, and use of, such medical information  
14 by emergency medical responders and other responders for the purposes de-  
15 scribed in section 39-4708, Idaho Code.

16 39-4707. DISTRIBUTION OF PROGRAM MATERIALS. (1) The department may  
17 provide for, assist in, or authorize the printing of the standard medical  
18 information form as provided in section 39-4706, Idaho Code, and assembling  
19 of a yellow dot folder containing the medical information form and a yellow  
20 dot decal with an adhesive backing.

21 (2) Upon request, the department may provide yellow dot folders to the  
22 agencies and nonprofit organizations identified in section 39-4705, Idaho  
23 Code, subject to the limitations of resources for funding the program. The  
24 department may allow such agencies and organizations to copy the standard  
25 medical information form and assemble yellow dot folders for distribution to  
26 participants, or the department may authorize these agencies and organiza-  
27 tions to prepare yellow dot folders for distribution.

28 (3) The department may also provide for dissemination of the medical  
29 information form and other yellow dot materials online.

30 (4) The department shall not charge any fee to participate in the yellow  
31 dot program.

32 39-4708. MOTOR VEHICLE ACCIDENTS OR EMERGENCY SITUATIONS. (1) If a  
33 driver or passenger of a motor vehicle becomes involved in a motor vehicle  
34 accident or emergency situation and a yellow dot decal is affixed to the  
35 vehicle, an emergency medical responder or other responder at the scene is  
36 authorized to search the vehicle for a yellow dot folder or folders.

37 (2) An emergency medical responder or other responder may use the in-  
38 formation contained in the yellow dot folder for the following purposes:

39 (a) To identify a participant in the yellow dot program;

40 (b) To ascertain whether the participant has a medical condition that  
41 may impede communication with the responder;

42 (c) To communicate with the participant's emergency contacts about the  
43 location and general condition of the participant; and

44 (d) To consider the person's current medications and preexisting medi-  
45 cal conditions when emergency medical treatment is administered for any  
46 injury the participant suffers.

47 (3) If, during a traffic stop involving a motor vehicle with a yellow  
48 dot decal affixed to the vehicle, a law enforcement officer reasonably be-

1 believes the driver or passenger has a medical condition that is affecting the  
2 officer's encounter with the driver or a passenger, such law enforcement of-  
3 ficer, upon receiving consent from the driver or passenger, is authorized to  
4 review any yellow dot folder or folders present in the vehicle.

5 39-4709. LIABILITY. Except for wanton or willful conduct, no emer-  
6 gency medical responder or other responder, nor any employer of an emergency  
7 medical responder or other responder, shall incur any liability if the emer-  
8 gency medical responder or other responder is unable to make contact, in good  
9 faith, with an emergency contact person or disseminates or fails to dissem-  
10 inate any information from the yellow dot folder to other emergency medical  
11 responders, hospitals, or any health care providers who render emergency  
12 medical treatment to the participant. No health care provider or employer  
13 of a health care provider shall incur any civil or criminal liability if the  
14 provider relies in good faith on the information provided through the yellow  
15 dot program.