

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1005 Motorist Safety

SPONSOR(S): Transportation & Highway Safety Subcommittee; Slosberg

TIED BILLS: **IDEN./SIM. BILLS:** SB 1376

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	13 Y, 0 N, As CS	Kiner	Miller
2) Local & Federal Affairs Committee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

CS/HB 1005 authorizes, but does not require, the governing board of a county to create a free yellow dot critical motorist medical information program for the purpose of assisting emergency medical responders and program participants in the event of a motor vehicle accident or a medical emergency involving a participant's vehicle. Participants in the voluntary and free program receive a yellow dot decal to place on their rear window that alerts emergency services personnel to look for a corresponding yellow folder in the glove box. The yellow folder may include the injured participant's emergency contact and medical information.

Under the bill, a person's participation in the Yellow Dot Alert Program (Yellow Dot) is voluntary and free. A county, or group of counties, may solicit sponsorships to cover costs, including the cost of the yellow dot decals and folders. The bill also authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) or the Department of Transportation (DOT) to provide education and training to encourage emergency medical responders to participate in Yellow Dot. DHSMV and DOT may also take reasonable measures to publicize Yellow Dot.

To provide consistency, the bill provides guidelines for counties and participants to follow.

The bill has no fiscal impact and is effective on July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Yellow Dot is a system to alert first responders at an accident scene to search for medical information about the injured – especially if the injured is unconscious or unable to speak.¹ According to USA Today, Yellow Dot is “simple but effective: participants in the free program receive a yellow dot to place on their rear window; it alerts emergency services personnel to look for a corresponding yellow folder in the glove box.”² The yellow folder may include the injured participant’s name, photograph, emergency contact information, medical information, hospital preference, and other vital information.

Yellow Dot began in Connecticut in 2002, and since that time, cities and counties across the nation have implemented Yellow Dot with slight variations.³ Some states, such as Alabama, have state-wide programs.⁴

Effect of Proposed Change

The bill authorizes, but does not require, the governing body of a county to create a free yellow dot critical motorist medical information program (Yellow Dot) for the purpose of assisting emergency medical responders and program participants in the event of a motor vehicle accident or a medical emergency involving a participant’s vehicle.

Under the bill, a person’s participation in Yellow Dot is voluntary and free. A county, or group of counties, may solicit sponsorships to cover costs, including the cost of the yellow dot decals and folders. The bill also authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) or the Department of Transportation (DOT) to provide education and training to encourage emergency medical responders to participate in Yellow Dot. DHSMV and DOT may also take reasonable measures to publicize Yellow Dot.

To provide consistency, the bill provides guidelines for counties and participants to follow.

Participation is free upon submission of an application. The application is created by the county and must describe the confidential nature of the medical information voluntarily provided by the participant. The application must also require that the participant give express written consent for the use and disclosure of the yellow folder’s contents to authorized personnel for the following purposes:

- to positively identify the participant;
- to ascertain whether the participant has a medical condition that might impede communications between the participant and the responder;
- to inform the participant’s emergency contacts about the location, condition, or death of the participant;
- to learn the nature of any medical information reported by the participant; and
- to ensure that the participant’s current medications and preexisting medical conditions are considered when emergency medical treatment is administered for any injury to or condition of the participant.

After submitting a completed application, the participant is to be given a yellow dot decal to affix onto the lower left corner of the vehicle’s rear window (or a clearly visible location on a motorcycle), a yellow dot folder, and a form with the participant’s information.

The form which is to be placed inside the yellow folder is to contain the following information:

¹ See more information about the Yellow Dot program at www.yellow-dot.com (Last viewed on 3/18/2013).

² See “Yellow Dot car program speeds to help crash victims.” Larry Copeland, USA Today (5/24/2011) at http://usatoday30.usatoday.com/news/nation/2011-05-23-yellow-dot-seniors-drivers-baby-boomers_n.htm (Last viewed on 3/18/13).

³ Id.

⁴ Id.

- the participant's name;
- the participant's photograph;
- emergency contact information of no more than two persons for the participant;
- the participant's medical information, including medical conditions, recent surgeries, allergies and medications being taken;
- the participant's hospital preference; and
- contact information for no more than two physicians for the participant.

With regard to liability, the bill provides that – except for wanton or willful conduct – an emergency medical responder, or the employer of a responder, does not incur any liability for the following:

- failing to make contact with a participant's emergency contact person; or
- disseminating, or failing to disseminate, any information from the yellow dot folder to any other emergency medical responder, hospital, or health care provider who renders emergency medical treatment to the participant.

See Fiscal Comments for fiscal impact information.

The bill is effective on July 1, 2013.

B. SECTION DIRECTORY:

Section One: authorizes the governing body of a county to create a yellow dot critical motorist medical information program and sets guidelines for participation;

Section Two: provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None. Neither DHSMV nor DOT is required to provide training, education or to publicize the Yellow Dot program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

The bill does not require a county to create a Yellow Dot program. If the governing body of a county does decide to create a Yellow Dot program, the bill authorizes the county's governing body to seek sponsorships to cover costs. Public participation in a Yellow Dot program is voluntary and free.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not require DHSMV or DOT to create rules, and does not impact either department's rulemaking authority.

The bill requires a participating county to adopt guidelines and procedures for ensuring that any information that is confidential is not made public through the program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On Wednesday, March 20, 2013, the Transportation & Highway Safety Subcommittee adopted one amendment to HB 1005. The amendment revised the bill in the following manner:

- corrected a bill drafting error on line 114 by removing the word "is" from the statement "medical responder or the employer of a responder is does not incur any liability";
- authorized instead of required a medical responder at the scene of an accident to search the glove compartment of the injured person's vehicle for the corresponding yellow dot folder. This amendment made the language consistent with language in the bill that absolves a medical responder of any liability except for wanton or willful conduct.

This bill analysis is drafted to CS/HB 1005.