

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 262

INTRODUCER: Senator Abruzzo

SUBJECT: Motorist Safety

DATE: February 4, 2014

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------------|----------------|-----------|--------------------|
| 1. | <u>Everette</u> | <u>Eichin</u> | <u>TR</u> | Favorable |
| 2. | <u>White</u> | <u>Yeatman</u> | <u>CA</u> | Pre-meeting |

I. Summary:

Senate Bill 262 authorizes, but does not require, the governing board of a county to create a “yellow dot” critical motorist medical information program for the purpose of assisting emergency medical responders in the event of a motorist accident or a medical emergency. Participants in the program receive a yellow dot decal to place on their vehicle’s rear window, which 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 program is voluntary and free. Counties may solicit sponsorships to cover expenditures, including the cost of the yellow dot decals and folders. The bill also authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) and the Department of Transportation (DOT) to provide education and training to encourage emergency medical responders to participate in the program. DHSMV and DOT may also take reasonable measures to publicize the program.

The bill limits the liability of emergency medical responders, and requires the governing body of a participating county to adopt guidelines and procedures to ensure that confidential information is not made public.

II. Present Situation:

The Yellow Dot Program is designed to help first responders provide life-saving medical attention to those injured in a vehicle crash or other medical emergency. During the first critical hours after an accident, an injured motorist may be unconscious or unable to speak. Through the use of a decal, the Yellow Dot Program functions by alerting first responders to search for medical information in the glove box of the injured person’s vehicle.¹

¹ Yellow Dot Program, available at www.yellow-dot.com (last viewed on 1/17/14).

The Yellow Dot Program is a cooperative effort between law enforcement, fire, emergency and medical services and rescue to aid in communicating important health information about individuals involved in automobile crashes. Seniors comprise the largest participating group.

A yellow dot kit is provided to the participant, which contains a medical information card and a yellow dot decal. The decal is to be placed on the lower left rear window of the vehicle, alerting first responders arriving on the scene that a yellow folder in the glove box contains vital personal and medical information.

The program began in Connecticut in 2002. Now, with slight variations, it is offered by counties throughout at least nine other states: Kansas, Illinois, Iowa, Minnesota, Massachusetts, Virginia, Alabama, West Virginia and New York.²

III. Effect of Proposed Changes:

The bill authorizes, but does not require, the governing body of a county to create a 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.

Under the bill, a person's participation in the program is voluntary and free. A county, or group of counties, may solicit sponsorships from interested business entities and not-for-profit organizations to cover expenditures, including the cost of the yellow dot decals and folders that are provided free of charge to participants. Two or more counties also may enter into an interlocal agreement to solicit these sponsorships.

The bill also authorizes the Department of Highway Safety and Motor Vehicles and the Department of Transportation to provide education and training to encourage emergency medical responders to participate in the program. DHSMV and DOT may also take reasonable measures to publicize the program.

Any owner or lessee of a motor vehicle may participate in the program upon submission of an application. The application is created by the county and must include a statement that the information submitted will be disclosed only to authorized personnel of law enforcement and public safety agencies, emergency medical services agencies, and hospitals in the case of a motor vehicle accident or other emergency situation. The application 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;

² Larry Copeland, *Yellow Dot car Program speeds to help crash victims*, USA Today, May 24, 2011, available at http://usatoday30.usatoday.com/news/nation/2011-05-23-yellow-dot-seniors-drivers-baby-boomers_n.htm (last viewed Dec. 11, 2013).

- 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 given a yellow dot decal to affix onto the lower left corner of his or her vehicle's rear window (or a clearly visible location on a motorcycle), a yellow dot folder, and a form for the participant's information.

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

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

When the driver of a vehicle with an affixed yellow dot decal is involved in an accident or emergency situation, an emergency medical responder at the scene is authorized to search the glove compartment of the vehicle for the corresponding yellow dot folder. 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:

- failing, in good faith, 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.

The governing body of a participating county is required to adopt guidelines and procedures for ensuring that any information that is confidential is not made public through the program.

The bill has an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Public participation in the program is voluntary and free. One small corporation in Reno, Nevada (Yellow Dot LLC) advertises a booklet with sticker priced at \$5.00.³

The governing board of the county or counties wishing to initiate a motorist medical information program can solicit funds through sponsorships from business entities and not-for-profit organizations. Businesses choosing to participate will do so voluntarily.

C. Government Sector Impact:

The bill does not require any county to create a Yellow Dot Program. If the governing body of a county decides to create such a program, the bill authorizes the county's governing body to seek sponsorships to cover costs. The cost of the program is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an unnumbered section of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

³ See, Yellow Dot LLC, How To Order, at <http://www.yellow-dot.com/3301.html>.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
