

TITLE 39
HEALTH AND SAFETY

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."

[39-4701, added 2020, ch. 283, sec. 1, p. 824.]

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.

[39-4702, added 2020, ch. 283, sec. 1, p. 824.]

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.

[39-4703, added 2020, ch. 283, sec. 1, p. 824.]

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.

[39-4704, added 2020, ch. 283, sec. 1, p. 825.]

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.

[39-4705, added 2020, ch. 283, sec. 1, p. 825.]

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;
- (d) The participant's relevant medical information, including medical conditions, recent surgeries, allergies, and medications;
- (e) The participant's hospital preference;
- (f) Up to two (2) preferred physicians identified by the participant and their contact information; and
- (g) The date on which the participant completed the form.

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

(3) The medical information form shall also include statements that the participant supplies the medical information voluntarily and that the participant authorizes the disclosure to, and use of, such medical information by emergency medical responders and other responders for the purposes described in section [39-4708](#), Idaho Code.

[39-4706, added 2020, ch. 283, sec. 1, p. 825.]

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

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

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

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

[39-4707, added 2020, ch. 283, sec. 1, p. 826.]

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

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

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

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

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

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

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

[39-4708, added 2020, ch. 283, sec. 1, p. 826.]

39-4709. LIABILITY. Except for wanton or willful conduct, no emergency medical responder or other responder, nor any employer of an emergency medical responder or other responder, shall incur any liability if the emergency medical responder or other responder is unable to make contact, in good faith, with an emergency contact person or disseminates or fails to disseminate any information from the yellow dot folder to other emergency medical responders, hospitals, or any health care providers who render emergency medical treatment to the participant. No health care provider or employer of a health care provider shall incur any civil or criminal liability if the

provider relies in good faith on the information provided through the yellow dot program.

[39-4709, added 2020, ch. 283, sec. 1, p. 826.]

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

[39-4710, added 2020, ch. 283, sec. 1, p. 826.]