

HOUSE BILL No. 1424

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-26-10; IC 34-30-2-31.9.

Synopsis: Motor vehicle medical information program. Establishes the yellow dot medical information program (program). Specifies that the purpose of the program is to provide: (1) certain medical information; and (2) emergency contact information; to emergency medical services providers (providers). Provides that participation in the program is voluntary, and allows program participants to end participation in the program at any time. Requires motorists participating in the program to affix a yellow dot decal to the lower right interior corner of a participating automobile's driver side window. Requires a: (1) yellow dot program envelope (envelope); and (2) yellow dot information card (card); to be stored in the glove compartment of a participating automobile. Requires a provider to search the glove compartment of an automobile displaying a yellow dot decal. Provides that a provider may not: (1) search for contraband; or (2) search any location other than the glove compartment of a participating automobile; when searching for an envelope or card. Provides that contraband found during a provider's authorized search of a participating automobile's glove compartment may be: (1) reported to a law enforcement officer; or (2) confiscated by a law enforcement officer; if the provider was not acting under the direction of the law enforcement officer at the time of the search, or a law enforcement officer was not conducting a criminal investigation at the time of the search. Specifies that information contained on a card may be used to perform any of the following: (1) Positively identify program participants. (2) Evaluate program participants for medical conditions that may impede or prevent communication with an emergency responder. (3) Attempt contact with a program participant's
(Continued next page)

Effective: July 1, 2017.

Pressel, Ober

January 17, 2017, read first time and referred to Committee on Roads and Transportation.



Digest Continued

emergency contact persons. (4) Evaluate a program participant's current medication, preexisting medical conditions, and recent surgeries when administering emergency medical treatment. (5) Share the information displayed on a card with another provider for the purpose of ensuring proper medical treatment. Provides that: (1) the bureau of motor vehicles; and (2) providers; may not be liable for damages, including punitive damages, caused by any act, error, or omission related to the information displayed on a card or related to the storage of a card. Provides that a provider is not liable for any damages, including punitive damages, related to a provider's inability to establish contact with a program participant's emergency contact persons.



First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1424

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-26-10 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]:
4 **Chapter 10. Yellow Dot Medical Information Program**
5 **Sec. 1. (a) As used in this chapter, "credential" has the meaning**
6 **set forth in IC 9-13-2-39.7.**
7 **(b) As used in this chapter, "emergency medical services**
8 **provider" has the meaning set forth in IC 16-41-10-1.**
9 **(c) As used in this chapter, "envelope" means a yellow dot**
10 **information envelope described in section 3(e) of this chapter.**
11 **(d) As used in this chapter, " health information card" means a**
12 **yellow dot medical information card described in section 3(f) of**
13 **this chapter.**
14 **(e) As used in this chapter, "participating automobile" means**
15 **a motor vehicle displaying a yellow dot decal as described in**
16 **section 5(a)(1) of this chapter.**
17 **(f) As used in this chapter, "program" means the yellow dot**



1 medical information program described in section 2 of this
2 chapter.

3 (g) As used in this chapter, "program materials" means:

- 4 (1) a bureau issued yellow dot decal;
5 (2) a bureau issued envelope; and
6 (3) a bureau issued health information card or health
7 information cards, if applicable.

8 (h) As used in this chapter, "program participant" means an
9 individual that:

- 10 (1) has completed a health information card; or
11 (2) is listed on a completed health information card.

12 Sec. 2. (a) The yellow dot emergency medical information
13 program is established. The purpose of the program is to provide
14 emergency responders with:

- 15 (1) critical health information; and
16 (2) emergency contact information;

17 for motorists and passengers unable to communicate with an
18 emergency responder due to injury, impairment, an incapacitating
19 automobile accident, or a medical emergency. The bureau shall
20 administer the program.

21 (b) Participation in the program is voluntary. A program
22 participant wishing to terminate participation in the program may
23 do so at any time.

24 (c) Participation in the program may be terminated by
25 removing all program materials from a participating automobile.

26 (d) The bureau may not charge an individual for program
27 materials.

28 (e) The bureau shall adopt rules under IC 4-22-2 necessary for
29 the administration of the program. The rules must address the
30 following issues:

- 31 (1) The creation, maintenance, and operation of the program.
32 (2) The layout of any forms required by this chapter.
33 (3) The content and layout of any additional forms that the
34 bureau determines are necessary.
35 (4) The creation and enforcement of any protocols related to
36 the creation, maintenance, or operation of the program.
37 (5) Program publicity and community education.
38 (6) Any other aspect of the program that the bureau
39 determines necessary to implement this chapter.

40 Sec. 3. (a) An individual, upon applying for the issuance or
41 renewal of a credential, shall be given the opportunity to request
42 and receive program materials.



1 (b) A credential may not be denied renewal, invalidated, or
2 withheld on the basis of an individual's refusal to participate in the
3 program.

4 (c) Participation in the program does not exempt an individual
5 from any:

6 (1) statutory prerequisite; or

7 (2) bureau mandated policy;

8 related to the issuance or renewal of a credential.

9 (d) A bureau issued yellow dot decal must be yellow in color.

10 (e) A bureau issued envelope must:

11 (1) be yellow in color; and

12 (2) display the phrase "Yellow Dot Medical Information" in
13 black lettering on the exterior of the envelope.

14 (f) A bureau issued health information card must:

15 (1) be yellow in color; and

16 (2) request the following information from each individual
17 wishing to become a program participant:

18 (A) Name.

19 (B) Date of birth.

20 (C) Telephone number.

21 (D) Residential address.

22 (E) Not more than two (2) emergency contact persons.
23 Emergency contact information must consist of the
24 following information:

25 (i) Name.

26 (ii) Telephone number.

27 (iii) Residential address.

28 (iv) A description of the emergency contact person's
29 relationship to the program participant.

30 (F) Medical conditions.

31 (G) Allergies.

32 (H) Recent surgeries.

33 (I) Current medications.

34 (J) Contact information for the program participant's
35 primary care physician.

36 (g) Each health information card must contain information for
37 not more than one (1) program participant. The bureau shall
38 provide an individual with additional health information cards
39 upon request.

40 (h) The parent or guardian of a minor may complete a health
41 information card on behalf of any minor in the parents or
42 guardian's care, control, or custody.



1 (i) All health information cards must be:

2 (1) stored in a bureau issued envelope described under
3 subsection (e); and

4 (2) placed in the glove compartment of the participating
5 automobile.

6 (j) A person's participation in the program serves as an
7 agreement to release the information described in subsection (f)(2)
8 to an emergency services provider.

9 Sec. 4. (a) Except as provided in subsection (b), a program
10 participant is responsible for ensuring that:

11 (1) the information displayed in the health information card
12 is accurate, complete, and current; and

13 (2) a health information card is stored as described in section
14 3(i) of this chapter.

15 (b) The parent or guardian of a minor participating in the
16 program is responsible for ensuring that:

17 (1) the information displayed on a minor's health information
18 card is accurate, complete, and current; and

19 (2) the minor's health information card is stored as described
20 in section 3(i) of this chapter.

21 (c) The bureau is not liable to any person for any damages,
22 including punitive damages, caused by:

23 (1) any act, error, or omission that results in the display of
24 inaccurate, incomplete, or outdated information on a health
25 information card; or

26 (2) any act, error, or omission that delays or prevents an
27 emergency services provider from accessing or locating a
28 health information card.

29 (d) An emergency services provider is not liable to any person
30 for any damages, including punitive damages, caused by:

31 (1) any act, error, or omission that results in the display of
32 inaccurate, incomplete, or outdated information on a health
33 information card; or

34 (2) any act, error, or omission that delays or prevents an
35 emergency services provider from accessing or locating a
36 health information card.

37 (e) An emergency services provider's good faith attempt to
38 contact a program participant's emergency contact persons
39 immunizes the emergency services provider from civil liability and
40 all associated damages, including punitive damages, related to the
41 emergency service provider's inability to make contact with a
42 program participant's emergency contact persons.



1 (f) If an emergency services provider is not responsible for an
 2 act or omission under this chapter, no other person incurs liability
 3 by reason of an agency relationship with the emergency services
 4 provider.

5 **Sec. 5. (a) A person wishing to participate in the program shall:**

6 (1) display a bureau issued yellow dot decal on a lower right
 7 interior corner of a participating automobile's driver side
 8 window;

9 (2) complete a health information card described under
 10 section 3(f) of this chapter; and

11 (3) store a completed health information card for each
 12 program participant in:

13 (A) an envelope described under section 3(e) of this
 14 chapter; and

15 (B) the manner described under section 3(i) of this chapter.

16 (b) The protocol described in subsection (a) must be repeated
 17 for each automobile participating in the program.

18 (c) A yellow dot decal described in subsection (a) serves as
 19 notice to an emergency services provider that the occupants of the
 20 participating automobile may be program participants.

21 (d) An emergency services provider, upon encountering a yellow
 22 dot decal described in section 3(d) of this chapter, shall search the
 23 glove compartment of the participating automobile for an envelope
 24 and any accompanying health information cards.

25 (e) An emergency services provider may not use the
 26 authorization granted by subsection (d) to search:

27 (1) for contraband; or

28 (2) any location other than the glove compartment of the
 29 participating automobile.

30 (f) Contraband discovered during an authorized search of a
 31 glove compartment described under subsection (e) may, however,
 32 be reported to a law enforcement officer or confiscated by a law
 33 enforcement officer if, at the time of the contraband's discovery,
 34 the emergency services provider was:

35 (1) searching for an envelope or health information card as
 36 described under subsection (d); and

37 (2) not conducting a criminal investigation.

38 (g) An emergency services provider may use the information
 39 displayed on a health information card to perform any of the
 40 following actions:

41 (1) Positively identify a program participant.

42 (2) Determine if a program or passenger participant has a



- 1 **medical condition that may impede or prevent communication**
2 **with an emergency responder.**
3 **(3) Attempt contact with program or passenger participant's**
4 **emergency contact persons.**
5 **(4) Consider the program or passenger participant's:**
6 **(A) current medications;**
7 **(B) preexisting medical conditions; or**
8 **(C) recent surgeries;**
9 **when administering emergency medical treatment.**
10 **(5) Share the contents of a health information card with**
11 **another emergency services provider for the purpose of**
12 **administering proper medical treatment.**
13 SECTION 2. IC 34-30-2-31.9 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2017]: **Sec. 31.9. IC 9-26-10-4 (Concerning**
16 **the bureau of motor vehicles and emergency medical service**
17 **providers' use of or reliance on yellow dot health information**
18 **cards).**

