



<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b>	Yes	Transportation Appropriations
	<b>SENATE:</b>	No	
<b>FLOOR AMENDMENT STATEMENT:</b>		No	
<b>LEGISLATIVE FISCAL NOTE:</b>		Yes	
<b>VETO MESSAGE:</b>		Yes	
<b>GOVERNOR'S PRESS RELEASE ON SIGNING:</b>		No	

**FOLLOWING WERE PRINTED:**

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<b>REPORTS:</b>	No
<b>HEARINGS:</b>	No
<b>NEWSPAPER ARTICLES:</b>	No

LAW/KR

Title 40.  
Subtitle 1.  
Chapter  
15A.(New)  
Yellow Dot  
Programs  
§§1-5 -  
C.40:15A-1 to  
40:15A-5

P.L.2013, CHAPTER 191, *approved January 17, 2014*  
Senate Committee Substitute (*First Reprint*) for  
Senate, No. 71

1 AN ACT <sup>1</sup>【establishing a “New Jersey Yellow Dot Program”】  
2 authorizing the establishment of Yellow Dot programs<sup>1</sup> and  
3 supplementing <sup>1</sup>【chapter 3 of Title 39】 Title 40<sup>1</sup> of the Revised  
4 Statutes.

5  
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*

8  
9 1. For the purposes of this act:  
10 <sup>1</sup>【“Chief Administrator” means the Chief Administrator of the  
11 New Jersey Motor Vehicle Commission.

12 “Commission” means the New Jersey Motor Vehicle  
13 Commission established by section 4 of P.L.2003, c.13 (C.39:2A-  
14 4).

15 “Commissioner” means the Commissioner of Health and Senior  
16 Services.】<sup>1</sup>

17 “Emergency responder” means a municipal, county, or State law  
18 enforcement officer or firefighter or other person who has been  
19 trained to provide emergency medical first response services in a  
20 program recognized by the <sup>1</sup>【commissioner】 Commissioner of  
21 Health<sup>1</sup> and licensed or otherwise authorized by the Department of  
22 Health <sup>1</sup>【and Senior Services】<sup>1</sup> to provide those services.

23 “Program participant” means an individual who has completed a  
24 health information card that includes health and emergency contact  
25 information, and affixed <sup>1</sup>【the】 a Yellow Dot window<sup>1</sup> decal  
26 provided <sup>1</sup>【by the New Jersey Motor Vehicle Commissioner】<sup>1</sup>  
27 pursuant to this act to the individual’s vehicle.

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29 2. <sup>1</sup>【There is established a “New Jersey Yellow Dot Program”  
30 in the New Jersey Motor Vehicle Commission.】 a. The local  
31 governing body of any county or municipality in this State may

**EXPLANATION** – Matter enclosed in bold-faced brackets **【thus】** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate amendments adopted in accordance with Governor's  
recommendations May 13, 2013.

1 establish a “Yellow Dot Program.”<sup>1</sup> The purpose of <sup>1</sup>**[the program]**  
2 a “Yellow Dot Program”<sup>1</sup> is to provide emergency responders with  
3 critical health and emergency contact information about program  
4 participants so that emergency responders may aid program  
5 participants when those individuals are involved in motor vehicle  
6 emergencies or accidents and are unable to communicate.

7 <sup>1</sup>b. A Yellow Dot Program window decal on a motor vehicle  
8 involved in a motor vehicle accident or emergency shall serve as  
9 notice to an emergency responder assisting the vehicle that the  
10 driver or any passenger in the vehicle may be a participant in a  
11 Yellow Dot Program established pursuant to this act.

12 c. If a motor vehicle is involved in a motor vehicle accident or  
13 emergency, and a Yellow Dot Program window decal is affixed to  
14 the vehicle, an emergency responder at the scene of such accident  
15 or emergency is authorized to search the glove compartment of the  
16 vehicle for a Yellow Dot Program envelope and health information  
17 card.

18 d. An emergency responder may use the information contained  
19 in the Yellow Dot Program envelope for the following purposes:

20 (1) To identify a participant in the Yellow Dot Program;

21 (2) To ascertain whether the program participant has a medical  
22 condition that may impede communications with the emergency  
23 responder;

24 (3) To communicate with the program participant’s emergency  
25 contacts about the location and general condition of the program  
26 participant; or

27 (4) To consider the program participant’s current medications  
28 and pre-existing medical conditions when emergency medical  
29 treatment is administered for any injury the participant suffers.<sup>1</sup>

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31 <sup>1</sup>**[3. a. The chief administrator, in consultation with the**  
32 **commissioner, shall design “New Jersey Yellow Dot Program”**  
33 **materials, giving consideration to the program materials used by**  
34 **similar programs in other states. Program materials shall include,**  
35 **but need not be limited to:**

36 (1) a yellow decal of a size and design to be determined by the  
37 chief administrator which will be affixed to the rear driver’s side  
38 window of the program participant’s vehicle;

39 (2) a health information card which provides space for an  
40 individual to attach a recent photograph and indicate the  
41 individual’s name, emergency contact information, physicians’  
42 names and contact information, medical conditions, recent  
43 surgeries, allergies, medications, and any other information the  
44 chief administrator shall deem to be relevant to emergency  
45 responders in the case of emergency;

46 (3) a yellow envelope of a size and design to be determined by  
47 the chief administrator into which the health information card

1 established pursuant to this subsection is to be inserted and placed  
2 in the program participant's glove compartment; and

3 (4) a program instruction sheet including an electronic mail  
4 address required pursuant to subsection b. of this section.

5 b. The commission shall establish an electronic mail  
6 mechanism through which persons may ask questions about the  
7 program and receive assistance in completing the health information  
8 card.

9 c. The commission shall provide sufficient program materials  
10 to other State departments or agencies seeking to distribute or make  
11 program materials available to interested persons.

12 d. The chief administrator shall notify the Superintendent of  
13 State Police regarding the implementation of the "New Jersey  
14 Yellow Dot Program" so that all emergency responders are  
15 informed about the program, pursuant to section 7 of this act.

16 e. The commission may charge an individual seeking to  
17 participate in the program a nominal fee to cover the administrative  
18 cost of the program.】<sup>1</sup>

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20 <sup>1</sup>【4. The chief administrator shall make "New Jersey Yellow Dot  
21 Program" materials available for pick up by any interested person at  
22 any New Jersey Motor Vehicle Commission agency or regional  
23 service center and shall provide for an on-line means through which  
24 individuals can request the materials required to participate in the  
25 program. Any other State department or agency may make the  
26 program materials available for distribution to, or pick up by, any  
27 interested person. Questions shall be referred to the electronic mail  
28 address established pursuant to subsection b. of section 3 of this  
29 act.】<sup>1</sup>

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31 <sup>1</sup>【5. The commission shall develop and undertake a public  
32 education campaign to inform the public about the "New Jersey  
33 Yellow Dot Program" established pursuant to this act.】<sup>1</sup>

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35 <sup>1</sup>3. a. In implementing a Yellow Dot Program and designing  
36 program materials, a local governing body shall give consideration  
37 to the program materials used by similar programs in the State and  
38 other states. The local governing body may also consult with  
39 interested parties, including, but not limited to, local law  
40 enforcement agencies, fire departments, emergency medical  
41 services personnel, agencies or organizations that have direct  
42 contact with senior citizens, and any other organizations that  
43 promote the health and safety of motorists.

44 b. Program materials shall include, but need not be limited to:

45 (1) An adhesive yellow decal which will be affixed to the rear  
46 driver's side window of the program participant's vehicle;

1       (2) A health information card which provides space for an  
2 individual to attach a recent photograph and indicate the  
3 individual's name, emergency contact information, physicians'  
4 names and contact information, medical conditions, recent  
5 surgeries, allergies, medications, and any other information the  
6 local governing body shall deem to be relevant to emergency  
7 responders in the case of a motor vehicle accident or emergency;  
8 and

9       (3) A yellow envelope into which the health information card is  
10 to be inserted and which shall be placed in the program  
11 participant's glove compartment.<sup>1</sup>

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13       <sup>1</sup>4. a. Any local governing body that establishes a Yellow Dot  
14 Program pursuant to this act shall make program materials available  
15 for pick up at convenient and accessible locations by any person  
16 interested in becoming a program participant. The locations where  
17 program materials will be made available for pick up shall be  
18 determined by the local governing body. The local governing body  
19 may also establish a means whereby program materials may be  
20 obtained or ordered through the mail or electronically.

21       b. A local governing body may charge an individual seeking to  
22 participate in a Yellow Dot Program a nominal fee to cover the  
23 administrative cost of the program, which may include, but not be  
24 limited to, the cost of program materials, any public education  
25 campaign which may be undertaken to inform the public about the  
26 program, and any assistance provided to program participants.<sup>1</sup>

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28       <sup>1</sup>**[6.] 5.**<sup>1</sup> An emergency responder is not liable for any civil  
29 damages as a result of any acts or omissions undertaken in response  
30 to incomplete, incorrect, or outdated information provided on any  
31 health information card if the responder acted in good faith in  
32 rendering care at the scene of a motor vehicle accident or  
33 emergency to a program participant.

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35       <sup>1</sup>**[7.** The Superintendent of State Police shall notify all  
36 emergency responders about the "New Jersey Yellow Dot Program"  
37 established pursuant to this act.]<sup>1</sup>

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39       <sup>1</sup>**[8.] 6.**<sup>1</sup> This act shall take effect <sup>1</sup>**[on the first day of the**  
40 **thirteenth month following enactment, but the chief administrator**  
41 **may take such anticipatory administrative action in advance thereof**  
42 **as shall be necessary for the implementation of this act]**  
43 **immediately**<sup>1</sup>.

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47       Establishes "New Jersey Yellow Dot Program" in MVC.

# SENATE, No. 71

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex and Morris)**

**Senator ROBERT W. SINGER**

**District 30 (Monmouth and Ocean)**

**SYNOPSIS**

Establishes “New Jersey Yellow Dot Program” in Division of Highway Traffic Safety.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 1/31/2012)

1 AN ACT establishing a “New Jersey Yellow Dot Program” and  
2 supplementing chapter 5F of Title 27 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. There is established a “New Jersey Yellow Dot Program” in  
8 the Division of Highway Traffic Safety in the Department of Law  
9 and Public Safety. The purpose of the program is to provide  
10 emergency responders with critical health information about  
11 program participants so that emergency responders may aid or assist  
12 those program participants involved in motor vehicle emergencies  
13 or accidents who are unable to communicate with emergency  
14 responders.

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16 2. For the purposes of this act:

17 “Emergency responder” means a municipal, county, or State law  
18 enforcement officer or firefighter or other person who has been  
19 trained to provide emergency medical first response services in a  
20 program recognized by the Commissioner of the Department of  
21 Health and Senior Services and licensed or otherwise authorized by  
22 the department to provide those services.

23 “Program participant” means an individual 62 years of age or  
24 over or an individual with a chronic illness participating in the  
25 program.

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27 3. a. The Director of the Division of Highway Traffic Safety,  
28 in consultation with the Commissioner of Health and Senior  
29 Services, shall design “New Jersey Yellow Dot Program” materials  
30 giving consideration to the program materials used by similar  
31 programs in other states in order to maximize uniformity. Program  
32 materials shall include, but need not be limited to:

33 (1) a yellow decal of a size and design to be determined by the  
34 director which will be affixed to the rear driver’s side window of  
35 the program participant’s vehicle;

36 (2) a health information card which provides space for a  
37 program participant to attach a recent photograph and indicate the  
38 participant’s name, emergency contact information, physicians’  
39 names and contact information, medical conditions, recent  
40 surgeries, allergies, medications, and any other information the  
41 director shall deem to be relevant information to emergency  
42 responders in the case of emergency;

43 (3) a yellow envelope of a size and design to be determined by  
44 the director into which the health information card established  
45 pursuant to paragraph (2) of this subsection is to be inserted and  
46 then placed in the program participant’s glove compartment; and



1 (4) a program instruction sheet including the hotline phone  
2 number and electronic mail address required pursuant to subsection  
3 b. of this section.

4 b. The director shall establish a mechanism, by means of a toll-  
5 free telephone hotline and electronic mail, through which persons  
6 may ask questions about the program and receive assistance in  
7 completing the health information card.

8 c. The division shall provide sufficient program materials to  
9 every office and facility operated by the New Jersey Motor Vehicle  
10 Commission and to municipal police departments and State Police  
11 stations.

12 d. The division may charge program participants a nominal fee  
13 to cover the administrative cost of the program.

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15 4. The New Jersey Motor Vehicle Commission, municipal  
16 police departments, and State Police stations shall make “New  
17 Jersey Yellow Dot Program” materials available for pick up by any  
18 interested person. It shall not be the duty of the commission,  
19 municipal police, or State Police to answer program-related  
20 questions or to provide assistance in completing the health  
21 information card. Questions shall be referred to the hotline or  
22 electronic mail address established pursuant to subsection b. of  
23 section 3 of P.L. , c. (C. ) (pending before the Legislature as  
24 this bill).

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26 5. The Division of Highway Traffic Safety shall develop and  
27 undertake a public education campaign to inform the public about  
28 the “New Jersey Yellow Dot Program” established pursuant to  
29 P.L. , c. (C. ) (pending before the Legislature as this bill).

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31 6. An emergency responder is not liable for any civil damages  
32 as a result of any acts or omissions undertaken in response to  
33 incomplete, incorrect, or outdated information provided on any  
34 health information card if the responder acted in good faith in  
35 rendering care at the scene of a motor vehicle accident or  
36 emergency to a program participant.

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38 7. No property subject to forfeiture as prima facie contraband  
39 as defined in paragraph (1) of subsection a. of N.J.S.2C:64-1 found  
40 by a law enforcement officer in the glove compartment of a vehicle  
41 with a “Yellow Dot Program” decal shall be admissible in evidence  
42 in any court proceeding provided that the law enforcement officer  
43 entered the glove compartment only to retrieve the “Yellow Dot  
44 Program” health information card.

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46 8. The Superintendent of State Police shall notify all law  
47 enforcement officers and emergency responders about the “New

1 Jersey Yellow Dot Program” established pursuant to of P.L. ,  
2 c. (C. ) (pending before the Legislature as this bill).

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4 9. This act shall take effect on the first day of the thirteenth  
5 month following enactment, but the Director of the Division of  
6 Highway Traffic Safety may take such anticipatory administrative  
7 action in advance thereof as shall be necessary for the  
8 implementation of this act.

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#### STATEMENT

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This bill establishes a “Yellow Dot Program” in New Jersey, and is intended to provide emergency responders with critical health information about citizens who are 62 years of age or older or citizens with chronic illnesses who participate in the program so that emergency responders may aid or assist those program participants involved in motor vehicle emergencies or accidents who are unable to communicate.

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The Division of Highway Traffic Safety in the Department of Law and Public Safety, in consultation with the Commissioner of Health and Senior Services, will design the program materials and instructions. Program materials include a yellow decal for the motor vehicle, a health information card, a yellow envelope, and program instructions. The division may charge program participants a nominal fee to cover the cost of the program.

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Individuals interested in participating in the program may obtain program materials from a New Jersey Motor Vehicle Commission facility, a municipal police department, or a State Police station. Questions about the program, and requests for assistance in completing the health information card, will be referred to a hotline and email address administered by the Division of Highway Traffic Safety.

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The health information card will provide space for a program participant to attach a recent photograph and indicate the participant’s name, emergency contact information, physicians’ names and contact information, medical conditions, recent surgeries, allergies, medications, and any other information deemed by the director to be important to emergency responders in emergencies.

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The division will conduct a public information campaign to notify the public of the availability of the program and the Superintendent of State Police will notify law enforcement and emergency responders about the program.

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Emergency responders would not be liable for any civil damages in response to the care provided at the scene of the emergency if the

**S71 CODEY, SINGER**

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1 information on the health information card was incomplete,  
2 incorrect, or outdated.

3 No property subject to forfeiture as prima facie contraband found  
4 by a law enforcement officer in the glove compartment of a vehicle  
5 with a decal would be admissible in evidence in any court  
6 proceeding, provided that the officer entered the glove compartment  
7 only to retrieve the health information card.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 71**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 30, 2012

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 71.

As reported, this amended bill establishes a “Yellow Dot Program” in New Jersey. The program is intended to provide emergency responders with critical health and emergency contact information about individuals who participate in the program so that emergency responders may provide aid to them if they are involved in motor vehicle emergencies and are unable to communicate.

The Division of Highway Traffic Safety in the Department of Law and Public Safety, in consultation with the Commissioner of Health and Senior Services, will design the program materials and instructions. The division may charge a nominal fee to cover the cost of the program.

Individuals interested in participating in the program may obtain program materials from a New Jersey Motor Vehicle Commission facility, a municipal police department, a State Police station, or other State department or agency that seeks to distribute or make available program materials to interested persons. Questions about the program, and requests for assistance in completing the health information card, will be referred to a hotline and email address administered by the Division of Highway Traffic Safety.

The health information card will provide space for attaching a recent photograph and for indicating the individual’s name, emergency contact information, physicians’ names and contact information, medical conditions, recent surgeries, allergies, medications, and any other information deemed by the director to be important to emergency responders in emergencies.

The division will conduct a public information campaign to notify the public of the availability of the program and the Superintendent of State Police will notify law enforcement and emergency responders about the program.

Emergency responders would not be liable for any civil damages in response to the care provided at the scene of the emergency if the

information on the health information card was incomplete, incorrect, or outdated.

No property subject to forfeiture as prima facie contraband found by a law enforcement officer in the glove compartment of a vehicle with a decal would be admissible in evidence in any court proceeding, provided that the officer entered the glove compartment only to retrieve the health information card.

The committee amendments specify that the program is intended to provide emergency responders with emergency contact information in addition to critical health information. In addition, the amendments provide that the program would be open to any individual who completes the health information card, provides emergency contact information, and affixes the "New Jersey Yellow Dot Program" decal to the individual's vehicle, rather than limiting participation to individuals 62 years of age or over and individuals with chronic illnesses. The amendments further provide that, in addition to requiring that the New Jersey Motor Vehicle Commission, municipal police departments, and State Police stations make program materials available to interested persons, other State department or agencies may make program materials available at cost or, to the extent possible, at a discount.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 71**

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 27, 2012

The Senate Budget and Appropriations Committee reports favorably a Senate Committee Substitute for Senate Bill No. 71.

This committee substitute establishes a “Yellow Dot Program” in the New Jersey Motor Vehicle Commission (MVC). The purpose of the program is to provide emergency responders with critical health and emergency contact information for program participants to enable emergency responders to better assist program participants who are involved in motor vehicle emergencies and are unable to communicate.

The Chief Administrator of the MVC, in consultation with the Commissioner of Health and Senior Services, is to design the program materials, which would include a yellow decal for the motor vehicle, an envelope, and a health information card.

The MVC would make the program materials available for pick up by interested individuals and provide an on-line means to request the materials. The MVC also would make the program materials available to other State departments and agencies seeking to distribute or make the program materials available to interested persons. In addition, the MVC would provide for electronic mail so that individuals may ask questions about the program and receive assistance in completing the health information card. The MVC may charge participants a nominal fee to cover the cost of the program.

The MVC is directed to conduct a public information campaign and the Superintendent of State Police is to notify emergency responders about the program.

#### FISCAL IMPACT:

The Office of Legislative Services is not able to quantify costs that may be incurred under this substitute bill. The MVC may incur indeterminate costs by five required activities: 1) using staff resources to design program materials; 2) establishing an electronic mail service through which persons may ask questions about the program and receive assistance in completing the health information card; 3) developing and undertaking a public education campaign; 4) creating or procuring a supply of program materials; and 5) dispensing program

materials through MVC facilities and through an online mechanism to individuals seeking to participate in the program. State departments and agencies other than the MVC which choose to make program materials available may also incur some indeterminate administrative costs in doing so.

The substitute permits the MVC to charge a nominal fee to individuals seeking to participate in the program to cover its administrative costs. It is not clear whether any revenue from these fees would be used to cover administrative costs at agencies other than the MVC. Depending upon the allocation of revenue, amount of the fee, and the level of participation in the program, it is possible that the net fiscal impact may be positive, negative, or neutral.

The substitute requires the Superintendent of State Police to notify law enforcement agencies and emergency responders about the program. It is not clear if this requirement would generate noteworthy costs for the State Police.

**FISCAL NOTE**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE, No. 71**  
**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

DATED: AUGUST 20, 2012

**SUMMARY**

**Synopsis:** Establishes “New Jersey Yellow Dot Program” in MVC.

**Type of Impact:** An expenditure and revenue increase.

**Agencies Affected:** New Jersey Motor Vehicle Commission (MVC).

**Executive Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	\$417,000	\$67,000	\$67,000
<b>State Revenue</b>	Indeterminate - See comments below		

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	\$250,000	\$50,000	\$50,000
<b>State Revenue</b>	Indeterminate - See comments below		

- The Office of Legislative Services (OLS) estimates costs to be less than the Motor Vehicle Commission (MVC). The OLS believes that an adequate public information campaign could be conducted at lower cost than estimated by MVC, accounting for most of the difference in the total cost estimates.
- The cost and revenue associated with the substitute will depend on the number of program material packages distributed and the fee charged for each package. Estimates by both the MVC and OLS are based on an assumption that 5,000 packages will be printed and distributed.



## **BILL DESCRIPTION**

The Senate Committee Substitute for Senate Bill No. 71 of 2012 establishes a “Yellow Dot Program” in the MVC. The purpose of the program is to provide emergency responders with critical health and emergency contact information for program participants to enable emergency responders to better assist program participants who are involved in motor vehicle emergencies and are unable to communicate.

The substitute requires the Chief Administrator of the MVC, in consultation with the Commissioner of Health, to design the program material package, which would include a yellow decal for the motor vehicle, an envelope, a health information card, and a program instruction sheet. The MVC would make the program materials available for pick up by interested individuals at any MVC agency or regional service center and provide an online means to request the materials. The MVC also would make the program materials available to other State departments and agencies seeking to distribute or make the program materials available to interested persons. In addition, the MVC would provide for an electronic mail mechanism so that individuals may ask questions about the program and receive assistance in completing the health information card. The MVC may charge participants a nominal fee to cover the cost of the program.

The MVC is directed to conduct a public information campaign, and the Superintendent of State Police is to notify emergency responders about the program.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The MVC estimates total State costs in the first year of the program will total **\$417,000**, as follows:

- Printing costs for 5,000 program material packages are estimated at **\$22,000**, implying a cost of \$4.40 per package.
- Salaries and fringe benefits account for **\$44,000**: \$16,500 for the time required to answer questions on the electronic mail mechanism, mail packages, and monitor inventory; and \$27,500 to distribute an estimated 4,000 program material packages at MVC facilities.
- Postage to mail an additional 1,000 program material packages is estimated at **\$1,000**.
- Changes to the MVC’s computer systems, necessary in order to charge participants a fee for program materials, are estimated to cost **\$50,000**.
- A public education campaign, including a Statewide radio campaign, posters, and an informational insert to be included with registration renewal applications, is priced at **\$300,000**.

After the first year MVC estimates annual costs at **\$67,000**, including \$44,000 for salaries and fringe benefits, \$22,000 for printing materials, and \$1,000 for postage.

The MVC notes that it is impossible to determine with any certainty how many Yellow Dot packages will be sold, noting that similar programs in other states typically provide materials free of charge. The MVC observes that 5,000 packages would need to be sold at \$80 each in order to recoup the anticipated program costs of approximately \$400,000 in the first year, but notes that this price is uncompetitive with similar materials sold by internet retailers. The MVC does not provide an estimate of the revenue it would actually anticipate at an \$80 price.

The MVC expressed several additional concerns, as follows:

- Implementation of the Yellow Dot program would divert time away from implementation of the ongoing MATRX project and may lead to delayed implementation and cost overruns of the MVC's computer system upgrade project.
- The online ordering of Yellow Dot materials would have to be outsourced until MATRX is fully functional. The RFP process would take over a year to complete.
- Selling program materials at MVC agencies will increase lines and wait times.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS believes that the MVC's overall cost estimates are overstated. For comparison purposes, the following analysis accepts the MVC's estimate that 5,000 packages would be distributed per year, but actual sales may be higher or lower than this estimate. The experience of other states with Yellow Dot programs suggests that the estimate is reasonable, however, due to uncertainty regarding consumer demand, price sensitivity, and other factors, the OLS cannot estimate likely sales and revenues with confidence.

The OLS estimates total program costs at **\$250,000** in the first year, as follows:

- Printing costs for program materials are estimated at \$1 per package, or **\$5,000** per year, assuming 5,000 packages per year. The OLS notes that custom-printed Yellow Dot materials similar to those described by the substitute, when purchased in such large quantities, are available through online retailers for approximately \$2 per package, so the MVC's cost of \$4.40 per package is overstated. Design costs for program materials can be covered under design costs for the public information campaign.
- The MVC's estimates of **\$44,000** for staff, **\$1,000** for postage, and **\$50,000** for computer programming are reasonable.
- A budget of **\$150,000** for the public information campaign in the first year of the program is appropriate, as follows: \$80,000 for a limited (rather than Statewide) advertising campaign in targeted areas; \$40,000 for the cost of informational inserts with vehicle registration renewal applications; \$20,000 for posters to be displayed at various locations; and \$10,000 for the design of program materials, inserts, posters, and an online advertisement that can be posted on the MVC's website.

After the first year, the OLS estimates that annual costs will be **\$50,000**, including \$44,000 for staff, \$5,000 for the printing of program materials, and \$1,000 for postage.

The MVC's analysis indicates that it expects to distribute 5,000 Yellow Dot material packages in the first year, and would need to charge a fee of \$80 per package in order to offset the program's costs in the first year, though it notes that this price would be uncompetitive with similar packages sold by internet retailers. The OLS notes that, given that individual packages of Yellow Dot materials are available for approximately \$5 per package from internet retailers, a cost higher than \$10 would probably deter most potential participants, and may also violate the substitute's requirement that the MVC charge only a "nominal fee." Assuming that 5,000 packages are sold per year at \$10 each, the program would produce \$50,000 in revenue, covering the out-year costs of the program. As noted above, however, the OLS does not have sufficient information to confidently predict actual sales at the \$10 price. It is unlikely that sales in the first year would provide enough revenue to cover the up-front costs of computer programming and the public information campaign.

FN to SCS for S71

4

*Section: Human Services*

*Analyst: David Drescher  
Assistant Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND  
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 71**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 27, 2012

The Assembly Transportation and Public Works Committee reports favorably Senate Committee Substitute for Senate Bill No. 71.

As reported, this committee substitute establishes a “Yellow Dot Program” in the New Jersey Motor Vehicle Commission (MVC). The purpose of the program is to provide emergency responders with critical health and emergency contact information about program participants and to better assist program participants who are involved in motor vehicle emergencies and are unable to communicate.

The Chief Administrator of the MVC, in consultation with the Commissioner of Health and Senior Services, is to design the program materials, including a yellow decal for the motor vehicle, an envelope, and a health information card.

The MVC will make the program materials available for pick up at any MVC agency or regional service center by interested individuals and provide an on-line means to request the materials. The MVC will also make the program materials available to other State departments and agencies seeking to distribute or make the program materials available to interested persons. In addition, the MVC will provide for electronic mail so that individuals may ask questions about the program and receive assistance in completing the health information card. The MVC may charge participants a nominal fee to cover the cost of the program.

The MVC is directed to conduct a public information campaign and the Superintendent of State Police is to notify emergency responders about the program.

Senate Committee Substitute for Senate Bill No. 71 is identical to Assembly Committee Substitute for Assembly Bill No. 2037, which was also reported by the committee on this day.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 71**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 13, 2012

The Assembly Appropriations Committee reports favorably Senate Bill No. 71 (SCS).

This bill establishes a “Yellow Dot Program” in the New Jersey Motor Vehicle Commission (MVC).

The bill provides that the purpose of the program is to provide emergency responders with critical health and emergency contact information about program participants to enable emergency responders to assist program participants who are involved in motor vehicle emergencies and are unable to communicate.

The bill requires the Chief Administrator of the New Jersey Motor Vehicle Commission, in consultation with the Commissioner of Health and Senior Services, to design program materials. The bill specifies that the program material required to be designed must, at a minimum, include a yellow decal to be affixed to the rear driver’s side window of a program participant’s vehicle, a health information card, a yellow envelope into which a health information card is to be inserted and placed in the program participant’s glove compartment, and a program instruction sheet.

The bill requires the chief administrator to make program materials available for pick up by interested individuals at any commission agency or regional service center, and to provide an on-line means to request the materials. The bill permits any other State departments and agencies to make program materials available for distribution to, or pick up by, interested persons.

The bill requires the commission to establish an electronic mail mechanism so that individuals may ask questions about the program and receive assistance in completing the health information card.

The bill authorizes the commission to charge an individual seeking to participate in the program a nominal fee to cover the administrative cost of the program.

The bill requires the commission to develop and undertake a public education campaign to inform the public about the program.

The bill requires the Superintendent of State Police to notify all emergency responders about the program.

The bill provides that an emergency responder is not liable for any civil damages as a result of acts or omissions undertaken in response to incomplete, incorrect, or outdated information provided on a health information card, if the responder acted in good faith in rendering care at the scene of a motor vehicle accident or emergency to a program participant.

The bill takes effect on the first day of the 13th month following enactment, but permits the chief administrator to take anticipatory administrative actions prior to the bill's effective date.

As reported, this bill is identical to Assembly Bill No. 2037 (ACS), as also reported by the committee.

**FISCAL IMPACT:**

The New Jersey Motor Vehicle Commission estimates the State may incur costs that total \$417,000 in the first year of the program and \$67,000 each year thereafter. According to the commission's analysis, first year costs are expected to be comprised largely of costs to conduct a public education campaign (\$300,000) and costs to reconfigure the commission's computers (\$50,000); recurring costs are expected to be comprised of salaries and benefits (\$44,000 per year) and costs to print program materials (\$22,000 per year).

The Office of Legislative Services (OLS) estimates that both first and second year State costs may be less than the costs estimated by the commission. The OLS notes that a public education campaign could be conducted for approximately one-half of the cost projected by the commission and notes that bulk purchases of program materials could reduce printing costs so that State costs may total \$250,000 in the first year of the program and \$50,000 each year thereafter.

The commission and the OLS expect some or all of the State costs associated with the program to be offset by "nominal fees" that are permitted to be charged to individuals participating in the program. However, the amount of the fee and the number of individuals that may pay the fee to participate in the program is currently unknown.

**LEGISLATIVE FISCAL ESTIMATE**  
[First Reprint]  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE, No. 71**  
**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

DATED: JUNE 3, 2013

**SUMMARY**

**Synopsis:** Establishes “New Jersey Yellow Dot Program” in MVC.

**Type of Impact:** No State impact. Possible positive or negative net impact for local governing bodies.

**Agencies Affected:** Participating county and municipal governments.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Years 1-3</u></b>
<b>State Cost/Revenue</b>	No impact.
<b>Local Cost</b>	Possible increase for participating governments.
<b>Local Revenue</b>	Possible increase for participating governments.

- The legislation authorizes the establishment of Yellow Dot programs by counties and municipalities. Participation is voluntary on the part of local governing bodies. Yellow Dot programs are not precluded by current law.
- Local governing bodies that choose to establish a Yellow Dot program are authorized to charge a fee to program participants to offset the administrative costs of the program. The net fiscal impact may be positive or negative, depending on the costs of the program, the amount of the fee, and the level of participation in the program.

**BILL DESCRIPTION**

The First Reprint of the Senate Committee Substitute for Senate Bill No. 71 of 2012 would authorize the establishment of Yellow Dot programs by any county or municipality in the State. According to the substitute, the purpose of a Yellow Dot program is to provide emergency responders with critical health and emergency contact information about program participants so

that emergency responders may aid program participants who are involved in motor vehicle emergencies or accidents and are unable to communicate.

To implement a Yellow Dot program as authorized by the substitute, a county or municipality would create program materials including, but not limited to: an adhesive yellow decal to be affixed to the rear driver's side window of the program participant's vehicle; a health information card which provides space for an individual to attach a recent photograph and indicate the individual's name, emergency contact information, physicians' names and contact information, medical conditions, recent surgeries, allergies, medications, and any other information deemed to be relevant to emergency responders in the case of a motor vehicle accident or emergency; and a yellow envelope to hold the health information card, which is to be placed in the program participant's glove compartment.

A local governing body that establishes a Yellow Dot program is to make program materials available for pick up at convenient and accessible locations by any person interested in becoming a program participant, as determined by the governing body. The local governing body may also establish a means whereby program materials may be obtained or ordered through the mail or electronically.

The substitute authorizes a local governing body to charge an individual seeking to participate in a Yellow Dot Program a nominal fee to cover the administrative costs of the program, which may include, but not be limited to, the cost of program materials, any public education campaign which may be undertaken to inform the public about the program, and any assistance provided to program participants.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The substitute does not directly affect the State, and would only pertain to county and municipal governing bodies that choose to establish a Yellow Dot program. As current law does not preclude a local government from establishing such a program, and the substitute does not require it, any related costs or revenues would not necessarily be attributable to this legislation. In his veto message for the original version of this substitute, the Governor noted that Mount Laurel Township is already operating a Yellow Dot program, and other localities may also be operating or planning to operate such programs.

A Yellow Dot program operated by a local governing body may have a positive or negative net fiscal impact, depending on several factors. If the governing body of a county or municipality decides to establish a Yellow Dot program, it would determine the level of expenditure necessary to implement the program, including costs to produce and distribute program materials, undertake a public education campaign to inform the public about the program, and provide assistance to program participants. Under the substitute, the governing body may also determine a reasonable fee to be charged to program participants to offset those costs. It is noted that several private retailers sell Yellow Dot program materials on the Internet, which may provide price competition, limiting the fees that local governing bodies may be able to charge. It is possible that actual revenues would exceed or fall short of actual expenses,



depending on the costs of the program, the amount of the fee, and the level of participation in the program.

*Section: Human Services*

*Analyst: David Drescher  
Associate Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 71**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Committee Substitute for Senate Bill No. 71 with my recommendations for reconsideration.

This bill would establish a Statewide Yellow Dot program to be administered by the New Jersey Motor Vehicle Commission. Yellow Dot programs are designed to provide emergency responders with health and emergency contact information to better assist program participants who are involved in motor vehicle emergencies. A program participant places a yellow dot in their vehicle's rear window which alerts emergency personnel to check the glove compartment for additional health information.

While I am supportive of the sponsors' intent to offer an additional mechanism to assist in vehicle-related emergencies, I do not believe a State administered program is necessary. Yellow Dot programs are in place in more than twenty states, and the majority are administered by local governments. Here in New Jersey, Mount Laurel Township has already successfully implemented a Yellow Dot program through the coordinated efforts of the Mount Laurel Township Police, Fire Department, EMS, Parks & Recreation Department, Township Managers Office, senior groups and other concerned citizens. Notably, Mount Laurel's program is provided without taxpayer expense through nonprofit funding.

Based on these examples, legislation establishing a Statewide Yellow Dot program is not necessary in order for Yellow Dot programs to be established in the State. Yellow Dot programs have been successful here, and in other states, without centralized administration and without the need for a new appropriation - a requirement of the current bill that the

sponsors have not addressed. Rather, the better approach is to clarify that Yellow Dot programs may be established at the local level.

Therefore, I herewith return Senate Committee Substitute for Senate Bill No. 71 and recommend that it be amended as follows:

<u>Page 2, Title, Line 1:</u>	Delete "establishing a "New Jersey Yellow Dot Program"" and insert "authorizing the establishment of Yellow Dot Programs"
<u>Page 2, Title, Line 2:</u>	Delete "chapter 3 of Title 39" and insert "Title 40"
<u>Page 2, Section 1, Lines 8-14:</u>	Delete in their entirety
<u>Page 2, Section 1, Line 18:</u>	Delete "commissioner" and insert "Commissioner of Health"
<u>Page 2, Section 1, Line 19:</u>	Delete "and Senior Services"
<u>Page 2, Section 1, Line 23:</u>	After "affixed" delete "the" and insert "a Yellow Dot window"
<u>Page 2, Section 1, Lines 23-24:</u>	Delete "by the New Jersey Motor Vehicle Commissioner"
<u>Page 2, Section 2, Lines 27-28:</u>	Delete "There is established a "New Jersey Yellow Dot Program" in the New Jersey Motor Vehicle Commission." and insert "a. The local governing body of any county or municipality in this State may establish a "Yellow Dot Program.""
<u>Page 2, Section 2, Lines 28-29:</u>	Delete "the program" and insert "a Yellow Dot Program"
<u>Page 2, Section 2, Line 33:</u>	After "communicate." Insert "b. A Yellow Dot Program window decal on a motor vehicle involved in a motor vehicle accident or emergency shall serve as notice to an emergency responder assisting the vehicle that the driver or any passenger in the vehicle may be a participant in a Yellow Dot Program established pursuant to this act.

c. If a motor vehicle is involved in a motor vehicle accident or emergency, and a Yellow Dot Program window decal is affixed to the vehicle, an emergency responder at the scene of such accident or emergency is authorized to search the glove compartment of the vehicle for a Yellow Dot Program envelope and health information card.

d. An emergency responder may use the information contained in the Yellow Dot Program envelope for the following purposes:

(1) To identify a participant in the Yellow Dot Program;

(2) To ascertain whether the program participant has a medical condition that may impede communications with the emergency responder;

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

(4) To consider the program participant's current medications and pre-existing medical conditions when emergency medical treatment is administered for any injury the participant suffers."

Page 2, Section 3, Lines 35-47:

Delete in their entirety and insert new sections 3 and 4: "3. a. In implementing a Yellow Dot Program and designing program materials, a local governing body shall give consideration to the program materials used by similar programs in the State and other states. The local governing body may also consult with interested parties, including, but not limited to, local law enforcement agencies, fire departments, emergency medical services personnel, agencies or organizations that have direct contact with senior

citizens, and any other organizations that promote the health and safety of motorists.

b. Program materials shall include, but need not be limited to:

(1) An adhesive yellow decal which will be affixed to the rear driver's side window of the program participant's vehicle;

(2) A health information card which provides space for an individual to attach a recent photograph and indicate the individual's name, emergency contact information, physicians' names and contact information, medical conditions, recent surgeries, allergies, medications, and any other information the local governing body shall deem to be relevant to emergency responders in the case of a motor vehicle accident or emergency; and

(3) A yellow envelope into which the health information card is to be inserted and which shall be placed in the program participant's glove compartment.

4. a. Any local governing body that establishes a Yellow Dot Program pursuant to this act shall make program materials available for pick up at convenient and accessible locations by any person interested in becoming a program participant. The locations where program materials will be made available for pick up shall be determined by the local governing body. The local governing body may also establish a means whereby program materials may be obtained or ordered through the mail or electronically.

b. A local governing body may charge an individual seeking to participate in a Yellow Dot Program a nominal fee to cover the

administrative cost of the program, which may include, but not be limited to, the cost of program materials, any public education campaign which may be undertaken to inform the public about the program, and any assistance provided to program participants."

- Page 3, Section 3, Lines 1-22: Delete in their entirety
- Page 3, Section 4, Lines 24-32: Delete in their entirety
- Page 3, Section 5, Lines 34-36: Delete in their entirety
- Page 3, Section 6, Line 38: Delete "6." and insert "5."
- Page 3, Section 7, Lines 45-47: Delete in their entirety
- Page 4, Section 8, Line 1: Delete "8." and insert "6."
- Page 4, Section 8, Line 1: Delete "on the first day of the thirteenth" and insert "immediately."
- Page 4, Section 8, Lines 2-4: Delete in their entirety

Respectfully,  
/s/ Chris Christie  
Governor

[seal]

Attest:  
/s/ Charles B. McKenna  
Chief Counsel to the Governor

# ASSEMBLY, No. 2037

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 17, 2012

**Sponsored by:**

**Assemblywoman BONNIE WATSON COLEMAN  
District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Establishes “New Jersey Yellow Dot Program” in Division of Highway Traffic Safety.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT establishing a “New Jersey Yellow Dot Program” and  
2 supplementing chapter 5F of Title 27 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. There is established a “New Jersey Yellow Dot Program” in  
8 the Division of Highway Traffic Safety in the Department of Law  
9 and Public Safety. The purpose of the program is to provide  
10 emergency responders with critical health information about  
11 program participants so that emergency responders may aid or assist  
12 those program participants involved in motor vehicle emergencies  
13 or accidents who are unable to communicate with emergency  
14 responders.

15

16 2. For the purposes of this act:

17 “Emergency responder” means a municipal, county, or State law  
18 enforcement officer or firefighter or other person who has been  
19 trained to provide emergency medical first response services in a  
20 program recognized by the Commissioner of the Department of  
21 Health and Senior Services and licensed or otherwise authorized by  
22 the department to provide those services.

23 “Program participant” means an individual 62 years of age or  
24 over or an individual with a chronic illness participating in the  
25 program.

26

27 3. a. The Director of the Division of Highway Traffic Safety,  
28 in consultation with the Commissioner of Health and Senior  
29 Services, shall design “New Jersey Yellow Dot Program” materials  
30 giving consideration to the program materials used by similar  
31 programs in other states in order to maximize uniformity. Program  
32 materials shall include, but need not be limited to:

33 (1) a yellow decal of a size and design to be determined by the  
34 director which will be affixed to the rear driver’s side window of  
35 the program participant’s vehicle;

36 (2) a health information card which provides space for a  
37 program participant to attach a recent photograph and indicate the  
38 participant’s name, emergency contact information, physicians’  
39 names and contact information, medical conditions, recent  
40 surgeries, allergies, medications, and any other information the  
41 director shall deem to be relevant information to emergency  
42 responders in the case of emergency;

43 (3) a yellow envelope of a size and design to be determined by  
44 the director into which the health information card established  
45 pursuant to paragraph (2) of this subsection is to be inserted and  
46 then placed in the program participant’s glove compartment; and



1 (4) a program instruction sheet including the hotline phone  
2 number and electronic mail address required pursuant to subsection  
3 b. of this section.

4 b. The director shall establish a mechanism, by means of a toll-  
5 free telephone hotline and electronic mail, through which persons  
6 may ask questions about the program and receive assistance in  
7 completing the health information card.

8 c. The division shall provide sufficient program materials to  
9 every office and facility operated by the New Jersey Motor Vehicle  
10 Commission and to municipal police departments and State Police  
11 stations.

12 d. The division may charge program participants a nominal fee  
13 to cover the administrative cost of the program.

14

15 4. The New Jersey Motor Vehicle Commission, municipal  
16 police departments, and State Police stations shall make “New  
17 Jersey Yellow Dot Program” materials available for pick up by any  
18 interested person. It shall not be the duty of the commission,  
19 municipal police, or State Police to answer program-related  
20 questions or to provide assistance in completing the health  
21 information card. Questions shall be referred to the hotline or  
22 electronic mail address established pursuant to subsection b. of  
23 section 3 of P.L. , c. (C. ) (pending before the Legislature  
24 as this bill).

25

26 5. The Division of Highway Traffic Safety shall develop and  
27 undertake a public education campaign to inform the public about  
28 the “New Jersey Yellow Dot Program” established pursuant to  
29 P.L. , c. (C. ) (pending before the Legislature as this bill).

30

31 6. An emergency responder is not liable for any civil damages  
32 as a result of any acts or omissions undertaken in response to  
33 incomplete, incorrect, or outdated information provided on any  
34 health information card if the responder acted in good faith in  
35 rendering care at the scene of a motor vehicle accident or  
36 emergency to a program participant.

37

38 7. No property subject to forfeiture as prima facie contraband  
39 as defined in paragraph (1) of subsection a. of N.J.S.2C:64-1 found  
40 by a law enforcement officer in the glove compartment of a vehicle  
41 with a “Yellow Dot Program” decal shall be admissible in evidence  
42 in any court proceeding provided that the law enforcement officer  
43 entered the glove compartment only to retrieve the “Yellow Dot  
44 Program” health information card.

45

46 8. The Superintendent of State Police shall notify all law  
47 enforcement officers and emergency responders about the “New

1 Jersey Yellow Dot Program” established pursuant to of P.L. , c.  
2 (C. ) (pending before the Legislature as this bill).

3

4 9. This act shall take effect on the first day of the thirteenth  
5 month following enactment, but the Director of the Division of  
6 Highway Traffic Safety may take such anticipatory administrative  
7 action in advance thereof as shall be necessary for the  
8 implementation of this act.

9

10

11

#### STATEMENT

12

13 This bill establishes a “Yellow Dot Program” in New Jersey, and  
14 is intended to provide emergency responders with critical health  
15 information about citizens who are 62 years of age or older or  
16 citizens with chronic illnesses who participate in the program so  
17 that emergency responders may aid or assist those program  
18 participants involved in motor vehicle emergencies or accidents  
19 who are unable to communicate.

20 The Division of Highway Traffic Safety in the Department of  
21 Law and Public Safety, in consultation with the Commissioner of  
22 Health and Senior Services, will design the program materials and  
23 instructions. Program materials include a yellow decal for the  
24 motor vehicle, a health information card, a yellow envelope, and  
25 program instructions. The division may charge program  
26 participants a nominal fee to cover the cost of the program.

27 Individuals interested in participating in the program may obtain  
28 program materials from a New Jersey Motor Vehicle Commission  
29 facility, a municipal police department, or a State Police station.  
30 Questions about the program, and requests for assistance in  
31 completing the health information card, will be referred to a hotline  
32 and email address administered by the Division of Highway Traffic  
33 Safety.

34 The health information card will provide space for a program  
35 participant to attach a recent photograph and indicate the  
36 participant’s name, emergency contact information, physicians’  
37 names and contact information, medical conditions, recent  
38 surgeries, allergies, medications, and any other information deemed  
39 by the director to be important to emergency responders in  
40 emergencies.

41 The division will conduct a public information campaign to  
42 notify the public of the availability of the program and the  
43 Superintendent of State Police will notify law enforcement and  
44 emergency responders about the program.

45 Emergency responders would not be liable for any civil damages  
46 in response to the care provided at the scene of the emergency if the  
47 information on the health information card was incomplete,  
48 incorrect, or outdated.

**A2037 WATSON COLEMAN**

5

1       No property subject to forfeiture as prima facie contraband found  
2 by a law enforcement officer in the glove compartment of a vehicle  
3 with a decal would be admissible in evidence in any court  
4 proceeding, provided that the officer entered the glove compartment  
5 only to retrieve the health information card.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND  
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2037**

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 27, 2012

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2037.

As reported, this committee substitute establishes a “Yellow Dot Program” in the New Jersey Motor Vehicle Commission (MVC). The purpose of the program is to provide emergency responders with critical health and emergency contact information about program participants and to better assist program participants who are involved in motor vehicle emergencies and are unable to communicate.

The Chief Administrator of the MVC, in consultation with the Commissioner of Health and Senior Services, is to design the program materials, including a yellow decal for the motor vehicle, an envelope, and a health information card.

The MVC will make the program materials available for pick up at any MVC agency or regional service center by interested individuals and provide an on-line means to request the materials. The MVC will also make the program materials available to other State departments and agencies seeking to distribute or make the program materials available to interested persons. In addition, the MVC will provide for electronic mail so that individuals may ask questions about the program and receive assistance in completing the health information card. The MVC may charge participants a nominal fee to cover the cost of the program.

The MVC is directed to conduct a public information campaign and the Superintendent of State Police is to notify emergency responders about the program.

Assembly Committee Substitute for Assembly Bill No. 2037 is identical to Senate Committee Substitute for Senate Bill No. 71, which was also reported by the committee on this day.

**FISCAL NOTE**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, No. 2037**  
**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

DATED: DECEMBER 5, 2012

**SUMMARY**

**Synopsis:** Establishes “New Jersey Yellow Dot Program” in MVC.

**Type of Impact:** An expenditure and revenue increase.

**Agencies Affected:** New Jersey Motor Vehicle Commission (MVC).

**Executive Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	\$417,000	\$67,000	\$67,000
<b>State Revenue</b>	Indeterminate – See comments below		

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	\$250,000	\$50,000	\$50,000
<b>State Revenue</b>	Indeterminate – See comments below		

- The Office of Legislative Services (OLS) estimates costs to be less than the Motor Vehicle Commission (MVC). The OLS believes that an adequate public information campaign could be conducted at lower cost than estimated by MVC, accounting for most of the difference in the total cost estimates.
- The cost and revenue associated with the substitute will depend on the number of program material packages distributed and the fee charged for each package. Estimates by both the MVC and OLS are based on an assumption that 5,000 packages will be printed and distributed.

## **BILL DESCRIPTION**

The Assembly Committee Substitute for Assembly Bill No. 2037 of 2012 establishes a “Yellow Dot Program” in the MVC. The purpose of the program is to provide emergency responders with critical health and emergency contact information for program participants to enable emergency responders to better assist program participants who are involved in motor vehicle emergencies and are unable to communicate.

The substitute requires the Chief Administrator of the MVC, in consultation with the Commissioner of Health, to design the program material package, which would include a yellow decal for the motor vehicle, an envelope, a health information card, and a program instruction sheet. The MVC would make the program materials available for pick up by interested individuals at any MVC agency or regional service center and provide an online means to request the materials. The MVC also would make the program materials available to other State departments and agencies seeking to distribute or make the program materials available to interested persons. In addition, the MVC would provide for an electronic mail mechanism so that individuals may ask questions about the program and receive assistance in completing the health information card. The MVC may charge participants a nominal fee to cover the cost of the program.

The MVC is directed to conduct a public information campaign, and the Superintendent of State Police is to notify emergency responders about the program.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The MVC estimates total State costs in the first year of the program will total **\$417,000**, as follows:

- Printing costs for 5,000 program material packages are estimated at **\$22,000**, implying a cost of \$4.40 per package.
- Salaries and fringe benefits account for **\$44,000**: \$16,500 for the time required to answer questions on the electronic mail mechanism, mail packages, and monitor inventory; and \$27,500 to distribute an estimated 4,000 program material packages at MVC facilities.
- Postage to mail an additional 1,000 program material packages is estimated at **\$1,000**.
- Changes to the MVC’s computer systems, necessary in order to charge participants a fee for program materials, are estimated to cost **\$50,000**.
- A public education campaign, including a Statewide radio campaign, posters, and an informational insert to be included with registration renewal applications, is priced at **\$300,000**.

After the first year MVC estimates annual costs at **\$67,000**, including \$44,000 for salaries and fringe benefits, \$22,000 for printing materials, and \$1,000 for postage.

The MVC notes that it is impossible to determine with any certainty how many Yellow Dot packages will be sold, noting that similar programs in other states typically provide materials free of charge. The MVC observes that 5,000 packages would need to be sold at \$80 each in order to recoup the anticipated program costs of approximately \$400,000 in the first year, but notes that this price is uncompetitive with similar materials sold by internet retailers. The MVC does not provide an estimate of the revenue it would actually anticipate at an \$80 price.

The MVC expressed several additional concerns, as follows:

- Implementation of the Yellow Dot program would divert time away from implementation of the ongoing MATRX project and may lead to delayed implementation and cost overruns of the MVC's computer system upgrade project.
- The online ordering of Yellow Dot materials would have to be outsourced until MATRX is fully functional. The RFP process would take over a year to complete.
- Selling program materials at MVC agencies will increase lines and wait times.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS believes that the MVC's overall cost estimates are overstated. For comparison purposes, the following analysis accepts the MVC's estimate that 5,000 packages would be distributed per year, but actual sales may be higher or lower than this estimate. The experience of other states with Yellow Dot programs suggests that the estimate is reasonable, however, due to uncertainty regarding consumer demand, price sensitivity, and other factors, the OLS cannot estimate likely sales and revenues with confidence.

The OLS estimates total program costs at **\$250,000** in the first year, as follows:

- Printing costs for program materials are estimated at \$1 per package, or **\$5,000** per year, assuming 5,000 packages per year. The OLS notes that custom-printed Yellow Dot materials similar to those described by the substitute, when purchased in such large quantities, are available through online retailers for approximately \$2 per package, so the MVC's cost of \$4.40 per package is overstated. Design costs for program materials can be covered under design costs for the public information campaign.
- The MVC's estimates of **\$44,000** for staff, **\$1,000** for postage, and **\$50,000** for computer programming are reasonable.
- A budget of **\$150,000** for the public information campaign in the first year of the program is appropriate, as follows: \$80,000 for a limited (rather than Statewide) advertising campaign in targeted areas; \$40,000 for the cost of informational inserts with vehicle registration renewal applications; \$20,000 for posters to be displayed at various locations; and \$10,000 for the design of program materials, inserts, posters, and an online advertisement that can be posted on the MVC's website.

After the first year, the OLS estimates that annual costs will be **\$50,000**, including \$44,000 for staff, \$5,000 for the printing of program materials, and \$1,000 for postage.

The MVC's analysis indicates that it expects to distribute 5,000 Yellow Dot material packages in the first year, and would need to charge a fee of \$80 per package in order to offset the program's costs in the first year, though it notes that this price would be uncompetitive with similar packages sold by internet retailers. The OLS notes that, given that individual packages of Yellow Dot materials are available for approximately \$5 per package from internet retailers, a cost higher than \$10 would probably deter most potential participants, and may also violate the substitute's requirement that the MVC charge only a "nominal fee." Assuming that 5,000 packages are sold per year at \$10 each, the program would produce \$50,000 in revenue, covering the out-year costs of the program. As noted above, however, the OLS does not have sufficient information to confidently predict actual sales at the \$10 price. It is unlikely that sales in the first year would provide enough revenue to cover the up-front costs of computer programming and the public information campaign.

FN to ACS for A2037

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*Section: Human Services*

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This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).



ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2037**

**STATE OF NEW JERSEY**

DATED: DECEMBER 13, 2012

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2037 (ACS).

This bill establishes a “Yellow Dot Program” in the New Jersey Motor Vehicle Commission (MVC).

The bill provides that the purpose of the program is to provide emergency responders with critical health and emergency contact information about program participants to enable emergency responders to assist program participants who are involved in motor vehicle emergencies and are unable to communicate.

The bill requires the Chief Administrator of the New Jersey Motor Vehicle Commission, in consultation with the Commissioner of Health and Senior Services, to design program materials. The bill specifies that the program material required to be designed must, at a minimum, include a yellow decal to be affixed to the rear driver’s side window of a program participant’s vehicle, a health information card, a yellow envelope into which a health information card is to be inserted and placed in the program participant’s glove compartment, and a program instruction sheet.

The bill requires the chief administrator to make program materials available for pick up by interested individuals at any commission agency or regional service center, and to provide an on-line means to request the materials. The bill permits any other State departments and agencies to make program materials available for distribution to, or pick up by, interested persons.

The bill requires the commission to establish an electronic mail mechanism so that individuals may ask questions about the program and receive assistance in completing the health information card.

The bill authorizes the commission to charge an individual seeking to participate in the program a nominal fee to cover the administrative cost of the program.

The bill requires the commission to develop and undertake a public education campaign to inform the public about the program.

The bill requires the Superintendent of State Police to notify all emergency responders about the program.

The bill provides that an emergency responder is not liable for any civil damages as a result of acts or omissions undertaken in response to incomplete, incorrect, or outdated information provided on a health information card, if the responder acted in good faith in rendering care at the scene of a motor vehicle accident or emergency to a program participant.

The bill takes effect on the first day of the 13th month following enactment, but permits the chief administrator to take anticipatory administrative actions prior to the bill's effective date.

As reported, this bill is identical to Senate Bill No. 71 (ACS), as also reported by the committee.

**FISCAL IMPACT:**

The New Jersey Motor Vehicle Commission estimates the State may incur costs that total \$417,000 in the first year of the program and \$67,000 each year thereafter. According to the commission's analysis, first year costs are expected to be comprised largely of costs to conduct a public education campaign (\$300,000) and costs to reconfigure the commission's computers (\$50,000); recurring costs are expected to be comprised of salaries and benefits (\$44,000 per year) and costs to print program materials (\$22,000 per year).

The Office of Legislative Services (OLS) estimates that both first and second year State costs may be less than the costs estimated by the commission. The OLS notes that a public education campaign could be conducted for approximately one-half of the cost projected by the commission and notes that bulk purchases of program materials could reduce printing costs so that State costs may total \$250,000 in the first year of the program and \$50,000 each year thereafter.

The commission and the OLS expect some or all of the State costs associated with the program to be offset by "nominal fees" that are permitted to be charged to individuals participating in the program. However, the amount of the fee and the number of individuals that may pay the fee to participate in the program is currently unknown.