

ASSEMBLY BILL

No. 1264

Introduced by Assembly Member Medina
(Coauthor: Senator Allen)

February 27, 2015

An act to add Section 9956 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1264, as introduced, Medina. Vehicles: emergency contact locator database.

Existing law imposes specified requirements on manufacturers of motor vehicles sold or leased in this state. Existing law requires hospitals to make reasonable efforts to contact the agent, surrogate, or family of patients who are otherwise incapable of communication.

This bill would enact the “Motor Vehicle Emergency Contact Locator Act of 2015” and would require a vehicle identification number emergency contact locator database to be established by motor vehicle manufacturers in conjunction with law enforcement agencies and the National Law Enforcement Telecommunications System.

This bill would require a motor vehicle manufacturer of a new motor vehicle sold or leased in this state on or after January 2, 2016, with a 2017 model year or later, to provide a means by which a purchaser or lessee of a new motor vehicle can voluntarily designate at the original retail point of sale an emergency contact to be stored in the VinECON database.

The bill would require the emergency contact information to be made available electronically only to authorized law enforcement and would require law enforcement personnel, when practicable, to expeditiously provide any VinECON data, either verbal or written, to the emergency

department of a general acute care hospital receiving a motor vehicle crash victim who is unconscious or otherwise incapable of communication, thereby imposing a state-mandated local program by imposing new duties upon local agencies.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In 2011, there were 29,757 fatal motor vehicle crashes and
4 1,530,000 nonfatal serious injury crashes in the United States.

5 (b) Existing law requires, within 24 hours of the arrival of a
6 patient in the emergency department of a general acute care
7 hospital, including a motor vehicle crash victim, who is
8 unconscious or otherwise incapable of communication, the hospital
9 to make reasonable efforts to contact the patient’s agent, surrogate,
10 or a family member or other person the hospital reasonably believes
11 has the authority to make health care decisions on behalf of the
12 patient.

13 (c) Contrary to popular belief, emergency medical technicians
14 and law enforcement do not have immediate access to family
15 contact information following a motor vehicle crash involving
16 individuals who are unconscious or unable to communicate, and,
17 typically, on-scene law enforcement resort to searching personal
18 belongings, such as a wallet, driver’s license, glove compartment,
19 or cell phone for leads to the identity of a family member or next
20 of kin.

21 (d) Critical hours elapse as family members are not notified and
22 unconscious motor vehicle crash victims enter the emergency
23 department of a general acute care hospital without the benefit of
24 family members to advocate on their behalf or provide important

1 information to enhance medical care, as there is a national average
2 of six hours' lack of notice for in-state incidents and over two
3 days' lack of notice for out-of-state incidents.

4 (e) In 2008, a VinECON policy resolution was adopted by the
5 American Association of State Highway and Transportation
6 Officials' (AASHTO) Standing Committee on Highway Traffic
7 Safety Subcommittee on Safety Management, with the support
8 and assistance of the Healthcare Information Technology Standards
9 Panel, the International Association of Chiefs of Police, the
10 International Association of Fire Chiefs, the National Association
11 of State EMS Officials, the International Association of
12 Public-Safety Communications Officials, and the Governors
13 Highway Safety Association.

14 (f) The AASHTO VinECON policy resolution encouraged motor
15 vehicle manufacturers to establish a national law enforcement
16 vehicle identification number emergency contact locator database,
17 in conjunction with the National Law Enforcement
18 Telecommunication System (Nlets).

19 (g) As authorized by the City of Los Angeles in 2013, pursuant
20 to Council File No. 13-0002-S3, the City of Los Angeles adopted
21 a resolution seeking a sponsor of California legislation to the
22 Vehicle Code, relating to vehicles enforcing the AASHTO
23 VinECON policy resolution.

24 (h) A purchaser or lessee of a new motor vehicle from a new
25 motor vehicle dealer in this state should have the right to
26 voluntarily register at the point of sale an emergency contact to be
27 stored in the VinECON database to be utilized by law enforcement
28 if the motor vehicle is involved in a crash or other emergency
29 situation rendering the occupant unconscious or otherwise unable
30 to communicate with the contact person or persons.

31 (i) As authorized by the Legislature in 2001, the Department of
32 Motor Vehicles administers the Business Partner Automation
33 Program, pursuant to Section 1685 of the Vehicle Code, to improve
34 the quality of registration products and services by licensing
35 qualified private industry partners to provide secure electronic
36 portals to licensed new motor vehicle dealers so that they may
37 perform required registration tasks and services electronically.

38 (j) It is the intent of the Legislature in enacting this act to further
39 increase the registration benefits of the DMV Business Partner
40 Automation Program by allowing a purchaser or lessee of a new

1 motor vehicle to voluntarily register at point of sale an emergency
2 contact in the VinECON database using electronic programs
3 provided by a qualified private industry partner. This act will assist
4 police to expeditiously provide VinECON data to the emergency
5 department of a general acute care hospital receiving a motor
6 vehicle crash victim who is unconscious or otherwise incapable
7 of communication.

8 SEC. 2. Section 9956 is added to the Vehicle Code, to read:

9 9956. (a) This section shall be known, and may be cited, as
10 the “Motor Vehicle Emergency Contact Locator Act of 2015.”

11 (b) For purposes of this section, “VinECON database” means
12 the national law enforcement vehicle identification number
13 emergency contact locator database.

14 (c) This database shall be established by motor vehicle
15 manufacturers, in conjunction with law enforcement agencies and
16 the National Law Enforcement Telecommunications System.

17 (d) This section applies only to vehicles sold or leased in this
18 state on or after January 2, 2016, with a 2017 model year or later.

19 (e) (1) A new motor vehicle dealer of a motor vehicle sold or
20 leased in this state on or after January 2, 2016, with a 2017 model
21 year or later, shall allow a purchaser or lessee of a new motor
22 vehicle to voluntarily register at point of sale an emergency contact
23 in the VinECON database using electronic programs provided by
24 a DMV licensed electronic registration private industry partner.

25 (2) A new motor vehicle dealer providing services under
26 paragraph (1) may charge the purchaser a VinECON electronic
27 registration fee equal to the dealer’s electronic registration costs,
28 not to exceed thirty-one dollars (\$31).

29 (3) A new motor vehicle dealer providing services under
30 paragraph (1) may charge the purchaser a VinECON document
31 processing fee not to exceed eighty-five dollars (\$85).

32 (4) The VinECON data stored in the national law enforcement
33 vehicle identification number emergency contact locator database
34 pursuant to this section shall be made available electronically only
35 to authorized law enforcement personnel.

36 (5) If a motor vehicle crash victim is rendered unable to
37 communicate due to physical injury, law enforcement personnel
38 shall, when practicable, expeditiously provide verbal or written
39 VinECON data to the emergency department of a general acute

1 care hospital receiving a motor vehicle crash victim who is
2 unconscious or otherwise incapable of communication.

3 (6) Neither the law enforcement officer nor the law enforcement
4 agency that employs that law enforcement officer is liable if the
5 general acute care hospital is not able to make contact with the
6 designated emergency contact person.

7 (f) (1) A new motor vehicle dealer shall make a good faith
8 effort to register accurate VinECON data as provided by the
9 purchaser or lessee at the original retail point of sale using
10 electronic programs provided by a qualified private industry
11 partner.

12 (2) Neither the motor vehicle manufacturer nor the new motor
13 vehicle dealer is liable for any liability for damages, costs, or
14 expenses, including, but not limited to, consequential damages
15 arising or resulting from any inaccurate VinECON data or system
16 unavailability.

17 (g) A violation of the requirements of this section is a cause for
18 discipline pursuant to Section 11705.

19 SEC. 3. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.