



General Assembly

Amendment

February Session, 2002

LCO No. 3894

HB0576303894HD0

Offered by:

REP. LAWLOR, 99th Dist.

REP. STONE, 9th Dist.

To: House Bill No. 5763

File No. 431

Cal. No. 270

**"AN ACT CONCERNING A TRANSFER UPON DEATH OPTION IN
THE MOTOR VEHICLE REGISTRATION FORM."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 14-16 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective January 1, 2003*):

5 (a) A motor vehicle registration expires upon transfer of ownership
6 of the motor vehicle. The person in whose name the motor vehicle is
7 registered shall return to the commissioner, within twenty-four hours
8 of the motor vehicle's transfer, the certificate of registration, the
9 number plate or plates issued for the vehicle together with a written
10 notice, subject to the penalties of false statement, containing the date
11 that ownership of the vehicle was transferred and the name, residence
12 and post-office address of the owner. The following statement shall
13 appear directly above the space provided for the signature of the
14 person filing the form: "I declare under the penalties of false statement

15 that this notice has been examined by me and to the best of my
16 knowledge and belief is complete, and the statements made herein are
17 true and correct."

18 (b) If a motor vehicle is owned by one owner who is a natural
19 person, such owner may designate, in writing in a space provided on
20 the certificate of registration for such motor vehicle, a beneficiary who
21 shall assume ownership of such motor vehicle after the death of the
22 owner and upon the making of an application pursuant to this
23 subsection. The owner making such designation shall have all rights of
24 ownership of such motor vehicle during the owner's life and the
25 beneficiary shall have no rights in such motor vehicle until such time
26 as the owner dies and an application is made pursuant to this
27 subsection. Not later than forty-five days after the death of the owner,
28 the beneficiary may make application to the commissioner for the
29 issuance of a certificate of title and a certificate of registration for such
30 motor vehicle in the beneficiary's name. Such application shall be
31 accompanied by: (1) The original certificate of registration in which the
32 beneficiary is designated pursuant to this subsection; (2) a death
33 certificate for the deceased owner; (3) such proof of the beneficiary's
34 identity as the commissioner may require; (4) the transfer fee required
35 by subsection (c) of this section; and (5) any applicable fees for
36 registration, title and number plates as required under this chapter and
37 chapter 247. If the beneficiary fails to make such application within the
38 time period specified in this subsection, the beneficiary shall have no
39 right to obtain ownership of and title to such motor vehicle under this
40 subsection after the expiration of such time period. The right of the
41 beneficiary to obtain ownership of and title to such motor vehicle
42 under this subsection shall be subordinate to the rights of each
43 lienholder whose security interest in such motor vehicle is duly
44 recorded pursuant to chapter 247. The commissioner may adopt
45 regulations, in accordance with chapter 54, to implement the
46 provisions of this subsection.

47 ~~[(b)]~~ (c) If the owner of a registered motor vehicle dies, the
48 registration for the vehicle shall, unless the vehicle is destroyed,

49 continue in force as a valid registration until the end of the registration
50 period unless: (1) Ownership of the vehicle is transferred pursuant to
51 subsection (b) of this section or by the deceased owner's executor,
52 administrator, legatee or distributee prior to the end of the registration
53 period, in which case the registration shall continue in force until the
54 time of the transfer; or (2) ownership of the vehicle is transferred to the
55 brother, sister, father, mother, child or spouse of the owner, in which
56 case the registration shall, upon the payment of a fee of five dollars,
57 continue in force until the end of the registration period or until the
58 ownership is sooner transferred to a person other than such a relative.
59 On and after July 1, 1986, the fee shall be ten dollars, on and after July
60 1, 1988, eleven dollars, and on and after July 1, 1992, twelve dollars. If
61 at the end of the registration period the relative has not transferred
62 ownership of the vehicle and the relative applies for registration of the
63 vehicle, the registration shall not be subject to the provisions of
64 subsection (a) of section 12-71b.

65 ~~[(c)]~~ (d) If a motor vehicle is transferred in connection with the
66 organization, reorganization or dissolution, or because of the partial
67 liquidation, of an incorporated or unincorporated business in which
68 gain or loss to the transferor is not recognized for federal income tax
69 purposes under the Internal Revenue Code and Treasury regulations
70 and rulings issued thereunder, the registration of the vehicle shall,
71 upon the payment of a fee of five dollars, continue in force until the
72 end of the registration period or until the registration is sooner
73 transferred to anyone outside the original business organization. On
74 and after July 1, 1986, the fee shall be ten dollars, on and after July 1,
75 1988, eleven dollars, and on and after July 1, 1992, twelve dollars. If the
76 transferee of the motor vehicle has not transferred ownership of the
77 motor vehicle to anyone outside the original business organization at
78 the end of the registration period and the transferee applies for a
79 registration for the vehicle, the registration shall not be subject to the
80 provisions of subsection (a) of section 12-71b.

81 ~~[(d)]~~ (e) A person who transfers ownership of a registered motor
82 vehicle to another may have registered in his name, upon the filing of a

83 new application and the payment of the fee required by subsection (i)
84 of section 14-49, as amended by this act, another motor vehicle for the
85 remainder of the registration period if the gross weight of the other
86 motor vehicle is the same or less than that of the transferred motor
87 vehicle and the registration of the transferred motor vehicle has been
88 surrendered. If the gross weight of the other motor vehicle is greater
89 than the gross weight of the motor vehicle the registration of which has
90 been surrendered, the applicant shall pay, in addition to such fee, the
91 difference between the fee paid by him for the surrendered registration
92 and the fee for the registration of the motor vehicle of greater gross
93 weight. The minimum fee for any such transfer shall be five dollars.
94 On and after July 1, 1985, the minimum fee shall be seven dollars and
95 fifty cents, on and after July 1, 1986, ten dollars, on and after July 1,
96 1988, eleven dollars, and on and after July 1, 1992, twelve dollars.

97 ~~[(e)]~~ (f) Any person may transfer an unexpired registration of a
98 motor vehicle such person owns or leases for a period of one year or
99 more, to another motor vehicle owned or so leased by such person
100 upon payment of the fee required by subsection (i) of section 14-49, as
101 amended by this act. Any person transferring such a leased motor
102 vehicle shall provide the commissioner with evidence that the lessor
103 has granted permission for such transfer. If a transfer is made to a
104 motor vehicle of greater gross weight or from one class of registration
105 to another, credit shall be given toward the new registration in
106 accordance with schedules established by the commissioner. The
107 commissioner may adopt regulations, in accordance with chapter 54,
108 to implement the provisions of this subsection.

109 ~~[(f)]~~ (g) Any person who sells any motor vehicle, other than a new
110 motor vehicle, for which a certificate of title has not been issued and
111 which is not registered under the provisions of subsections (e) or (g) of
112 section 14-12, as amended, shall, within forty-eight hours of the sale,
113 certify under oath to the commissioner, on blanks provided by him,
114 such information as the commissioner may require. Until the
115 commissioner receives the certification under oath required by this
116 subsection, he shall not issue a registration other than for a new motor

117 vehicle and shall not renew a registration other than for the same
118 owner.

119 ~~[(g)]~~ (h) Any person who violates any provision of subsection (a) of
120 this section shall be subject to the penalty provided for false statement.
121 Any person who violates any provision of subsection ~~[(f)]~~ (g) of this
122 section shall, for a first offense, be deemed to have committed an
123 infraction, and, for a subsequent offense, shall be fined not more than
124 five hundred dollars or imprisoned not more than one year or both.

125 Sec. 2. Subsection (i) of section 14-49 of the general statutes is
126 repealed and the following is substituted in lieu thereof (*Effective*
127 *January 1, 2003*):

128 (i) For the transfer of the registration of a motor vehicle previously
129 registered, except as provided in subsection ~~[(d)]~~ (e) of section 14-16, as
130 amended by this act, and subsection (d) of section 14-253a, there shall
131 be charged a fee of eleven dollars.

132 Sec. 3. (NEW) (*Effective October 1, 2002*) (a) Any person eighteen
133 years of age or older may execute a document that designates another
134 person to make certain decisions on behalf of the maker of such
135 document and have certain rights and obligations with respect to the
136 maker of such document under section 1-1k, subsection (b) of section
137 14-16, subsection (b) of section 17a-543, subsection (a) of section 19a-
138 279c, section 19a-550, subsection (a) of section 19a-571, 19a-580,
139 subsection (b) of section 19a-578, section 31-51jj, section 54-85d, section
140 54-91c, section 54-126a of the general statutes, as amended by this act,
141 or chapter 968 of the general statutes.

142 (b) Such document shall be signed and dated by the maker and be
143 witnessed by at least two persons.

144 (c) Any person who is presented with a document executed in
145 accordance with this section shall honor and give effect to such
146 document for the purposes therein indicated.

147 Sec. 4. Subsection (b) of section 17a-543 of the general statutes is
148 repealed and the following is substituted in lieu thereof (*Effective*
149 *October 1, 2002*):

150 (b) No medical or surgical procedures may be performed without
151 the patient's written informed consent or, if the patient has been
152 declared incapable of caring for himself or herself pursuant to sections
153 45a-644 to 45a-662, inclusive, and a conservator of the person has been
154 appointed pursuant to section 45a-650, the written consent of such
155 conservator. If the head of the hospital, in consultation with a
156 physician, determines that the condition of an involuntary patient not
157 declared incapable of caring for himself or herself pursuant to said
158 sections is of an extremely critical nature and such patient is incapable
159 of informed consent, medical or surgical procedures may be performed
160 with the written informed consent of: (1) The patient's conservator or
161 guardian, if he or she has one; [or] (2) such person's next of kin; (3) a
162 person designated by the patient pursuant to section 3 of this act; or
163 ~~[(3)]~~ (4) a qualified physician appointed by a judge of the Probate
164 Court. Notwithstanding the provisions of this section, if obtaining the
165 consent provided for in this section would cause a medically harmful
166 delay to a voluntary or involuntary patient whose condition is of an
167 extremely critical nature, as determined by personal observation by a
168 physician or the senior clinician on duty, emergency treatment may be
169 provided without consent.

170 Sec. 5. Subsection (a) of section 19a-279c of the general statutes is
171 repealed and the following is substituted in lieu thereof (*Effective*
172 *October 1, 2002*):

173 (a) Any member of the following classes of persons, in the order of
174 priority listed, may make an anatomical gift of all or a part of the
175 decedent's body for an authorized purpose, unless the decedent, before
176 or at the time of death, has made an unrevoked refusal to make that
177 anatomical gift: (1) The spouse of the decedent; (2) a person designated
178 by the decedent pursuant to section 3 of this act; (3) an adult son or
179 daughter of the decedent; ~~[(3)]~~ (4) either parent of the decedent; ~~[(4)]~~

180 ~~(5)~~ an adult brother or sister of the decedent; [~~(5)~~] ~~(6)~~ a grandparent of
181 the decedent; [~~(6)~~] ~~(7)~~ a guardian of the person of the decedent at the
182 time of death; [~~(7)~~] ~~(8)~~ any person legally authorized to make health
183 care decisions for the decedent prior to death, including, but not
184 limited to, a health care agent appointed under section 19a-576; and
185 [~~(8)~~] ~~(9)~~ a conservator of the person, as defined in section 45a-644.

186 Sec. 6. Section 19a-550 of the general statutes, as amended by section
187 161 of public act 01-195, is repealed and the following is substituted in
188 lieu thereof (*Effective October 1, 2002*):

189 (a) (1) As used in this section, (A) "nursing home facility" shall have
190 the same meaning as provided in section 19a-521, and (B) "chronic
191 disease hospital" means a long-term hospital having facilities, medical
192 staff and all necessary personnel for the diagnosis, care and treatment
193 of chronic diseases; and (2) for the purposes of subsections (c) and (d)
194 of this section, and subsection (b) of section 19a-537, "medically
195 contraindicated" means a comprehensive evaluation of the impact of a
196 potential room transfer on the patient's physical, mental and
197 psychosocial well-being, which determines that the transfer would
198 cause new symptoms or exacerbate present symptoms beyond a
199 reasonable adjustment period resulting in a prolonged or significant
200 negative outcome that could not be ameliorated through care plan
201 intervention, as documented by a physician in a patient's medical
202 record.

203 (b) There is established a patients' bill of rights for any person
204 admitted as a patient to any nursing home facility or chronic disease
205 hospital. The patients' bill of rights shall be implemented in accordance
206 with the provisions of Sections 1919(c)(2), 1919(c)(2)(D) and
207 1919(c)(2)(E) of the Social Security Act. The patients' bill of rights shall
208 provide that each such patient: (1) Is fully informed, as evidenced by
209 the patient's written acknowledgment, prior to or at the time of
210 admission and during the patient's stay, of the rights set forth in this
211 section and of all rules and regulations governing patient conduct and
212 responsibilities; (2) is fully informed, prior to or at the time of

213 admission and during the patient's stay, of services available in the
214 facility, and of related charges including any charges for services not
215 covered under Titles XVIII or XIX of the Social Security Act, or not
216 covered by basic per diem rate; (3) is entitled to choose the patient's
217 own physician and is fully informed, by a physician, of the patient's
218 medical condition unless medically contraindicated, as documented by
219 the physician in the patient's medical record, and is afforded the
220 opportunity to participate in the planning of the patient's medical
221 treatment and to refuse to participate in experimental research; (4) in a
222 residential care home or a chronic disease hospital is transferred from
223 one room to another within the facility only for medical reasons, or for
224 the patient's welfare or that of other patients, as documented in the
225 patient's medical record and such record shall include documentation
226 of action taken to minimize any disruptive effects of such transfer,
227 except a patient who is a Medicaid recipient may be transferred from a
228 private room to a nonprivate room, provided no patient may be
229 involuntarily transferred from one room to another within the facility
230 if (A) it is medically established that the move will subject the patient
231 to a reasonable likelihood of serious physical injury or harm, or (B) the
232 patient has a prior established medical history of psychiatric problems
233 and there is psychiatric testimony that as a consequence of the
234 proposed move there will be exacerbation of the psychiatric problem
235 which would last over a significant period of time and require
236 psychiatric intervention; and in the case of an involuntary transfer
237 from one room to another within the facility, the patient and, if known,
238 the patient's legally liable relative, guardian or conservator or a person
239 designated by the patient in accordance with section 3 of this act, is
240 given at least thirty days' and no more than sixty days' written notice
241 to ensure orderly transfer from one room to another within the facility,
242 except where the health, safety or welfare of other patients is
243 endangered or where immediate transfer from one room to another
244 within the facility is necessitated by urgent medical need of the patient
245 or where a patient has resided in the facility for less than thirty days, in
246 which case notice shall be given as many days before the transfer as
247 practicable; (5) is encouraged and assisted, throughout the patient's

248 period of stay, to exercise the patient's rights as a patient and as a
249 citizen, and to this end may voice grievances and recommend changes
250 in policies and services to facility staff or to outside representatives of
251 the patient's choice, free from restraint, interference, coercion,
252 discrimination or reprisal; (6) shall have prompt efforts made by the
253 facility to resolve grievances the patient may have, including those
254 with respect to the behavior of other patients; (7) may manage the
255 patient's personal financial affairs, and is given a quarterly accounting
256 of financial transactions made on the patient's behalf; (8) is free from
257 mental and physical abuse, corporal punishment, involuntary
258 seclusion and any physical or chemical restraints imposed for
259 purposes of discipline or convenience and not required to treat the
260 patient's medical symptoms. Physical or chemical restraints may be
261 imposed only to ensure the physical safety of the patient or other
262 patients and only upon the written order of a physician that specifies
263 the type of restraint and the duration and circumstances under which
264 the restraints are to be used, except in emergencies until a specific
265 order can be obtained; (9) is assured confidential treatment of the
266 patient's personal and medical records, and may approve or refuse
267 their release to any individual outside the facility, except in case of the
268 patient's transfer to another health care institution or as required by
269 law or third-party payment contract; (10) receives services with
270 reasonable accommodation of individual needs and preferences,
271 except where the health or safety of the individual would be
272 endangered, and is treated with consideration, respect, and full
273 recognition of the patient's dignity and individuality, including
274 privacy in treatment and in care for the patient's personal needs; (11) is
275 not required to perform services for the facility that are not included
276 for therapeutic purposes in the patient's plan of care; (12) may
277 associate and communicate privately with persons of the patient's
278 choice, including other patients, send and receive the patient's
279 personal mail unopened and make and receive telephone calls
280 privately, unless medically contraindicated, as documented by the
281 patient's physician in the patient's medical record, and receives
282 adequate notice before the patient's room or roommate in the facility is

283 changed; (13) is entitled to organize and participate in patient groups
284 in the facility and to participate in social, religious and community
285 activities that do not interfere with the rights of other patients, unless
286 medically contraindicated, as documented by the patient's physician in
287 the patient's medical records; (14) may retain and use the patient's
288 personal clothing and possessions unless to do so would infringe upon
289 rights of other patients or unless medically contraindicated, as
290 documented by the patient's physician in the patient's medical record;
291 (15) [if married,] is assured privacy for visits by the patient's spouse or
292 a person designated by the patient in accordance with section 3 of this
293 act and if both are inpatients in the facility, they are permitted to share
294 a room, unless medically contraindicated, as documented by the
295 attending physician in the medical record; (16) is fully informed of the
296 availability of and may examine all current state, local and federal
297 inspection reports and plans of correction; (17) may organize, maintain
298 and participate in a patient-run resident council, as a means of
299 fostering communication among residents and between residents and
300 staff, encouraging resident independence and addressing the basic
301 rights of nursing home and chronic disease hospital patients and
302 residents, free from administrative interference or reprisal; (18) is
303 entitled to the opinion of two physicians concerning the need for
304 surgery, except in an emergency situation, prior to such surgery being
305 performed; (19) is entitled to have the patient's family or a person
306 designated by the patient in accordance with section 3 of this act meet
307 in the facility with the families of other patients in the facility to the
308 extent the facility has existing meeting space available which meets
309 applicable building and fire codes; (20) is entitled to file a complaint
310 with the Department of Social Services and the Department of Public
311 Health regarding patient abuse, neglect or misappropriation of patient
312 property; (21) is entitled to have psychopharmacologic drugs
313 administered only on orders of a physician and only as part of a
314 written plan of care designed to eliminate or modify the symptoms for
315 which the drugs are prescribed and only if, at least annually, an
316 independent external consultant reviews the appropriateness of the
317 drug plan; (22) is entitled to be transferred or discharged from the

318 facility only pursuant to section 19a-535 or section 19a-535b, as
319 applicable; (23) is entitled to be treated equally with other patients
320 with regard to transfer, discharge and the provision of all services
321 regardless of the source of payment; (24) shall not be required to waive
322 any rights to benefits under Medicare or Medicaid or to give oral or
323 written assurance that the patient is not eligible for, or will not apply
324 for benefits under Medicare or Medicaid; (25) is entitled to be provided
325 information by the facility as to how to apply for Medicare or
326 Medicaid benefits and how to receive refunds for previous payments
327 covered by such benefits; (26) on or after October 1, 1990, shall not be
328 required to give a third party guarantee of payment to the facility as a
329 condition of admission to, or continued stay in, the facility; (27) in the
330 case of an individual who is entitled to medical assistance, is entitled to
331 have the facility not charge, solicit, accept or receive, in addition to any
332 amount otherwise required to be paid under Medicaid, any gift,
333 money, donation or other consideration as a precondition of admission
334 or expediting the admission of the individual to the facility or as a
335 requirement for the individual's continued stay in the facility; and (28)
336 shall not be required to deposit the patient's personal funds in the
337 facility.

338 (c) The patients' bill of rights shall provide that a patient in a rest
339 home with nursing supervision or a chronic and convalescent nursing
340 home may be transferred from one room to another within a facility
341 only for the purpose of promoting the patient's well-being, except as
342 provided pursuant to subparagraph (C) or (D) of this subsection or
343 subsection (d) of this section. Whenever a patient is to be transferred,
344 the facility shall effect the transfer with the least disruption to the
345 patient and shall assess, monitor and adjust care as needed subsequent
346 to the transfer in accordance with subdivision (10) of subsection (b) of
347 this section. When a transfer is initiated by the facility and the patient
348 does not consent to the transfer, the facility shall establish a
349 consultative process that includes the participation of the attending
350 physician, a registered nurse with responsibility for the patient and
351 other appropriate staff in disciplines as determined by the patient's

352 needs, and the participation of the patient, the patient's family, a
353 person designated by the patient in accordance with section 3 of this
354 act or other representative. The consultative process shall determine:
355 (1) What caused consideration of the transfer; (2) whether the cause
356 can be removed; and (3) if not, whether the facility has attempted
357 alternatives to transfer. The patient shall be informed of the risks and
358 benefits of the transfer and of any alternatives. If subsequent to the
359 completion of the consultative process a patient still does not wish to
360 be transferred, the patient may be transferred without the patient's
361 consent, unless medically contraindicated, only (A) if necessary to
362 accomplish physical plant repairs or renovations that otherwise could
363 not be accomplished; provided, if practicable, the patient, if the patient
364 wishes, shall be returned to the patient's room when the repairs or
365 renovations are completed; (B) due to irreconcilable incompatibility
366 between or among roommates, which is actually or potentially harmful
367 to the well-being of a patient; (C) if the facility has two vacancies
368 available for patients of the same sex in different rooms, there is no
369 applicant of that sex pending admission in accordance with the
370 requirements of section 19a-533 and grouping of patients by the same
371 sex in the same room would allow admission of patients of the
372 opposite sex, which otherwise would not be possible; (D) if necessary
373 to allow access to specialized medical equipment no longer needed by
374 the patient and needed by another patient; or (E) if the patient no
375 longer needs the specialized services or programming that is the focus
376 of the area of the facility in which the patient is located. In the case of
377 an involuntary transfer, the facility shall, subsequent to completion of
378 the consultative process, provide the patient and the patient's legally
379 liable relative, guardian or conservator if any or other responsible
380 party if known, with at least fifteen days' written notice of the transfer,
381 which shall include the reason for the transfer, the location to which
382 the patient is being transferred, and the name, address and telephone
383 number of the regional long-term care ombudsman, except that in the
384 case of a transfer pursuant to subparagraph (A) of this subsection at
385 least thirty days' notice shall be provided. Notwithstanding the
386 provisions of this subsection, a patient may be involuntarily

387 transferred immediately from one room to another within a facility to
388 protect the patient or others from physical harm, to control the spread
389 of an infectious disease, to respond to a physical plant or
390 environmental emergency that threatens the patient's health or safety
391 or to respond to a situation that presents a patient with an immediate
392 danger of death or serious physical harm. In such a case, disruption of
393 patients shall be minimized; the required notice shall be provided
394 within twenty-four hours after the transfer; if practicable, the patient, if
395 the patient wishes, shall be returned to the patient's room when the
396 threat to health or safety which prompted the transfer has been
397 eliminated; and, in the case of a transfer effected to protect a patient or
398 others from physical harm, the consultative process shall be
399 established on the next business day.

400 (d) Notwithstanding the provisions of subsection (c) of this section,
401 unless medically contraindicated, a patient who is a Medicaid recipient
402 may be transferred from a private to a nonprivate room. In the case of
403 such a transfer, the facility shall (1) give at least thirty days' written
404 notice to the patient and the patient's legally liable relative, guardian
405 or conservator, if any, a person designated by the patient in accordance
406 with section 3 of this act or other responsible party, if known, which
407 notice shall include the reason for the transfer, the location to which
408 the patient is being transferred and the name, address and telephone
409 number of the regional long-term care ombudsman; and (2) establish a
410 consultative process to effect the transfer with the least disruption to
411 the patient and assess, monitor and adjust care as needed subsequent
412 to the transfer in accordance with subdivision (10) of subsection (b) of
413 this section. The consultative process shall include the participation of
414 the attending physician, a registered nurse with responsibility for the
415 patient and other appropriate staff in disciplines as determined by the
416 patient's needs, and the participation of the patient, the patient's
417 family, a person designated by the patient in accordance with section 3
418 of this act or other representative.

419 (e) Any facility that negligently deprives a patient of any right or
420 benefit created or established for the well-being of the patient by the

421 provisions of this section shall be liable to such patient in a private
422 cause of action for injuries suffered as a result of such deprivation.
423 Upon a finding that a patient has been deprived of such a right or
424 benefit, and that the patient has been injured as a result of such
425 deprivation, damages shall be assessed in the amount sufficient to
426 compensate such patient for such injury. In addition, where the
427 deprivation of any such right or benefit is found to have been wilful or
428 in reckless disregard of the rights of the patient, punitive damages may
429 be assessed. A patient may also maintain an action pursuant to this
430 section for any other type of relief, including injunctive and
431 declaratory relief, permitted by law. Exhaustion of any available
432 administrative remedies shall not be required prior to commencement
433 of suit under this section.

434 (f) In addition to the rights specified in subsections (b), (c) and (d) of
435 this section, a patient in a nursing home facility is entitled to have the
436 facility manage the patient's funds as provided in section 19a-551.

437 Sec. 7. Subsection (a) of section 19a-571 of the general statutes is
438 repealed and the following is substituted in lieu thereof (*Effective*
439 *October 1, 2002*):

440 (a) Subject to the provisions of subsection (c) of this section, any
441 physician licensed under chapter 370 or any licensed medical facility
442 who or which withholds, removes or causes the removal of a life
443 support system of an incapacitated patient shall not be liable for
444 damages in any civil action or subject to prosecution in any criminal
445 proceeding for such withholding or removal, provided (1) the decision
446 to withhold or remove such life support system is based on the best
447 medical judgment of the attending physician in accordance with the
448 usual and customary standards of medical practice; (2) the attending
449 physician deems the patient to be in a terminal condition or, in
450 consultation with a physician qualified to make a neurological
451 diagnosis who has examined the patient, deems the patient to be
452 permanently unconscious; and (3) the attending physician has
453 considered the patient's wishes concerning the withholding or

454 withdrawal of life support systems. In the determination of the wishes
455 of the patient, the attending physician shall consider the wishes as
456 expressed by a document executed in accordance with sections 19a-575
457 and 19a-575a, if any such document is presented to, or in the
458 possession of, the attending physician at the time the decision to
459 withhold or terminate a life support system is made. If the wishes of
460 the patient have not been expressed in a living will the attending
461 physician shall determine the wishes of the patient by consulting any
462 statement made by the patient directly to the attending physician and,
463 if available, the patient's health care agent, the patient's next of kin, the
464 patient's legal guardian or conservator, if any, any person designated
465 by the patient in accordance with section 3 of this act and any other
466 person to whom the patient has communicated his wishes, if the
467 attending physician has knowledge of such person. All persons acting
468 on behalf of the patient shall act in good faith. If the attending
469 physician does not deem the incapacitated patient to be in a terminal
470 condition or permanently unconscious, beneficial medical treatment
471 including nutrition and hydration must be provided.

472 Sec. 8. Subsection (b) of section 19a-578 of the general statutes is
473 repealed and the following is substituted in lieu thereof (*Effective*
474 *October 1, 2002*):

475 (b) A physician or other health care provider who is furnished with
476 a copy of a written living will or appointment of health care agent shall
477 make it a part of the declarant's medical record. A physician or other
478 health care provider shall also record in the patient's medical record
479 any oral communication concerning any aspect of his health care,
480 including the withholding or withdrawal of life support systems, made
481 by the patient directly to the physician or other health care provider or
482 to the patient's health care agent, legal guardian, conservator, [or] next-
483 of-kin or person designated in accordance with section 3 of this act.

484 Sec. 9. Section 19a-580 of the general statutes is repealed and the
485 following is substituted in lieu thereof (*Effective October 1, 2002*):

486 Within a reasonable time prior to withholding or causing the
487 removal of any life support system pursuant to sections 19a-570, 19a-
488 571, 19a-573 and 19a-575 to 19a-580c, inclusive, as amended by this act,
489 the attending physician shall make reasonable efforts to notify the
490 individual's health care agent, next-of-kin, [and] legal guardian, [or]
491 conservator or person designated in accordance with section 3 of this
492 act, if available.

493 Sec. 10. Section 31-51jj of the general statutes is repealed and the
494 following is substituted in lieu thereof (*Effective October 1, 2002*):

495 (a) For purposes of this section:

496 (1) "Emergency" means a situation in which a member of the
497 employee's family or a person designated by the employee in
498 accordance with section 3 of this act has died, has experienced a
499 serious physical injury or is ill and in need of medical attention; and

500 (2) "Member of the employee's family" means a mother, father,
501 husband, wife, son, daughter, sister or brother of the employee.

502 (b) An employer shall notify an employee of an incoming
503 emergency telephone call for the employee if the caller states that the
504 emergency involves a member of the employee's family or a person
505 designated by the employee in accordance with section 3 of this act. It
506 shall not be a violation of this section if the employer proves, by a
507 preponderance of the evidence, that he or she made reasonable efforts
508 to notify the employee of the emergency telephone call.

509 (c) The failure of an employer to comply with any provision of this
510 section shall be an infraction.

511 Sec. 11. Section 1-1k of the general statutes is repealed and the
512 following is substituted in lieu thereof (*Effective October 1, 2002*):

513 Except as otherwise provided by the general statutes, "victim of
514 crime" or "crime victim" means an individual who suffers direct or
515 threatened physical, emotional or financial harm as a result of a crime

516 and includes immediate family members of a minor, incompetent
517 individual or homicide victim and a person designated by a homicide
518 victim in accordance with section 3 of this act.

519 Sec. 12. Section 54-85d of the general statutes is repealed and the
520 following is substituted in lieu thereof (*Effective October 1, 2002*):

521 An employer shall not deprive an employee of employment, or
522 threaten or otherwise coerce such employee with respect thereto,
523 because the employee, as a parent, spouse, child or sibling of a victim
524 of homicide, or as a person designated by the victim in accordance
525 with section 3 of this act, attends court proceedings with respect to the
526 criminal case of the person or persons charged with committing the
527 crime that resulted in the death of the victim.

528 Sec. 13. Subsection (a) of section 54-91c of the general statutes, as
529 amended by section 10 of public act 01-211, is repealed and the
530 following is substituted in lieu thereof (*Effective October 1, 2002*):

531 (a) For the purposes of this section, "victim" means a person who is
532 a victim of a crime, the legal representative of such person, [or] a
533 member of a deceased victim's immediate family or a person
534 designated by a deceased victim in accordance with section 3 of this
535 act.

536 Sec. 14. Subsection (a) of section 54-126a of the general statutes, as
537 amended by section 9 of public act 01-211, is repealed and the
538 following is substituted in lieu thereof (*Effective October 1, 2002*):

539 (a) For the purposes of this section, "victim" means a person who is
540 a victim of a crime, the legal representative of such person, [or] a
541 member of a deceased victim's immediate family or a person
542 designated by a deceased victim in accordance with section 3 of this
543 act.

544 Sec. 15. Subdivision (3) of section 54-201 of the general statutes is
545 repealed and the following is substituted in lieu thereof (*Effective*

546 October 1, 2002):

547 (3) ["Dependents" means such relatives] "Dependent" means any
 548 relative of a deceased victim [as were] or a person designated by a
 549 deceased victim in accordance with section 3 of this act who was
 550 wholly or partially dependent upon his income at the time of his death
 551 or the child of a deceased victim and shall include the child of such
 552 victim born after his death.

553 Sec. 16. (*Effective from passage*) (a) The joint standing committee of
 554 the General Assembly having cognizance of matters relating to
 555 judiciary shall meet and deliberate the public policy reasons to permit
 556 or prohibit the marriage or civil union of two persons of the same sex.

557 (b) The committee shall report its findings and recommendations to
 558 the General Assembly not later than January 1, 2003, in accordance
 559 with the provisions of section 11-4a of the general statutes."

This act shall take effect as follows:	
Section 1	<i>January 1, 2003</i>
Sec. 2	<i>January 1, 2003</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>
Sec. 9	<i>October 1, 2002</i>
Sec. 10	<i>October 1, 2002</i>
Sec. 11	<i>October 1, 2002</i>
Sec. 12	<i>October 1, 2002</i>
Sec. 13	<i>October 1, 2002</i>
Sec. 14	<i>October 1, 2002</i>
Sec. 15	<i>October 1, 2002</i>
Sec. 16	<i>from passage</i>