



General Assembly

Amendment

January Session, 2003

LCO No. 6194

SB0104906194SR0

Offered by:

SEN. CAPPIELLO, 24th Dist.
SEN. GUGLIELMO, 35th Dist.
SEN. KISSEL, 7th Dist.

To: Senate Bill No. 1049

File No. 201

Cal. No. 137

"AN ACT CONCERNING GOOD SAMARITAN IMMUNITY FOR PROFESSIONAL ENGINEERS."

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

3 "Section 1. (NEW) (*Effective October 1, 2003*) (a) As used in this
4 section, "professional engineer" means a person licensed as a
5 professional engineer under chapter 391 of the general statutes, and
6 "public official" means a federal, state or municipal official (1) having
7 or duly authorized to exercise executive authority, (2) responsible for
8 coordinating emergency assistance, disaster relief or similar activities
9 to protect the public safety, (3) responsible for law enforcement
10 activities, or (4) responsible for conducting or coordinating building
11 inspections in an area of this state in which a declared emergency,
12 disaster or catastrophic event has occurred.

13 (b) A professional engineer who, voluntarily and gratuitously and

14 other than in the ordinary course of such professional engineer's
15 employment or practice, provides structural, electrical, mechanical or
16 other engineering services relating to any publicly or privately-owned
17 structure, building or piping system, in connection with an emergency
18 declared by the President of the United States under federal law or by
19 the Governor under the laws of this state, when such emergency is
20 caused by a hurricane, tornado, storm, flood, high water, wind-driven
21 water, tidal wave, tsunami, earthquake, volcanic eruption, landslide,
22 mudslide, snowstorm, drought, fire, explosion, collapse or other
23 disaster or catastrophic event in this state, at the request or with the
24 approval of a public official acting in an official capacity, shall not be
25 liable for civil damages for personal injury, wrongful death, property
26 damage or other loss which results from acts, errors or omissions by
27 such professional engineer in the performance of such engineering
28 services that may constitute ordinary negligence.

29 (c) The immunity provided in subsection (b) of this section applies
30 only in the case of engineering services that are provided during the
31 period of the declared emergency, including any extension of such
32 period, or not later than ninety days following the end of such period
33 or extension. Such immunity does not apply to acts, errors or
34 omissions constituting gross, wilful or wanton negligence or
35 intentional misconduct.

36 Sec. 2. Subsections (a) and (b) of section 14-96p of the general
37 statutes are repealed and the following is substituted in lieu thereof
38 (*Effective October 1, 2003*):

39 (a) (1) No person shall display upon any motor vehicle any light
40 visible from the front thereof other than white, yellow or amber, or any
41 light other than red, yellow, amber or white visible from the rear
42 thereof, except a light used with any school bus, without a written
43 permit from the commissioner. If the Department of Transportation
44 obtains from the commissioner such a permit covering more than one
45 motor vehicle operated by the department, it may display the lights
46 allowed under the permit on each such vehicle without placing a copy

47 of the permit in each vehicle.

48 (2) Any vehicle accommodating fifteen or fewer handicapped
49 students may use a flashing red light or lights during the time such
50 vehicle is stopped for the purpose of receiving or discharging such
51 handicapped students, any motor bus may carry a purple light or
52 lights, any interstate public service vehicle may carry a green light or
53 lights, any taxicab may carry a lunar white light or lights, and any
54 interstate commercial motor vehicle may display green identification
55 lights, in front thereof, as the commissioner may permit.

56 (3) A vehicle being operated by [the chief executive officer of an
57 emergency medical service organization] a licensed or certified
58 ambulance service to transport personnel to emergencies, as defined in
59 section 19a-175, an ambulance, as defined in section 19a-175, a vehicle
60 being operated by a local fire marshal or a local director of emergency
61 management may use a flashing red light or lights or flashing white
62 head lamps and a flashing amber light while on the way to the scene of
63 an emergency, except that an ambulance may use flashing lights of
64 other colors specified by federal requirements for the manufacture of
65 such vehicle. The chief executive officer of each such organization shall
66 provide annually during the month of January, on forms provided by
67 the commissioner, such officer's name and address and the registration
68 number on the number plate or plates of the vehicle on which the
69 authorized red light is or white head lamps and amber light are to be
70 used. A vehicle being operated by a member of a volunteer fire
71 department or company or a volunteer emergency medical technician
72 may use flashing white head lamps, provided such member or
73 emergency medical technician is on the way to the scene of a fire or
74 medical emergency and has received written authorization from the
75 chief law enforcement officer of the municipality to use such head
76 lamps. Such head lamps shall only be used within the municipality
77 granting such authorization or from a personal residence or place of
78 employment, if located in an adjoining municipality. Such
79 authorization may be revoked for use of such head lamps in violation
80 of this subdivision.

81 (4) Flashing or revolving white lights may not be displayed upon a
82 motor vehicle except (A) on fire emergency apparatus, (B) on motor
83 vehicles of paid and volunteer fire chiefs and their first and second
84 deputies or their first and second assistants should there be no
85 deputies, (C) as a means of indicating a right or left turn, (D) in
86 conjunction with flashing red lights on an ambulance responding to an
87 emergency call, or (E) on the top rear of any school bus. For the
88 purpose of this subsection, the term "handicapped students" means
89 mentally retarded, hard of hearing, deaf, speech-impaired, visually
90 handicapped, emotionally disturbed, orthopedically impaired or other
91 health-impaired students, or students with specific learning
92 disabilities, who by reason thereof, require special education and
93 related services; and the term "flashing white lights" shall not include
94 the simultaneous flashing of head lamps.

95 (b) A blue light may not be illuminated upon a motor vehicle, except
96 that a vehicle being operated by an active member of a volunteer fire
97 department or company, [or] an active member of an organized civil
98 preparedness auxiliary fire company who has been authorized in
99 writing by the chief executive officer of such department or company
100 or a vehicle being operated by a member of the Connecticut Urban
101 Search and Rescue Team, under the auspices of the Department of
102 Public Safety, may use such a light, including a flashing blue light,
103 while on the way to the scene of a fire or other emergency requiring his
104 services. Such authorization may be revoked by such officer or his
105 successor. The chief executive officer of each volunteer fire department
106 or company or organized civil preparedness auxiliary fire company
107 shall certify annually during the month of January, on forms provided
108 by the commissioner, the names and addresses of members whom he
109 has authorized to use a blue light as provided in this subsection. Such
110 listing shall also designate the registration number on the number
111 plate or plates of the vehicle on which the authorized blue light is to be
112 used.

113 Sec. 3. Subsection (c) of section 14-96q of the general statutes is
114 repealed and the following is substituted in lieu thereof (*Effective*

115 *October 1, 2003*):

116 (c) Flashing lights are prohibited on motor vehicles other than
117 school buses, except (1) as a means for indicating a right or left turn, (2)
118 flashing blue lights used by members of volunteer or civil
119 preparedness fire companies or members of the Connecticut Urban
120 Search and Rescue Team, under the auspices of the Department of
121 Public Safety, as provided by subsection (b) of section 14-96p, as
122 amended by this act, (3) on certain emergency and maintenance
123 vehicles by written permit from the commissioner, (4) flashing or
124 revolving yellow lights on (A) wreckers registered pursuant to section
125 14-66, or (B) vehicles of carriers in rural mail-delivery service or
126 vehicles transporting or escorting any vehicle or load or combinations
127 of vehicles or vehicles and load which is or are either oversize or
128 overweight, or both, and operated or traveling under a permit issued
129 by the Commissioner of Transportation pursuant to section 14-270, (5)
130 flashing red lights (A) on a motor vehicle accommodating fifteen or
131 fewer handicapped students used only during the time such vehicle is
132 stopped for the purpose of receiving or discharging such handicapped
133 students, (B) used by members of the fire police on a stationary vehicle
134 as a warning signal during traffic directing operations at the scene of a
135 fire, (C) on rescue vehicles, (D) used by chief executive officers of
136 emergency medical service organizations as provided in subsection (a)
137 of section 14-96p, (E) ambulances, as defined in section 19a-175, or (F)
138 used by local fire marshals or directors of emergency management, (6)
139 flashing green lights used by members of volunteer ambulance
140 associations or companies as provided in subsection (c) of section
141 14-96p, or (7) flashing white lights or flashing lights of other colors
142 specified by federal requirements for the manufacture of an ambulance
143 used in conjunction with flashing red lights or flashing head lamps
144 and a flashing amber light on an ambulance responding to an
145 emergency call. The prohibitions in this section shall not prevent the
146 operator of a motor vehicle who while traveling on a limited access
147 divided highway, because of the grade, is unable to maintain the
148 minimum speed of forty miles per hour, or who while traveling on any
149 other highway is operating such motor vehicle at such slow speed as to

150 obstruct or endanger following traffic, or the operator of a disabled
151 vehicle stopped on a hazardous location on the highway, or in close
152 proximity thereto, from flashing lights, installed on the vehicle
153 primarily for other purposes, in any manner that the operator selects
154 so as to indicate that such vehicle is traveling slowly, obstructing
155 traffic or is disabled and is a hazard to be avoided. The commissioner
156 is authorized, at such commissioner's discretion, to issue special
157 permits for the use of flashing or revolving lights on emergency
158 vehicles, on escort vehicles and on maintenance vehicles, provided any
159 person, firm or corporation other than the state or any metropolitan
160 district, town, city or borough shall pay an annual permit fee of two
161 dollars for each such vehicle, provided vehicles not registered in this
162 state used for transporting or escorting any vehicle or load or
163 combinations of vehicles or vehicles and load which is or are either
164 oversize or overweight, or both, when operating under a permit issued
165 by the Commissioner of Transportation pursuant to section 14-270,
166 shall not require such permit. On and after July 1, 1985, such annual
167 permit fee shall be three dollars, on and after July 1, 1989, four dollars
168 and fifty cents, on and after July 1, 1991, five dollars and seventy-five
169 cents and on and after July 1, 1993, seven dollars.

170 Sec. 4. Subsection (e) of section 15-129a of the general statutes is
171 repealed and the following is substituted in lieu thereof (*Effective*
172 *October 1, 2003*):

173 (e) Flashing lights shall not be used by any vessel except as
174 provided in this subsection. Flashing blue lights may be used by law
175 enforcement vessels of the United States, this state or a political
176 subdivision of this state or by vessels of the Connecticut Urban Search
177 and Rescue Team, under the auspices of the Department of Public
178 Safety, when such vessels are engaged in law enforcement activities or
179 when identification of such vessels is necessary for safety reasons.
180 Flashing white lights may be used on any vessel in accordance with
181 rules and regulations of the United States Coast Guard."

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>