



House of Representatives

General Assembly

File No. 453

January Session, 2007

House Bill No. 5537

House of Representatives, April 11, 2007

The Committee on Public Health reported through REP. SAYERS, P. of the 60th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING WHEELCHAIR TRANSFER SAFETY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-100a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) No new passenger motor vehicle may be sold or registered in
4 this state unless equipped with at least two sets of seat safety belts for
5 the front and rear seats of the motor vehicle, which belts comply with
6 the requirements of subsection (b) of this section. The anchorage unit
7 at the attachment point shall be of such construction, design and
8 strength as to support a loop load strength of not less than four
9 thousand pounds for each belt.

10 (b) No seat safety belt may be sold for use in connection with the
11 operation of a motor vehicle on any highway of this state unless it is so
12 constructed and installed as to have a loop strength through the
13 complete attachment of not less than four thousand pounds, and the
14 buckle or closing device shall be of such construction and design that

15 after it has received the aforesaid loop belt load it can be released with
16 one hand with a pull of less than forty-five pounds.

17 (c) (1) The operator of and any front seat passenger in a motor
18 vehicle with a gross vehicle weight rating not exceeding ten thousand
19 pounds or fire fighting apparatus originally equipped with seat safety
20 belts complying with the provisions of the Code of Federal
21 Regulations, Title 49, Section 571.209, as amended from time to time,
22 shall wear such seat safety belt while the vehicle is being operated on
23 the highways of this state, except that a child six years of age and
24 under shall be restrained as provided in subsection (d) of this section.
25 Each operator of such vehicle shall secure or cause to be secured in a
26 seat safety belt any passenger seven years of age or older and under
27 sixteen years of age.

28 (2) The provisions of subdivision (1) of this subsection shall not
29 apply to (A) any person whose physical disability or impairment
30 would prevent restraint in such safety belt, provided such person
31 obtains a written statement from a licensed physician containing
32 reasons for such person's inability to wear such safety belt and
33 including information concerning the nature and extent of such
34 condition. Such person shall carry the statement on his or her person
35 or in the motor vehicle at all times when it is being operated, or (B) an
36 authorized emergency vehicle, other than fire fighting apparatus,
37 responding to an emergency call or a motor vehicle operated by a rural
38 letter carrier of the United States postal service while performing his or
39 her official duties or by a person engaged in the delivery of
40 newspapers.

41 (3) Failure to wear a seat safety belt shall not be considered as
42 contributory negligence nor shall such failure be admissible evidence
43 in any civil action.

44 (4) On and after February 1, 1986, any person who violates the
45 provisions of this subsection shall have committed an infraction and
46 shall be fined fifteen dollars. Points may not be assessed against the
47 operator's license of any person convicted of such violation.

48 (d) (1) Any person who transports a child six years of age and under
49 or weighing less than sixty pounds, in a motor vehicle on the highways
50 of this state shall provide and require the child to use a child restraint
51 system approved pursuant to regulations adopted by the Department
52 of Motor Vehicles in accordance with the provisions of chapter 54. Any
53 person who transports a child seven years of age or older and
54 weighing sixty or more pounds, in a motor vehicle on the highways of
55 this state shall either provide and require the child to use an approved
56 child restraint system or require the child to use a seat safety belt. As
57 used in this subsection, "motor vehicle" does not mean a bus having a
58 tonnage rating of one ton or more. Failure to use a child restraint
59 system shall not be considered as contributory negligence nor shall
60 such failure be admissible evidence in any civil action.

61 (2) Any person who transports a child under one year of age or
62 weighing less than twenty pounds in a motor vehicle on the highways
63 of this state shall provide and require the child to ride rear-facing in a
64 child restraint system approved pursuant to regulations that the
65 Department of Motor Vehicles shall adopt in accordance with the
66 provisions of chapter 54.

67 (3) Notwithstanding the provisions of subdivision (1) of this
68 subsection, any person who transports a child four years of age or
69 older in a student transportation vehicle, as defined in section 14-212,
70 on the highways of this state shall either provide and require the child
71 to use an approved child restraint system or require the child to use a
72 seat safety belt. Any person who transports a child under four years of
73 age weighing less than forty pounds in a student transportation
74 vehicle on the highways of this state shall provide and require the
75 child to use a child restraint system approved pursuant to regulations
76 adopted by the Department of Motor Vehicles in accordance with the
77 provisions of chapter 54.

78 (4) No person shall restrain a child in a booster seat unless the motor
79 vehicle is equipped with a safety seat belt that includes a shoulder belt
80 and otherwise meets the requirement of subsection (b) of this section.

81 (5) Any person who violates the provisions of subdivision (1), (2),
82 (3) or (4) of this subsection shall, for a first violation, have committed
83 an infraction; for a second violation, be fined not more than one
84 hundred ninety-nine dollars; and, for a third or subsequent violation,
85 be guilty of a class A misdemeanor. The commissioner shall require
86 any person who has committed a first or second violation of the
87 provisions of this subsection to attend a child car seat safety course
88 offered or approved by the Department of Motor Vehicles. The
89 commissioner may, after notice and an opportunity for a hearing,
90 suspend for a period of not more than two months the motor vehicle
91 operator's license of any person who fails to attend or successfully
92 complete the course.

93 (e) (1) Any person who transports an individual in a wheelchair, in
94 any motor vehicle on the highways of this state, shall provide and
95 require the use of a device designed to secure individuals in
96 wheelchairs while transferring such individuals from the ground to the
97 vehicle and from the time the motor vehicle is brought to a stop until
98 such individuals are transferred from the vehicle to the ground. Such
99 device shall be located in the motor vehicle at all times. The
100 Commissioner of Transportation, Public Health or Motor Vehicles may
101 establish regulations in accordance with the provisions of this section.

102 (2) The following motor vehicles registered in this state on or after
103 the effective date of this section that transport individuals in
104 wheelchairs, shall, in addition to the requirements of subdivision (1) of
105 this subsection, install or provide and require the use of a device that
106 secures the wheelchair to the motor vehicle's lift or otherwise prevents
107 an individual in a wheelchair from falling from such motor vehicle: (A)
108 Motor vehicles in livery service, as defined in section 13b-101, (B)
109 service buses, as defined in subdivision (77) of section 14-1, (C) invalid
110 coaches, as defined in subdivision (11) of section 19a-175, (D) vanpool
111 vehicles, as defined in subdivision (94) of section 14-1, (E) school buses,
112 as defined in subdivision (73) of section 14-1, (F) motor buses, as
113 defined in subdivision (47) of section 14-1, (G) student transportation
114 vehicles, as defined in subdivision (8) of section 14-212, and (H) camp

115 vehicles, as defined in subdivision (98) of section 14-1. The provisions
116 of this subsection shall also apply to all motor vehicles used by
117 municipal and commercial ambulance services, rescue services and
118 management services.

119 (3) Violation of any provision of this subsection is an infraction.

120 [(e)] (f) The commissioner shall administer the provisions of this
121 section.

122 Sec. 2. Section 13b-105 of the general statutes is repealed and the
123 following is substituted in lieu thereof (*Effective October 1, 2007*):

124 The Department of Transportation may, with or without hearing,
125 issue temporary and permanent livery permits to applicants for the
126 express purpose of providing reasonable livery service to handicapped
127 persons and elderly persons on regular or irregular routes where the
128 department finds no existing service or that the existing service is not
129 adequate to properly serve the special needs of elderly persons and
130 handicapped persons. Temporary authority shall not extend over a
131 period of more than sixty days. In determining the special needs of the
132 handicapped and elderly the department may take into consideration
133 the convenience and the physical and mental frailties of, and the care,
134 safety and protection necessary for the best interest of, the
135 handicapped and elderly and the general public. No applicant shall be
136 issued a temporary or permanent permit unless such applicant's motor
137 vehicle meets the requirements of subsection (e) of section 14-100a, as
138 amended by this act. Applicants who were issued a temporary or
139 permanent permit prior to the effective date of this section shall
140 comply with the requirements of subsection (e) of section 14-100a, as
141 amended by this act, not later than the effective date of this section.

142 Sec. 3. Subsection (d) of section 14-103 of the general statutes is
143 repealed and the following is substituted in lieu thereof (*Effective*
144 *October 1, 2007*):

145 (d) Each service bus shall be inspected for safety before its initial

146 registration, in accordance with a schedule to be adopted by the
147 commissioner. Each such service bus shall pass inspection before each
148 renewal of registration. Any service bus that transports individuals in
149 wheelchairs shall meet the requirements of subsection (e) of section 14-
150 100a, as amended by this act, in order to pass inspection. The fee for
151 each such inspection shall be forty dollars, except there shall be no fee
152 for inspection of a service bus owned by the state or a municipality.
153 The commissioner may use the services of any motor vehicle dealer or
154 repairer licensed, in accordance with section 14-52, to conduct a
155 required service bus inspection, provided any fee charged by such
156 dealer or repairer shall not exceed forty dollars, or, if the vehicle
157 inspected has a gross vehicle weight rating in excess of twenty-six
158 thousand pounds, eighty dollars.

159 Sec. 4. Subsection (a) of section 14-275 of the general statutes is
160 repealed and the following is substituted in lieu thereof (*Effective*
161 *October 1, 2007*):

162 (a) The term "school bus" means any motor bus painted,
163 constructed, equipped and registered as hereinafter provided, which is
164 regularly used for transporting school children to and from school or
165 school activities whether or not for compensation or under contract to
166 provide such service. No vehicle shall be registered as a school bus
167 unless it complies with all requirements of sections 14-275 to 14-281,
168 inclusive, as to color, markings, equipment and inspection, and each
169 such vehicle shall be inspected prior to such registration in accordance
170 with regulations prescribed by the Commissioner of Motor Vehicles.
171 The commissioner or the commissioner's designee may also conduct
172 random, unannounced inspections of any registered school bus. Any
173 school bus that transports individuals in wheelchairs shall meet the
174 requirements of subsection (e) of section 14-100a, as amended by this
175 act, in order to pass inspection. The provisions of said sections
176 requiring other vehicles to stop at the signal of the operator of a
177 registered school bus shall not apply to a signal by the operator of any
178 vehicle not registered as a school bus and not complying with all
179 requirements for such registration.

180 Sec. 5. Section 14-102a of the general statutes is repealed and the
181 following is substituted in lieu thereof (*Effective October 1, 2007*):

182 Each student transportation vehicle shall be inspected for safety
183 before its initial registration in accordance with a schedule to be
184 adopted by the Commissioner of Motor Vehicles. Each such student
185 transportation vehicle shall pass inspection before each renewal of
186 registration. Any student transportation vehicle that transports
187 individuals in wheelchairs shall meet the requirements of subsection
188 (e) of section 14-100a, as amended by this act, in order to pass
189 inspection. The fee for each such inspection shall be twenty dollars,
190 except there shall be no fee for inspection of a student transportation
191 vehicle owned by the state or a municipality.

192 Sec. 6. Subsection (a) of section 19a-180 of the general statutes is
193 repealed and the following is substituted in lieu thereof (*Effective*
194 *October 1, 2007*):

195 (a) No person shall operate any ambulance service, rescue service or
196 management service without either a license or a certificate issued by
197 the commissioner. No person shall operate a commercial ambulance
198 service or commercial rescue service or a management service without
199 a license issued by the commissioner. A certificate shall be issued to
200 any volunteer or municipal ambulance service which shows proof
201 satisfactory to the commissioner that it meets the minimum standards
202 of the commissioner in the areas of training, equipment and personnel.
203 No license or certificate shall be issued to any volunteer, municipal or
204 commercial ambulance service, rescue service or management service
205 unless it meets the requirements of subsection (e) of section 14-100a, as
206 amended by this act. Applicants for a license shall use the forms
207 prescribed by the commissioner and shall submit such application to
208 the commissioner accompanied by an annual fee of one hundred
209 dollars. In considering requests for approval of permits for new or
210 expanded emergency medical services in any region, the commissioner
211 shall consult with the Office of Emergency Medical Services and the
212 emergency medical services council of such region and shall hold a

213 public hearing to determine the necessity for such services. Written
214 notice of such hearing shall be given to current providers in the
215 geographic region where such new or expanded services would be
216 implemented, provided, any volunteer ambulance service which elects
217 not to levy charges for services rendered under this chapter shall be
218 exempt from the provisions concerning requests for approval of
219 permits for new or expanded emergency medical services set forth in
220 this subsection. A primary service area responder in a municipality in
221 which the applicant operates or proposes to operate shall, upon
222 request, be granted intervenor status with opportunity for cross-
223 examination. Each applicant for licensure shall furnish proof of
224 financial responsibility which the commissioner deems sufficient to
225 satisfy any claim. The commissioner may adopt regulations, in
226 accordance with the provisions of chapter 54, to establish satisfactory
227 kinds of coverage and limits of insurance for each applicant for either
228 licensure or certification. Until such regulations are adopted, the
229 following shall be the required limits for licensure: (1) For damages by
230 reason of personal injury to, or the death of, one person on account of
231 any accident, at least five hundred thousand dollars, and more than
232 one person on account of any accident, at least one million dollars, (2)
233 for damage to property at least fifty thousand dollars, and (3) for
234 malpractice in the care of one passenger at least two hundred fifty
235 thousand dollars, and for more than one passenger at least five
236 hundred thousand dollars. In lieu of the limits set forth in subdivisions
237 (1) to (3), inclusive, of this subsection, a single limit of liability shall be
238 allowed as follows: (A) For damages by reason of personal injury to, or
239 death of, one or more persons and damage to property, at least one
240 million dollars; and (B) for malpractice in the care of one or more
241 passengers, at least five hundred thousand dollars. A certificate of such
242 proof shall be filed with the commissioner. Upon determination by the
243 commissioner that an applicant is financially responsible, properly
244 certified and otherwise qualified to operate a commercial ambulance
245 service, rescue service or management service, the commissioner shall
246 issue the appropriate license effective for one year to such applicant. If
247 the commissioner determines that an applicant for either a certificate

248 or license is not so qualified, the commissioner shall notify such
249 applicant of the denial of the application with a statement of the
250 reasons for such denial. Such applicant shall have thirty days to
251 request a hearing on the denial of the application.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	14-100a
Sec. 2	<i>October 1, 2007</i>	13b-105
Sec. 3	<i>October 1, 2007</i>	14-103(d)
Sec. 4	<i>October 1, 2007</i>	14-275(a)
Sec. 5	<i>October 1, 2007</i>	14-102a
Sec. 6	<i>October 1, 2007</i>	19a-180(a)

TRA *Joint Favorable C/R*

PH

PH *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect
Various State Agencies	GF; TF - See Below

Note: GF=General Fund, TF=Transportation Fund

Municipal Impact:

Municipalities	Effect
All Municipalities	STATE MANDATE - See Below

Explanation

The bill places requirements on vehicles used to transport individuals in wheelchairs. For the various state agencies and municipalities that have wheelchair accessible vehicles, the bill may result in increased costs to meet these provisions, however the magnitude is unknown. There are various factors that will impact the potential cost of such requirements: 1) whether the vehicles currently comply with the bill’s provisions; 2) the authorizing state agency’s specification of a device that secures a wheelchair to a lift; 3) vehicle replacement schedule (most of the newer vehicles, model year 2006 and later, include devices to secure wheelchairs to the lift); and 4) whether the vehicles would need to be retro-fitted (estimated at \$400) or have a more costly complete lift replacement undertaken (\$4,500).

For example, a state agency with significant use of wheelchair accessible vehicles is the Department of Mental Retardation (DMR), which uses 92 wheelchair accessible state vehicles (most of which are leased through the Department of Administrative Services’ fleet vehicle program - DMR pays a monthly lease fee). Of the 92 vehicles, 49 are 2006 models or newer and therefore are already fitted and appear to meet the bill’s requirements. Of the remaining 43 vehicles, it

is unknown how many would require a retro-fit or lift replacement due to the department's current fleet replacement schedule (the agency is currently in the process of replacing the older model wheelchair accessible vans).

In addition, the department contracts with over 135 private providers for day and residential services. There are an estimated 450 such vehicles in use by the department's private providers. As with the DMR, there are various factors (see above) that would impact any potential cost to the private providers (such as vehicle replacement schedule and the applicable regulatory agency's specifications). It is anticipated that any additional cost incurred by the providers to meet the bill's requirements would be passed on to the department.

Requiring school buses to have devices to secure wheel chairs to lifts results in a cost to local and regional school districts and to the state (Department of Education) through the reimbursement mechanism of school transportation grants. Information is not available as to how many school buses would require such devices, however, as stated elsewhere in the fiscal note, the cost to retrofit vehicles would range from \$400 to \$4,500.

The Department of Transportation estimates there are 800 public transit buses and vans that would require wheelchair lifts, either retrofitted or replaced, in order to meet the provisions of this bill. The cost of retrofitting or replacing lifts on vans range from \$400 to \$4,500, whereas the cost of replacing lifts on buses range from \$18,000 to \$25,000 each. Since it is unknown how many lifts would have to be replaced, the cost cannot be determined but is anticipated to be significant (more than \$5 million).

Passage of this bill is not anticipated to result in a fiscal impact for municipally-affiliated ambulance services. It should be noted that only commercial ambulance services utilize vehicles that can accommodate the transfer of a patient in a wheelchair from the ground to the vehicle.

Should the Departments of Public Health, Motor Vehicles, and

Transportation choose to adopt regulations, it is anticipated that they will do so within their normally budgeted resources.

The bill establishes a new infraction¹ that is expected to generate minimal revenue to the General Fund.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future until all state and municipal vehicles are in compliance.

¹ Pursuant to CGS 51-164m, Judges of the Superior Court determine the fine amount for infractions, which must fall between \$35 and \$90. Additional statutory surcharges of \$39 in total would apply. The minimum amount due for this infraction would therefore be \$74.

OLR Bill Analysis**HB 5537*****AN ACT CONCERNING WHEELCHAIR TRANSFER SAFETY.*****SUMMARY:**

This bill requires (1) anyone transporting someone in a wheelchair in a motor vehicle to provide and use a device designed to secure the person in the wheelchair while transferring him from the ground to the vehicle or the vehicle to the ground and (2) operators of certain specific types of vehicles to provide additional protection through the use of a device that secures the wheelchair to the motor vehicle's lift, or otherwise prevents the person from falling from the vehicle. The device used to secure the person to the wheelchair must be in the vehicle at all times.

The bill authorizes the transportation, public health, or motor vehicle commissioners to adopt regulations in accordance with the requirements.

The bill designates violations of these requirements as infractions.

EFFECTIVE DATE: October 1, 2007

VEHICLES IN WHICH WHEELCHAIR MUST BE SECURED TO LIFT

For certain types of lift-equipped vehicles, the bill requires that the operator provide and use an additional device that secures the wheelchair to the vehicle's lift or otherwise prevents the person in the wheelchair from falling from the vehicle. These vehicles include (1) livery vehicles, (2) service buses, (3) invalid coaches, (4) vanpool vehicles, (5) school buses, (6) motor buses, (7) student transportation vehicles, (8) camp vehicles, and (9) vehicles used by municipal and commercial ambulances, rescue services, and "management services."

(Although this provision of the bill does not specifically mention volunteer ambulance services, a later provision requiring compliance as a condition of certification of such a service does. Therefore, it appears that the bill also implicitly requires volunteer ambulance services to provide wheelchair restraints.)

The reference to management services appears to refer to entities defined in CGS § 19a-175, although the bill makes no explicit reference to this section. Under that law, a “management service” is an organization that provides emergency medical technicians or paramedics to any entity including an ambulance service, but does not include a commercial ambulance service or a volunteer or municipal ambulance service. A rescue service is defined in that law as any organization whose primary purpose is to search for lost people or to render emergency service to people who are in dangerous or perilous circumstances.

Service buses, school buses, and student transportation vehicles must meet the restraint device requirement as a condition of their required periodic safety inspections conducted by the Department of Motor Vehicles. The Department of Public Health may not issue a license or certificate to a volunteer, municipal, or commercial ambulance service, rescue service, or management service unless the service meets the bill’s requirements. The Department of Transportation may not issue a permit to operate livery vehicles unless they meet the requirements. Any entity holding a livery permit issued before October 1, 2007 must comply with the requirements by that date.

BACKGROUND

Vehicle Definitions

A motor vehicle in livery service is any vehicle in the business of transporting passengers for hire except for taxis, motor buses, school buses, and student transportation vehicles. Livery vehicles may only be operated under permits issued by the Department of Transportation.

Service buses are vehicles other than vanpool vehicles and school buses that are designed and regularly used to carry 10 or more passengers in private transportation service without charge to the individual.

Invalid coaches are vehicles used exclusively to transport non-ambulatory patients not confined to stretchers to or from medical facilities and a patient's home in non-emergency situations or used in emergencies as backup vehicles.

Vanpool vehicles are vehicles whose primary purpose is daily transportation of people between home and work on a prearranged nonprofit basis, and that are manufactured and equipped to provide seating capacity for (1) seven to 15 people, if owned by or leased to an individual person, an employee of that person, or to an employee of a governmental entity in Connecticut or (2) six to 19 people, if owned by or leased to a regional ridesharing organization in Connecticut that is recognized by the Department of Transportation.

Motor buses are vehicles other than taxicabs operated in whole or in part on a highway providing transportation by indiscriminately receiving or discharging passengers, or running on a regular route between fixed termini.

Student transportation vehicles are any vehicles other than a registered school bus used by a carrier to transport students, including children requiring special education.

A camp vehicle is one regularly used to transport passengers under age 18 in connection with the activities of any youth camp licensed by the Department of Public Health.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Change of Reference
Yea 30 Nay 0 (03/16/2007)

Public Health Committee

Joint Favorable

Yea 27 Nay 0 (03/26/2007)