



# House of Representatives

General Assembly

**File No. 838**

January Session, 2007

Substitute House Bill No. 5537

*House of Representatives, May 16, 2007*

The Committee on Appropriations reported through REP. MERRILL of the 54th Dist., Chairperson of the Committee on the part of the House, that the substitute 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 Section 14-100a of the general statutes is repealed and the  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, 2009*):

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 who remains in a  
94 wheelchair while being transferred into and out of a vehicle, in any  
95 motor vehicle on the highways of this state, shall provide and require  
96 the use of a device designed to secure individuals in wheelchairs while  
97 transferring such individuals from the ground to the vehicle and from  
98 the time the motor vehicle is brought to a stop until such individuals  
99 are transferred from the vehicle to the ground. Such device shall be  
100 located in the motor vehicle at all times. The Commissioner of Motor  
101 Vehicles may, after consultation with the departments of  
102 Transportation and Public Health, establish regulations to implement  
103 the provisions of this act.

104 (2) The following motor vehicles registered in this state for the first  
105 time on or after the effective date of this section that transport  
106 individuals who remain in wheelchairs while being transported, shall,  
107 in addition to the requirements of subdivision (1) of this subsection,  
108 install or provide and require the use of a device that secures the  
109 wheelchair to the motor vehicle's mechanical lift or otherwise prevents  
110 or seeks to prevent an individual in a wheelchair from falling from  
111 such mechanical lift or motor vehicle: (A) Motor vehicles in livery  
112 service, as defined in section 13b-101, (B) service buses, as defined in  
113 subdivision (77) of section 14-1, (C) invalid coaches, as defined in  
114 subdivision (11) of section 19a-175, (D) vanpool vehicles, as defined in

115 subdivision (94) of section 14-1, (E) school buses, as defined in  
116 subdivision (73) of section 14-1, (F) motor buses, as defined in  
117 subdivision (47) of section 14-1, (G) student transportation vehicles, as  
118 defined in subdivision (8) of section 14-212, and (H) camp vehicles, as  
119 defined in subdivision (98) of section 14-1. The provisions of this  
120 subsection shall also apply to all motor vehicles used by municipal,  
121 volunteer and commercial ambulance services, rescue services and  
122 management services, as defined in subdivision (19) of section 19a-175.

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

124 ~~[(e)]~~ (f) The commissioner shall administer the provisions of this  
125 section.

126 Sec. 2. Section 13b-105 of the general statutes is repealed and the  
127 following is substituted in lieu thereof (*Effective October 1, 2009*):

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

146 Sec. 3. Subsection (d) of section 14-103 of the general statutes is

147 repealed and the following is substituted in lieu thereof (*Effective*  
148 *October 1, 2009*):

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

163 Sec. 4. Subsection (a) of section 14-275 of the general statutes is  
164 repealed and the following is substituted in lieu thereof (*Effective*  
165 *October 1, 2009*):

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

180 requiring other vehicles to stop at the signal of the operator of a  
181 registered school bus shall not apply to a signal by the operator of any  
182 vehicle not registered as a school bus and not complying with all  
183 requirements for such registration.

184 Sec. 5. Section 14-102a of the general statutes is repealed and the  
185 following is substituted in lieu thereof (*Effective October 1, 2009*):

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

196 Sec. 6. Subsection (a) of section 19a-180 of the general statutes is  
197 repealed and the following is substituted in lieu thereof (*Effective*  
198 *October 1, 2009*):

199 (a) No person shall operate any ambulance service, rescue service or  
200 management service without either a license or a certificate issued by  
201 the commissioner. No person shall operate a commercial ambulance  
202 service or commercial rescue service or a management service without  
203 a license issued by the commissioner. A certificate shall be issued to  
204 any volunteer or municipal ambulance service which shows proof  
205 satisfactory to the commissioner that it meets the minimum standards  
206 of the commissioner in the areas of training, equipment and personnel.  
207 No license or certificate shall be issued to any volunteer, municipal or  
208 commercial ambulance service, rescue service or management service,  
209 as defined in subdivision (19) of section 19a-175, unless it meets the  
210 requirements of subsection (e) of section 14-100a, as amended by this  
211 act. Applicants for a license shall use the forms prescribed by the  
212 commissioner and shall submit such application to the commissioner

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

248 an applicant is financially responsible, properly certified and otherwise  
249 qualified to operate a commercial ambulance service, rescue service or  
250 management service, the commissioner shall issue the appropriate  
251 license effective for one year to such applicant. If the commissioner  
252 determines that an applicant for either a certificate or license is not so  
253 qualified, the commissioner shall notify such applicant of the denial of  
254 the application with a statement of the reasons for such denial. Such  
255 applicant shall have thirty days to request a hearing on the denial of  
256 the application.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	14-100a
Sec. 2	<i>October 1, 2009</i>	13b-105
Sec. 3	<i>October 1, 2009</i>	14-103(d)
Sec. 4	<i>October 1, 2009</i>	14-275(a)
Sec. 5	<i>October 1, 2009</i>	14-102a
Sec. 6	<i>October 1, 2009</i>	19a-180(a)

**APP**      *Joint Favorable Subst.*

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	FY 08 \$	FY 09 \$
Various State Agencies	GF; TF - See Below	None	None

Note: GF=General Fund; TF=Transportation Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 08 \$	FY 09 \$
Various Municipalities	See Below	None	None

### **Explanation**

The bill places requirements on vehicles used to transport individuals in wheelchairs effective 10/1/09. Any vehicle coming into service after 10/1/09 that has not been previously registered in the state would have to meet the requirements of the bill.

Wheelchair accessible vehicles model 2006 and later already include devices that secure wheelchairs to the lifts. Given the effective date of the bill, newer model vehicle utilization of these devices, and the new registration provision, it is anticipated that state agencies and municipalities that operate wheelchair accessible vehicles will not incur increased costs to comply with the bill.

It is anticipated that there would not be any fiscal impact in the out-years (starting in FY 10) for most state agencies and municipalities. However, to the extent that on or after 10/1/09 a state agency or municipality chooses to purchase or lease an older model vehicle that has not previously been registered in the state they would have to consider the potential cost for retro-fitting or full lift replacement in order to comply with the 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.

Passage of the 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 infraction<sup>1</sup> that may generate minimal revenue to the General Fund in the out-years (starting in FY 10).

### ***The Out Years***

Out-year impact referenced above.

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<sup>1</sup> 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**

**sHB 5537**

***AN ACT CONCERNING WHEELCHAIR TRANSFER SAFETY.***

**SUMMARY:**

This bill requires (1) anyone transporting someone being transferred into or out of a motor vehicle while in a wheelchair 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 newly registered vehicles to provide additional protection through the use of a device that secures the wheelchair to the motor vehicle's mechanical lift, or otherwise prevents or seeks to prevent 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 motor vehicle commissioner to adopt regulations, in consultation with the transportation and public health commissioners, to implement these requirements.

The bill designates violations of these requirements as infractions.

EFFECTIVE DATE: October 1, 2009

**VEHICLES IN WHICH WHEELCHAIR MUST BE SECURED TO LIFT**

For certain types of lift-equipped vehicles that are registered for the first time on or after October 1, 2009, the bill requires that the operator provide and use an additional device that secures the wheelchair to the vehicle's mechanical lift or otherwise prevents or seeks to prevent 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, volunteer, and commercial ambulances, rescue services, and management services.

By law, a management service is an employment organization that provides emergency medical technicians or paramedics to an emergency medical service organization, but does not own or lease any ambulances or other emergency medical vehicles. The law defines a rescue service 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, 2009 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.

**Legislative History**

The bill (File 453) was referred to the Appropriations Committee by the House on April 24. The Appropriations Committee favorably reported a substitute bill on April 30. The substitute bill makes the requirements effective on October 1, 2009 instead of October 1, 2007 and limits the requirement that the wheelchair be secured to the lift to specialized vehicles that are newly registered as of October 1, 2009 rather than to both new and existing vehicles. It also (1) clarifies two ambiguities in the original file with respect to the definition of management services and application of the requirements to volunteer ambulance services and (2) makes some minor changes.

**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)

Appropriations Committee

Joint Favorable Substitute  
Yea 44 Nay 0 (04/30/2007)