



General Assembly

Substitute Bill No. 5537

January Session, 2007

* _____ HB05537APP __ 050107 _____ *

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 Section 14-100a of the general statutes is repealed and the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.*