

**Legislative Regulation
Review Committee**

2010-023

Department of Motor Vehicles

**MOTOR VEHICLES USED TO TRANSPORT
SPECIAL EDUCATION STUDENTS**

IMPORTANT: Read instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

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Motor Vehicles Used to Transport Special Education Students

Section 1. Sections 14-275c-26 to 14-275c-28, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 14-275c-26. Definition

"Special education child" means a child who requires special education and related services as determined by a board of education pursuant to section 10-76d-6 of the Regulations of Connecticut State Agencies, as amended

Sec. 14-275c-27. Special education vehicles

[Except as provided in sections 14-275c-28 and 14-275c-29 no special education child shall be transported by or on behalf of any local or regional board of education] No carrier, as defined in Section 14-212 of the Connecticut General Statutes, shall transport a special education child in any motor vehicle other than one meeting the requirements of [sections] Sections 14-275c-26 through 14-275c-35, inclusive, of the Regulation of Connecticut State Agencies, as amended, which are applicable to such motor vehicle.

Sec. 14-275c-28. Use of school bus

[A special education child may be transported in a Type I or Type II school bus as defined in Section 14-275 of the General Statutes when the local or regional board of education determines that the school bus is suitably equipped to ensure the safety of such child. Each such Type I or Type II school bus shall conform to those provisions of Secs.] Each school bus that is used to transport special education children shall be in compliance with Section 14-275c of the Connecticut General Statutes and [Sec.] Sections [14-275-1 -] 14-275c-1 through 14-275c-22, inclusive, of the Regulations of Connecticut State Agencies, as amended, as are applicable to school buses of such design.

Sec. 2. Sections 14-275c-30 to 14-275c-35, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 14-275c-30. Equipment of vehicles

Each motor vehicle used by or on behalf of a regional or local board of education to transport special education children shall have the following equipment:

(a) **Interior lighting.** Each motor vehicle shall be equipped with overhead lighting located either in the ceiling area or above the mid height at each side and the light source shall be of sufficient intensity and configuration to produce a minimum incident light reading of [4] four (4) foot candles measured at any interior location [1] one (1) foot from each light source using a photoelectric photometer or equivalent light intensity meter having an accuracy of [² 2] plus or minus two (±2) foot candles.

(b) **Fire extinguisher.** Each motor vehicle shall be equipped with one pressurized, dry chemical-type extinguisher, readily accessible to the driver. The fire extinguisher shall be of a type approved by the [Underwriters'] Underwriters Laboratories, Inc., with a rating of not less than 10-B.C. The operating mechanism shall be sealed with a type of seal that will not interfere with the use of the extinguisher. It shall be equipped with a readily visible pressure gauge having a dial face not less than [1] one (1) inch in diameter or equivalent area indicating:

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- (1) The actual pressure in pounds per square inch (psi) within the extinguisher case; and [.]
- (2) The fully charged safe operating pressure range for the extinguisher as established by the manufacturer.
- (c) **First aid kit.** Each motor vehicle shall carry a [first-aid] first aid kit, removable and readily identifiable, mounted in full view, the contents of which shall include but not be limited to the following:
 - (1) Four-inch bandage compress – [one package] four (4) each;
 - (2) Two-inch bandage compress – [one package] six (6) each;
 - (3) One-inch adhesive bandage – [two packages] thirty-two (32);
 - (4) Forty-inch (40") triangular bandage with two (2) safety pins - one (1) package;
 - (5) Wire splint - one package;
 - (6) Tourniquet - one package;
 - (7) Burn ointment;
 - (8) A recognized fluid skin antiseptic except preparations containing iodine or phenol (carbolic acid)[.]; and
 - (9) A [Flashlight] flashlight.
- (d) **Warning devices.** Each motor vehicle shall carry at least three (3) red emergency reflectors which comply with [FMVSS ⁵125] 49 CFR 571.125.
- (e) **Flashlight.** Each motor vehicle shall carry a flashlight
- (f) **Seatbelt cutter.** Each motor vehicle shall carry a seatbelt cutter.

Sec. 14-275c- 31. Special devices

If any motor vehicle, including a school bus, used to transport special education children, is equipped with any of the special devices described below, such device or devices shall meet or exceed the requirements established herein:

(a) **Lifts.** If a power or manually operated lift is provided, it shall be capable of reliably and safely raising and lowering a wheelchair and added ballast having a combined weight of no less than [600] six hundred (600) pounds. The lift platform shall have a minimum usable width of not less than [30] thirty (30) inches and a minimum usable length of not less than [42] forty-two (42) inches except that the commissioner may approve a lift having a minimum usable width of not less than [26] twenty-six (26) inches and a minimum usable length of not less than [36] thirty-six (36) inches if [he] he/she determines that such lift is adequate for the service which will be performed by the vehicle on which it is installed. The lift platform shall be constructed or covered in a manner to provide protection against slipping and skidding of personnel and wheelchairs. The lift platform shall be equipped with protective curbing on each side in the passage direction no less than [1.0] one (1.0) inch in height above the platform surface. The platform surface between the curbing shall be unencumbered with wiring, tubing, switches or other material. The ramp slope in the passage direction shall not exceed [10.0°] ten degrees (10.0°) (17.6%) in any lift position when loaded with wheelchair and occupant. A self-adjusting steel or equivalent ramp transition plate shall be provided to allow smooth wheelchair passage from ground level onto the lowered lift platform; the transition plate shall raise to a position perpendicular to the platform [$\pm 20^\circ$] plus or minus twenty degrees ($\pm 20^\circ$) and latch to provide a roll off barrier for the wheelchair. A power-operated lift shall be capable of being opened and lowered at least one time in the event of power loss to the lift. All electrical controls and wiring shall be weather proof. The electrical system of the vehicle shall be capable of supporting the electrical requirements of the lift without reducing the electrical demands of the vehicle.

(b) **Ramps.** If a ramp is provided it shall be capable of supporting a minimum total weight of [600 lbs.] six hundred pounds (600 lbs). It shall be equipped with protective flanges on each longitudinal side sufficient in height to prevent a wheelchair from accidentally falling off the side of the ramp. The ramp surface shall be composed of or covered with a non-skid material. The ramp shall be of a weight that would permit the driver to set it in place and return it to its storage compartment. When the ramp is in use, it shall be securely fastened to the side of the vehicle to prevent accidental detachment. The ramp shall be connected to the vehicle floor level in such a manner to permit easy access for wheelchairs. The ramp shall be of sufficient length so that the slope shall not exceed [30°] thirty degrees (30°). If the ramp is to be stored under the vehicle chassis, the ramp shall be provided with a dust-proof, waterproof compartment. When the ramp is in the storage position, it shall be secured to prevent it from becoming accidentally dislodged while the vehicle is in motion.

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(c) **Special seating.** Special seating arrangements may be provided for vehicles transporting handicapped children, and shall be appropriate to the needs of those being transported. Such seating arrangements must be approved by the commissioner of motor vehicles. Each handicapped child shall be provided a minimum of [15] fifteen inches (15") of seating width and a minimum of [12] twelve inches (12") fore and aft. Each seat shall be fully padded on the seating surface. Where a seat back is so situated that it is in front of another seat, padding shall be affixed to the uppermost part and the top rear edge of the seat back. Each handicapped child shall be provided with a seat restraint system that will adequately restrain the individual without causing physical injury.

(d) **Wheelchair anchorages.** For those special education children confined to a wheelchair, a restraint system shall be provided for the occupant of the wheelchair which will effectively maintain his or her position in the wheelchair, and a restraint system shall be provided which will effectively maintain the position of the wheelchair within its designated position in the vehicle.

(e) **Special service doors.** These doors may be of the hinged swing type or sliding-type single door with a minimum clear opening of [45] forty-five inches (45") in width and [46] forty-six inches (46") in height.

Sec. 14-275c-32. Inspection

Before being placed in service and annually thereafter each motor vehicle [or on behalf of a regional or local board of education] used by a carrier to transport special education children shall pass an inspection conducted by the Department of Motor Vehicles.

Sec. 14-275c-33. Maintenance

Maintenance and repair records shall be available at the request of the Department of Motor Vehicles for each motor vehicle used by [or on behalf of a regional or local board of education] a carrier to transport special education children. A separate record shall be maintained on each motor vehicle. Each record shall identify the motor vehicle by year, make or model, registration number and vehicle identification number. Routine maintenance shall be conducted on a schedule as recommended by the vehicle manufacturer.

Sec. 14-275c-34 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-275c-34. Operator licensing

Each person operating a motor vehicle used by [or on behalf of a regional or local board of education] a carrier for transporting special education children shall hold [a] an appropriate public service operator's license in accordance with Section 14-36a of the Connecticut General Statutes.

Section 14-275c-35 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 14-275c-35. Operation

The following requirements shall apply to all motor vehicles used by [or on behalf of a regional or local board of education] a carrier for the transportation of special education children.

(a) **Smoking.** [No operator or passenger shall smoke.] The smoking of or carrying of a lighted cigar, cigarette or pipe by the driver or passengers of a school bus is prohibited.

(b) **Passenger security.** The operator shall apply all reasonable measures to seat and restrain each child while a passenger on the vehicle.

(c) **Railroad crossings.** Each motor vehicle used by [or on behalf of a local or regional board of education] a carrier shall stop at all railroad crossings as required by section 14-250, of the Connecticut General Statutes, as amended.

(d) Vehicle in motion: The operator shall not take on or discharge passenger while vehicle is in motion.

Sec. 4. Section 14-275c-29 of the Regulations of Connecticut State Agencies is repealed.

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Statement of Purpose:

Purpose: To make the regulation comply with current statutory authority and practice by amending or repealing sections and to make the regulations gender neutral.

Summary of Main Provisions:

1. Current regulations refer to special education children being transported "by or on behalf of any local board of education." This amendment removes that restrictive language and makes the regulations applicable to all carriers transporting special education children.
2. Obsolete references to Type 1 or Type 11 school buses used to transport special education children are removed.
3. A requirement for a flashlight and seatbelt cutter to be in the motor vehicle is added.
4. References to "he" or "him" are changed to "he/she" or "him/her."
5. One obsolete section of the regulations is repealed.

Legal Effects of the Regulation:

There are no specific legal effects resulting from this amendment.

Be it known that the foregoing:

Regulations Emergency Regulations are:
 Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Section 14-275c of the Connecticut General Statutes.

Section 14-_____ of the Connecticut General Statutes, as amended by Section _ of Public Act. No. _ of the Public Acts.

Public Act. No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on _____, 2010 of the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on __ day of __ 2010.

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

The ____ day of _____ 2010.

In Witness Whereof:	Date 3/24/10	SIGNED (Head of Board, Agency or Commission) <i>[Signature]</i>	OFFICIAL TITLE, DULY AUTHORIZED COMMISSIONER
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:		SIGNED <i>[Signature]</i> 4/21/10	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL

Approved

Disapproved

Disapproved in part, (Indicate Section Numbers disapproved only)

Rejected without prejudice.

The Legislative Review Committee in accordance with Sec. 4-170, as amended, of the Connecticut General Statutes	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the Connecticut General Statutes.

DATE	SIGNED (Secretary of the State)	BY
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INSTRUCTIONS

One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the Connecticut General Statutes.

Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the Connecticut General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the Connecticut General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in underlined and deleted language in brackets. Section 4-170 of the Connecticut General Statutes.