



# Senate

General Assembly

**File No. 508**

January Session, 2019

Substitute Senate Bill No. 66

*Senate, April 8, 2019*

The Committee on Transportation reported through SEN. LEONE of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE NONEMERGENCY TRANSPORTATION OF PERSONS WHO ARE ELDERLY AND PERSONS WITH DISABILITIES CONFINED TO A STRETCHER.***

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

1 Section 1. Section 13b-105 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 The Department of Transportation may, with or without hearing,  
4 issue temporary and permanent livery permits to applicants for the  
5 express purpose of providing reasonable livery service to persons who  
6 are elderly and persons with disabilities on regular or irregular routes  
7 where the department finds no existing service or that the existing  
8 service is not adequate to properly serve the special needs of persons  
9 who are elderly and persons with disabilities. Temporary authority  
10 shall not extend over a period of more than sixty days. In determining  
11 the special needs of persons who are elderly and persons with  
12 disabilities, the department may take into consideration the  
13 convenience and the physical and mental frailties of, and the care,

14 safety and protection necessary for the best interest of, persons who  
15 are elderly, persons with disabilities and the general public. No  
16 applicant shall be issued a temporary or permanent permit unless such  
17 applicant's motor vehicle meets the requirements of subsection (e) of  
18 section 14-100a, as amended by this act. [ Applicants who were issued  
19 a temporary or permanent permit prior to October 1, 2007, shall  
20 comply with the requirements of subsection (e) of section 14-100a not  
21 later than October 1, 2007.] or such applicant's stretcher van meets the  
22 requirements of subsection (f) of section 14-100a, as amended by this  
23 act. A temporary or permanent livery permit holder may use a  
24 stretcher van to transport a person who is elderly or a person with  
25 disabilities who requires nonemergency transportation on a stretcher  
26 but who does not require medical services during transport, in  
27 accordance with subsection (f) of section 14-100a, as amended by this  
28 act, provided (1) such person obtains and provides to the operator of  
29 the stretcher van, prior to such transport, a written statement from  
30 such person's primary care provider, as defined in section 19a-7o, that  
31 such person may be transported in a stretcher van, and (2) the operator  
32 of the stretcher van has received training in the lifting, moving and  
33 transport of a person on a stretcher that is equivalent to the training  
34 provided to emergency medical services personnel, as defined in  
35 section 19a-180b. For the purposes of this section, "stretcher van"  
36 means a van designed and equipped to provide the nonemergency  
37 transportation of persons on a stretcher.

38 Sec. 2. Section 14-100a of the general statutes is repealed and the  
39 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

47 (b) No seat safety belt may be sold for use in connection with the  
48 operation of a motor vehicle on any highway of this state unless it is so  
49 constructed and installed as to have a loop strength through the  
50 complete attachment of not less than four thousand pounds, and the  
51 buckle or closing device shall be of such construction and design that  
52 after it has received the aforesaid loop belt load it can be released with  
53 one hand with a pull of less than forty-five pounds.

54 (c) (1) The operator of and any front seat passenger in any motor  
55 vehicle or fire fighting apparatus originally equipped with seat safety  
56 belts complying with the provisions of 49 CFR 571.209, as amended  
57 from time to time, shall wear such seat safety belt while the vehicle is  
58 being operated on any highway, except as follows:

59 (A) A child under eight years of age shall be restrained as provided  
60 in subsection (d) of this section;

61 (B) The operator of such vehicle shall secure or cause to be secured  
62 in a seat safety belt any passenger eight years of age or older and  
63 under sixteen years of age; and

64 (C) If the operator of such vehicle is under eighteen years of age,  
65 such operator and each passenger in such vehicle shall wear such seat  
66 safety belt while the vehicle is being operated on any highway.

67 (2) The provisions of subdivision (1) of this subsection shall not  
68 apply to (A) any person whose physical disability or impairment  
69 would prevent restraint in such safety belt, provided such person  
70 obtains a written statement from a licensed physician or a licensed  
71 advanced practice registered nurse containing reasons for such  
72 person's inability to wear such safety belt and including information  
73 concerning the nature and extent of such condition. Such person shall  
74 carry the statement on his or her person or in the motor vehicle at all  
75 times when it is being operated, or (B) an authorized emergency  
76 vehicle, other than fire fighting apparatus, responding to an  
77 emergency call or a motor vehicle operated by a rural letter carrier of  
78 the United States postal service while performing his or her official

79 duties or by a person engaged in the delivery of newspapers.

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

83 (4) Any operator of a motor vehicle, who is eighteen years of age or  
84 older, and any passenger in such motor vehicle, who violates any  
85 provision of this subsection shall have committed an infraction and  
86 shall be fined fifty dollars. Any operator of a motor vehicle who is  
87 under eighteen years of age and any passenger in such motor vehicle  
88 who violates any provision of this subsection shall have committed an  
89 infraction and shall be fined seventy-five dollars. Points may not be  
90 assessed against the operator's license of any person convicted of such  
91 violation.

92 (d) (1) (A) Any person who transports a child under two years of  
93 age or weighing less than thirty pounds in a motor vehicle on the  
94 highways of this state shall provide and require the child to ride rear-  
95 facing in a child restraint system equipped with a five-point harness  
96 approved pursuant to regulations that the Department of Motor  
97 Vehicles shall adopt in accordance with the provisions of chapter 54.

98 (B) Any person who transports a child under five years of age, but  
99 not under two years of age, or weighing less than forty pounds, but  
100 not less than thirty pounds, in a motor vehicle on the highways of this  
101 state shall provide and require the child to ride rear-facing or forward-  
102 facing in a child restraint system equipped with a five-point harness  
103 approved pursuant to such regulations.

104 (C) Any person who transports a child under eight years of age, but  
105 not under five years of age, or weighing less than sixty pounds, but not  
106 less than forty pounds, in a motor vehicle on the highways of this state  
107 shall provide and require the child to ride rear-facing or forward-  
108 facing in a child restraint system equipped with a five-point harness or  
109 a booster seat secured by a seat safety belt approved pursuant to such  
110 regulations.

111 (D) No person shall transport a child in a motor vehicle on the  
112 highways of this state in a rear-facing child restraint system in the  
113 front seat of any motor vehicle that is equipped with a functional air  
114 bag on the passenger side of such motor vehicle.

115 (2) Any person who transports a child eight years of age or older  
116 and weighing sixty or more pounds in a motor vehicle on the  
117 highways of this state shall either provide and require the child to use  
118 an approved child restraint system or require the child to use a seat  
119 safety belt. Failure to use a child restraint system shall not be  
120 considered as contributory negligence nor shall such failure be  
121 admissible evidence in any civil action. As used in this subsection,  
122 "motor vehicle" does not mean a bus having a tonnage rating of one  
123 ton or more.

124 (3) Notwithstanding the provisions of subdivision (1) of this  
125 subsection, any person who transports a child four years of age or  
126 older in a student transportation vehicle, as defined in section 14-212,  
127 on the highways of this state shall either provide and require the child  
128 to use an approved child restraint system or require the child to use a  
129 seat safety belt. Any person who transports a child under four years of  
130 age weighing less than forty pounds in a student transportation  
131 vehicle on the highways of this state shall provide and require the  
132 child to use a child restraint system approved pursuant to such  
133 regulations.

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

137 (5) Any person who violates the provisions of subdivision (1), (2),  
138 (3) or (4) of this subsection shall, for a first violation, have committed  
139 an infraction; for a second violation, be fined not more than one  
140 hundred ninety-nine dollars; and, for a third or subsequent violation,  
141 be guilty of a class A misdemeanor. The commissioner shall require  
142 any person who has committed a first or second violation of the  
143 provisions of this subsection to attend a child car seat safety course

144 offered or approved by the Department of Motor Vehicles. The  
145 commissioner may, after notice and an opportunity for a hearing,  
146 suspend for a period of not more than two months the motor vehicle  
147 operator's license of any person who fails to attend or successfully  
148 complete the course.

149 (e) (1) Any person who transports an individual who remains in a  
150 wheelchair while being transferred into and out of a vehicle, in any  
151 motor vehicle on the highways of this state, shall provide and require  
152 the use of a device designed to secure individuals in wheelchairs while  
153 transferring such individuals from the ground to the vehicle and from  
154 the time the motor vehicle is brought to a stop until such individuals  
155 are transferred from the vehicle to the ground. Such device shall be  
156 located in the motor vehicle at all times. The Commissioner of Motor  
157 Vehicles may, after consultation with the [Departments]  
158 Commissioners of Transportation and Public Health, establish  
159 regulations to implement the provisions of this section and sections  
160 13b-105, as amended by this act, and 14-102a, subsection (d) of section  
161 14-103, subsection (a) of section 14-275 and subsection (a) of section  
162 19a-180.

163 (2) The following motor vehicles registered in this state for the first  
164 time on or after October 1, 2007, that transport individuals who remain  
165 in wheelchairs while being transported, shall, in addition to the  
166 requirements of subdivision (1) of this subsection, install or provide  
167 and require the use of a device that secures the wheelchair to the motor  
168 vehicle's mechanical lift or otherwise prevents or seeks to prevent an  
169 individual in a wheelchair from falling from such mechanical lift or  
170 motor vehicle: (A) Motor vehicles in livery service, as defined in  
171 section 13b-101, (B) service buses, [as defined in section 14-1,] (C)  
172 invalid coaches, as defined in subdivision (11) of section 19a-175, (D)  
173 vanpool vehicles, [as defined in section 14-1,] (E) school buses, [as  
174 defined in section 14-1,] (F) motor buses, [as defined in section 14-1,]  
175 (G) student transportation vehicles, as defined in section 14-212, and  
176 (H) camp vehicles. [, as defined in section 14-1.] The provisions of this  
177 subsection shall also apply to all motor vehicles used by municipal,

178 volunteer and commercial ambulance services and rescue services, as  
179 defined in section 19a-175.

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

181 (f) (1) Any person who transports an individual who remains on a  
182 stretcher while being transferred into and out of a stretcher van,  
183 pursuant to section 13b-105, as amended by this act, shall provide and  
184 require the use of a device designed to secure such individual in the  
185 stretcher while transferring such individual from the ground to the  
186 stretcher van and from the time the stretcher van is brought to a stop  
187 until such individual is transferred from the stretcher van to the  
188 ground. Such device shall be located in the stretcher van at all times.

189 (2) Any livery permit holder who transports an individual who  
190 remains on a stretcher while being transported in a stretcher van shall  
191 ensure that an attendant, in addition to the operator of the stretcher  
192 van, accompany such individual during transport. For the purposes of  
193 this subdivision, "attendant" means a person trained in the lifting,  
194 moving and transport of a person on a stretcher that is equivalent to  
195 the training provided to emergency medical services personnel, as  
196 defined in section 19a-180b.

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

198 [(f)] (g) The commissioner shall administer the provisions of this  
199 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	13b-105
Sec. 2	October 1, 2019	14-100a

**Statement of Legislative Commissioners:**

In Section 1, ", or such applicant's stretcher van meets the requirements of subsection (f) of section 14-100a, as amended by this act" was inserted after "as amended by this act" for accuracy and "subsection

(e)" was changed to "subsection (f)" for internal consistency; and Section 2 was rewritten for clarity and accuracy.

**TRA**      *Joint Favorable Subst.*



The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

## OFA Fiscal Note

### State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Social Services, Dept.	GF - Uncertain	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

### Explanation

The bill allows stretcher vans to provide non-emergency medical transportation (NEMT) under certain conditions. To the extent this requires such services to be covered under Medicaid, there will be a fiscal impact to the Department of Social Services (DSS). In 2018, there were approximately 50,700 NEMT units of service at a Medicaid cost per unit of approximately \$165. The fiscal impact to DSS is dependent on (1) the number of Medicaid/Medicare eligible individuals who utilize stretcher vans for whom the state pays the full cost, (2) the number of Medicaid only individuals who utilize stretcher vans in lieu of ambulatory transportation for whom the state receives federal reimbursement, and (3) the rate paid for stretcher vans.

The bill makes requirements to stretcher transports; violation of the provisions is an infraction, punishable by a fine and results in a potential revenue gain. Infraction fines are set by the judge and are usually approximately \$100.

### The Out Years

The annualized ongoing fiscal impact identified above will continue into the future subject to exposure under the Medicaid program and potential fines.

**OLR Bill Analysis****sSB 66****AN ACT CONCERNING THE NONEMERGENCY TRANSPORTATION OF PERSONS WHO ARE ELDERLY AND PERSONS WITH DISABILITIES CONFINED TO A STRETCHER.****SUMMARY**

This bill allows temporary and permanent livery permit holders to provide nonemergency transportation to elderly people and people with disabilities in stretcher vans under certain conditions. Under the bill, a “stretcher van” is a van designed and equipped to provide nonemergency transportation of people on stretchers.

The bill allows such permit holders to provide such transportation only if the person being transported (1) does not need medical services during transport and (2) obtains written consent to be transported in a stretcher van from his or her licensed primary care provider (i.e., physician, advanced practice registered nurse, or physician assistant) and provides it to the van driver.

Under the bill, stretcher van drivers must have received training in lifting, moving, and transporting people on a stretcher that is equivalent to the training provided to emergency medical services (EMS) personnel. Livery permit holders must also ensure that an attendant trained in the same manner, in addition to the driver, accompany the individual being transported on a stretcher.

The bill also applies to permit holders who transport people on stretchers requirements that already apply to people who transport individuals in wheelchairs. Specifically, a permit holder who transports someone who remains on a stretcher while being transferred in and out of a stretcher van must provide, and require the use of, a device designed to secure the person (1) while he or she is

transferred from the ground to the van and (2) from the time the van stops until the person is transferred from the van to the ground. The device must be stored in the van at all times.

Lastly, the bill makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2019

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute

Yea 31 Nay 5 (03/20/2019)