



General Assembly

Substitute Bill No. 66

January Session, 2019



**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 Section 13b-105 of the general statutes is repealed and the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.*