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:

Section 1. Section 13b-105 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

The Department of Transportation may, with or without hearing, issue temporary and permanent livery permits to applicants for the express purpose of providing reasonable livery service to persons who are elderly and persons with disabilities on regular or irregular routes where the department finds no existing service or that the existing service is not adequate to properly serve the special needs of persons who are elderly and persons with disabilities. Temporary authority shall not extend over a period of more than sixty days. In determining the special needs of persons who are elderly and persons with disabilities, the department may take into consideration the convenience and the physical and mental frailties of, and the care, safety and protection necessary for the best interest of, persons who are...
elderly, persons with disabilities and the general public. No applicant shall be issued a temporary or permanent permit unless such applicant's motor vehicle meets the requirements of subsection (e) of section 14-100a, as amended by this act. Applicants who were issued a temporary or permanent permit prior to October 1, 2007, shall comply with the requirements of subsection (e) of section 14-100a not later than October 1, 2007] or such applicant's stretcher van meets the requirements of subsection (f) of section 14-100a, as amended by this act. A temporary or permanent livery permit holder may use a stretcher van to transport a person who is elderly or a person with disabilities who requires nonemergency transportation on a stretcher but who does not require medical services during transport, in accordance with subsection (f) of section 14-100a, as amended by this act, provided (1) such person obtains and provides to the operator of the stretcher van, prior to such transport, a written statement from such person's primary care provider, as defined in section 19a-7o, that such person may be transported in a stretcher van, and (2) the operator of the stretcher van has received training in the lifting, moving and transport of a person on a stretcher that is equivalent to the training provided to emergency medical services personnel, as defined in section 19a-180b. For the purposes of this section, "stretcher van" means a van designed and equipped to provide the nonemergency transportation of persons on a stretcher.

Sec. 2. Section 14-100a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

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

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

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

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

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

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

(2) The provisions of subdivision (1) of this subsection shall not apply to (A) any person whose physical disability or impairment would prevent restraint in such safety belt, provided such person obtains a written statement from a licensed physician or a licensed advanced practice registered nurse containing reasons for such person's inability to wear such safety belt and including information concerning the nature and extent of such condition. Such person shall carry the statement on his or her person or in the motor vehicle at all times when it is being operated, or (B) an authorized emergency vehicle, other than fire fighting apparatus, responding to an emergency call or a motor vehicle operated by a rural letter carrier of the United States postal service while performing his or her official duties or by a person engaged in the delivery of newspapers.
(3) Failure to wear a seat safety belt shall not be considered as contributory negligence nor shall such failure be admissible evidence in any civil action.

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

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

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

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

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

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

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

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

(5) Any person who violates the provisions of subdivision (1), (2), (3) or (4) of this subsection shall, for a first violation, have committed an infraction; for a second violation, be fined not more than one hundred ninety-nine dollars; and, for a third or subsequent violation, be guilty of a class A misdemeanor. The commissioner shall require any person who has committed a first or second violation of the provisions of this subsection to attend a child car seat safety course offered or approved by the Department of Motor Vehicles. The commissioner may, after notice and an opportunity for a hearing, suspend for a period of not
more than two months the motor vehicle operator's license of any
person who fails to attend or successfully complete the course.

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

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

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

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

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

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

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Statement of Purpose:
To allow temporary and permanent livery permit holders to transport in a stretcher van certain elderly persons and persons with disabilities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]