

(Reprint of File No. 129)

Substitute Senate Bill No. 478
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
April 29, 1998

AN ACT CONCERNING WARRANTIES ON NEW EMERGENCY
VEHICLES AND MUNICIPALITY LIABILITY FOR VOLUNTEER
AMBULANCE MEMBERS.

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

- 1 Section 1. (NEW) (a) As used in this section:
2 (1) "Emergency vehicle" means any new motor
3 vehicle used as (A) fire fighting apparatus, (B)
4 an ambulance, or (C) a rescue vehicle, that is
5 purchased or leased by a department on or after
6 July 1, 1999;
7 (2) "Department" means any (A) agency of the
8 state, (B) municipality, (C) fire department of a
9 municipality, including a volunteer fire
10 department, or (D) volunteer ambulance company, as
11 the case may be;
12 (3) "Municipality" means any town, city,
13 borough, fire district or other political
14 subdivision of this state; and
15 (4) "Final stage equipment manufacturer" means
16 a manufacturer that assembles an emergency vehicle
17 from one or more components supplied by other
18 manufacturers.
19 (b) If an emergency vehicle or any fire
20 fighting or emergency equipment permanently

21 installed in an emergency vehicle does not conform
22 to all applicable express warranties and (1) such
23 emergency vehicle or equipment is subject to a
24 safety-related recall campaign to correct such
25 nonconformity, or (2) such nonconformity is or
26 arises from a manufacturer's defect and the
27 department reports such nonconformity to the final
28 stage equipment manufacturer of such emergency
29 vehicle, or its agent or authorized dealer, during
30 the period of two years following the date of
31 original delivery of such emergency vehicle to the
32 department, such final stage equipment
33 manufacturer, or its agent or authorized dealer,
34 shall make such repairs as are necessary to
35 conform such emergency vehicle or equipment to
36 such express warranties or shall reimburse the
37 department for the cost of such repairs,
38 notwithstanding the fact that such repairs are
39 made after the expiration of such two-year period.

40 (c) The Commissioner of Consumer Protection
41 may adopt regulations, in accordance with chapter
42 54 of the general statutes, to carry out the
43 provisions of this section.

44 (d) Nothing in this section shall in any way
45 limit the rights or remedies which are otherwise
46 available to a department under any other law.

47 Sec. 2. Section 7-308 of the general statutes
48 is repealed and the following is substituted in
49 lieu thereof:

50 (a) [The word] AS USED IN THIS SECTION,
51 "municipality" [, as used in this section,] shall
52 have the meaning ascribed to it by section 7-314,
53 AS AMENDED; [and the words] "fire duties" mean
54 those duties the performance of which is defined
55 in said section; "AMBULANCE SERVICE" MEANS
56 "AMBULANCE SERVICE" AS DEFINED IN SECTION 7-314b,
57 AS AMENDED; AND "VOLUNTEER AMBULANCE MEMBER" MEANS
58 "ACTIVE MEMBER OF AN ORGANIZATION CERTIFIED AS A
59 VOLUNTEER AMBULANCE SERVICE IN ACCORDANCE WITH
60 SECTION 19a-180" AS DEFINED IN SECTION 7-314b, AS
61 AMENDED.

62 (b) Each municipality of this state,
63 notwithstanding any inconsistent provisions of
64 law, general, special or local, or any limitation
65 contained in the provisions of any charter, shall
66 pay on behalf of any paid or volunteer fireman OR
67 VOLUNTEER AMBULANCE MEMBER of such municipality
68 all sums which such fireman OR VOLUNTEER AMBULANCE

69 MEMBER becomes obligated to pay by reason of
70 liability imposed upon such fireman OR VOLUNTEER
71 AMBULANCE MEMBER by law for damages to person or
72 property, if the fireman OR VOLUNTEER AMBULANCE
73 MEMBER, at the time of the occurrence, accident,
74 injury or damages complained of, was performing
75 fire OR VOLUNTEER AMBULANCE duties and if such
76 occurrence, accident, injury or damage was not the
77 result of any wilful or wanton act of such fireman
78 OR VOLUNTEER AMBULANCE MEMBER in the discharge of
79 such duties. This section shall not apply to
80 damages to person caused by an employee to a
81 fellow employee while both employees are engaged
82 in the scope of their employment for such
83 municipality if the employee suffering such
84 damages or, in the case of his death, his
85 dependent has a right to benefits or compensation
86 under chapter 568 by reason of such damages. If a
87 fireman or, in the case of his death, his
88 dependent has a right to benefits or compensation
89 under chapter 568 by reason of injury or death
90 caused by the negligence or wrong of a fellow
91 employee while both employees are engaged in the
92 scope of their employment for such municipality,
93 such fireman or, in the case of his death, his
94 dependent shall have no cause of action against
95 such fellow employee to recover damages for such
96 injury or death unless such wrong was wilful and
97 malicious. The municipality may arrange for and
98 maintain appropriate insurance or may elect to act
99 as a self-insurer to maintain such protection. No
100 action or proceeding instituted pursuant to the
101 provisions of this section shall be prosecuted or
102 maintained against the municipality, [or] fireman
103 OR VOLUNTEER AMBULANCE MEMBER unless at least
104 thirty days have elapsed since the demand, claim
105 or claims upon which such action or special
106 proceeding is founded were presented to the clerk
107 or corresponding officer of such municipality. No
108 action for personal injuries or damages to real or
109 personal property shall be maintained against such
110 municipality and fireman, OR AGAINST SUCH
111 MUNICIPALITY AND VOLUNTEER AMBULANCE MEMBER,
112 unless such action is commenced within one year
113 after the cause of action therefor has arisen nor
114 unless notice of the intention to commence such
115 action and of the time when and the place where
116 the damages were incurred or sustained has been

117 filed with the clerk or corresponding officer of
118 such municipality and with the fireman OR
119 VOLUNTEER AMBULANCE MEMBER within six months after
120 such cause of action has accrued. No action for
121 trespass shall lie against any fireman crossing or
122 working upon lands of another to extinguish fire
123 or for investigation thereof. NO ACTION FOR
124 TRESPASS SHALL LIE AGAINST ANY VOLUNTEER AMBULANCE
125 MEMBER CROSSING OR WORKING UPON LANDS OF ANOTHER
126 WHILE PERFORMING AMBULANCE SERVICES. Governmental
127 immunity shall not be a defense in any action
128 brought under this section. In any such action the
129 municipality and the fireman, OR THE MUNICIPALITY
130 AND THE VOLUNTEER AMBULANCE MEMBER, may be
131 represented by the same attorney if the
132 municipality, at the time such attorney enters his
133 appearance, files a statement with the court,
134 which shall not become part of the pleadings or
135 judgment file, that it will pay any verdict
136 rendered in such action against such fireman OR
137 VOLUNTEER AMBULANCE MEMBER. No mention of any kind
138 shall be made of such statement by any counsel
139 during the trial of such action.

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER sSB 478

STATE IMPACT	See Explanation Below
MUNICIPAL IMPACT	Potential Indeterminate Cost, see explanation below
STATE AGENCY(S)	Various State Agencies

EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: The bill requires the final stage manufacturer, or its authorized dealer, of a motor vehicle used as fire fighting apparatus, ambulance, or a rescue vehicle to make the repairs necessary to conform the vehicle to express warranties.

The owner of the vehicle must report the non-conformity to the final stage manufacturer or its authorized dealer.

There is a potential minimal workload increase for the Department of Consumer Protection which is required to adopt the appropriate regulations. This can be handled within anticipated budgetary resources.

Expanding warranties on new emergency vehicles would have an indeterminate fiscal impact on the State and municipalities. While the expanded warranties could save on future repair costs, they could also potentially result in higher purchase prices for new emergency vehicles and equipment.

There is a potential indeterminate cost for municipalities associated with possibly paying these

liabilities for volunteer ambulance members. This potential cost cannot be determined at this time.

House "A" requires municipalities to be responsible for the liabilities of volunteer ambulance members. These liabilities are incurred while these members are crossing or working upon lands of another while performing ambulance duties. It has a potential indeterminate cost impact.

House "B" classifies a rescue vehicle as an emergency vehicle if it is purchased on or after July 1, 1999.

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OLR AMENDED BILL ANALYSIS

sSB 478 (as amended by House "A" and "B")*

AN ACT CONCERNING WARRANTIES ON NEW EMERGENCY VEHICLES

SUMMARY: This bill (1) establishes a lemon law for new emergency vehicles owned by a municipality, fire district, or volunteer ambulance company and (2) makes municipalities liable for damage caused by members of a volunteer ambulance service under the same conditions they are liable for damage caused by firemen.

*House Amendment "A" adds the provisions on volunteer ambulance services.

*House Amendment "B" makes the provisions on new emergency vehicles apply to vehicles purchased on or after July 1, 1999.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION

New Emergency Vehicles

The bill requires the final stage manufacturer, or its authorized dealer, of a motor vehicle used as fire fighting apparatus, an ambulance, or a rescue vehicle to make the repairs necessary to conform the vehicle to express warranties if the vehicle

1. is owned or leased by a state agency, a municipality or other political subdivision, a municipal fire department including a volunteer fire department, a fire district, or a volunteer ambulance company;
2. does not conform to all applicable express warranties and it or its equipment is subject to a safety-related recall or needs repair as a result of a manufacturer's defect; and
3. was purchased on or after July 1, 1999.

Its owner must report the nonconformity to the final stage manufacturer, or its authorized dealer, within two years of taking delivery of the vehicle. A manufacturer must repair it or its equipment even if the two-year reporting period has elapsed. A final stage manufacturer, instead of making the repairs, could reimburse the vehicle's owner for their cost. "Final stage manufacturer" means the manufacturer that assembles an emergency vehicle from one or more components supplied by other manufacturers.

The bill provides that it does not limit the right or remedies that are otherwise available to an owner under other law. It authorizes the consumer protection commissioner to adopt implementing regulations.

Volunteer Ambulance Service Members

The bill requires municipalities to pay on behalf of all active members of volunteer ambulance service, just as they do for paid or volunteer firemen, any amount the member becomes obligated to pay for damages to person or property if (1) the member was performing volunteer ambulance duties and (2) the damage was not the result of a wilful or wanton act. "Ambulance service" means answering alarms and calls for emergency medical service; returning directly from calls; performing duties while transporting or treating patients in an emergency; and participating in drills, training, and equipment tests. The law authorizes a municipality to obtain appropriate insurance or to act as a self-insurer to maintain necessary protection.

Suits for damages against volunteer ambulance service members must meet the same requirements as the law

requires for suits against firemen. A demand or claim must be filed with the town clerk or comparable local official at least 30 days before an action may be brought. A notice of intention to sue identifying when and where the incident occurred must be filed with the town clerk or comparable local official and the volunteer ambulance service member within six months after the cause of action has arisen and suits must be filed within one year of that date. In any such case, the ambulance service member and the municipality may be represented by the same attorney if the municipality files a statement with the court stating that it will pay any verdict rendered against the member. The statement must not become part of the pleadings or judgment file and no counsel may make any kind of mention of it during the trial. Suits cannot be brought against volunteer ambulance service members for trespass for crossing or working on someone's property while performing ambulance services.

Concerning the bill's provision on volunteer ambulance services, "municipality" means a town, consolidated town and city, consolidated town and borough, city, borough, school district, fire district, fire and sewer district, sewer district, lighting district, improvement association, or any other municipal corporation or taxing district with the duty of protecting inhabitants from fire.

BACKGROUND

Legislative History

The Senate referred the original bill (File 129) to the Public Safety Committee on April 2. It favorably reported the bill without change on April 8. The House referred it to the Planning and Development Committee on April 20. It favorably reported the bill without change on April 22.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute
Yea 16 Nay 0

Public Safety Committee

Joint Favorable Report
Yea 19 Nay 0

Planning and Development Committee

Joint Favorable Report
Yea 18 Nay 1