



General Assembly

February Session, 2020

***Raised Bill No. 152***

LCO No. 789



Referred to Committee on TRANSPORTATION

Introduced by:  
(TRA)

***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 Section 13b-105 of the general statutes is repealed and the  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, 2020*):

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, safety  
14 and protection necessary for the best interest of, persons who are

15 elderly, persons with disabilities and the general public. No applicant  
16 shall be issued a temporary or permanent permit unless such applicant's  
17 motor vehicle meets the requirements of subsection (e) of section 14-  
18 100a, as amended by this act, [. Applicants who were issued a temporary  
19 or permanent permit prior to October 1, 2007, shall comply with the  
20 requirements of subsection (e) of section 14-100a not later than October  
21 1, 2007] or such applicant's stretcher van meets the requirements of  
22 subsection (f) of section 14-100a, as amended by this act. A temporary  
23 or permanent livery permit holder may use a stretcher van to transport  
24 a person who is elderly or a person with disabilities who requires  
25 nonemergency transportation on a stretcher but who does not require  
26 medical services during transport, in accordance with subsection (f) of  
27 section 14-100a, as amended by this act, provided (1) such person  
28 obtains and provides to the operator of the stretcher van, prior to such  
29 transport, a written statement from such person's primary care  
30 provider, as defined in section 19a-7o, that such person may be  
31 transported in a stretcher van, and (2) the operator of the stretcher van  
32 has received training in the lifting, moving and transport of a person on  
33 a stretcher that is equivalent to the training provided to emergency  
34 medical services personnel, as defined in section 19a-180b. For the  
35 purposes of this section, "stretcher van" means a van designed and  
36 equipped to provide the nonemergency transportation of persons on a  
37 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, 2020*):

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

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

67 (2) The provisions of subdivision (1) of this subsection shall not apply  
68 to (A) any person whose physical disability or impairment would  
69 prevent restraint in such safety belt, provided such person obtains a  
70 written statement from a licensed physician or a licensed advanced  
71 practice registered nurse containing reasons for such person's inability  
72 to wear such safety belt and including information concerning the  
73 nature and extent of such condition. Such person shall carry the  
74 statement on his or her person or in the motor vehicle at all times when  
75 it is being operated, or (B) an authorized emergency vehicle, other than  
76 fire fighting apparatus, responding to an emergency call or a motor  
77 vehicle operated by a rural letter carrier of the United States postal  
78 service while performing his or her official duties or by a person  
79 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 in  
82 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 shall  
86 be fined fifty dollars. Any operator of a motor vehicle who is under  
87 eighteen years of age and any passenger in such motor vehicle who  
88 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 age  
93 or weighing less than thirty pounds in a motor vehicle on the highways  
94 of this state shall provide and require the child to ride rear-facing in a  
95 child restraint system equipped with a five-point harness approved  
96 pursuant to regulations that the Department of Motor Vehicles shall  
97 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 not  
100 less than thirty pounds, in a motor vehicle on the highways of this state  
101 shall provide and require the child to ride rear-facing or forward-facing  
102 in a child restraint system equipped with a five-point harness approved  
103 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-facing  
108 in a child restraint system equipped with a five-point harness or a  
109 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 front  
113 seat of any motor vehicle that is equipped with a functional air bag on  
114 the passenger side of such motor vehicle.

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

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

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

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

144 more than two months the motor vehicle operator's license of any  
145 person who fails to attend or successfully complete the course.

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

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

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

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

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

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

194 ~~(f)~~ (g) The commissioner shall administer the provisions of this  
195 section.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2020</i>	13b-105
Sec. 2	<i>October 1, 2020</i>	14-100a

**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.]*