

DEPARTMENT OF MOTOR VEHICLES

Fire Apparatus

Section 1. The Regulations of Connecticut State Agencies are amended by adding Sections 14-11d-1 to 14-11d-7, inclusive, as follows:

Sec. 14-11d-1. Definitions

The following definitions shall apply to sections 14-11d-1 to 14-11d-7, inclusive, of the Regulations of Connecticut State Agencies:

- (1) "Commissioner" means the Commissioner of Motor Vehicles;
- (2) "Department" means the Department of Motor Vehicles;
- (3) "Fire apparatus" means any motor vehicle used as an emergency vehicle, as defined in section 14-283(a) of the Connecticut General Statutes, which has a gross vehicle weight rating of eighteen thousand one (18,001) or more pounds, or has been issued a certificate of registration and number plate bearing the words "fire apparatus," pursuant to section 14-19 of the Connecticut General Statutes;
- (4) "Fire department" means an entity including, but not limited to, a municipal fire department and a volunteer fire company, which operates any fire apparatus;
- (5) "Inspection authority" means an official, referenced in section 14-8 of the Connecticut General Statutes, who has the authority to declare a motor vehicle out-of-service; and
- (6) "Out-of-service" means a vehicle found to be unsafe as to likely cause an accident or breakdown, or when such mechanical condition or loading would likely contribute to loss of control of the vehicle by the driver.

Sec. 14-11d-2. Application of the regulations to fire apparatus

The Federal Motor Carrier Safety Regulations adopted pursuant to sections 14-163c-1 and 14-163c-5 of the Regulations of Connecticut State Agencies shall apply to any fire apparatus.

Sec. 14-11d-3. Annual inspection of fire apparatus by fire departments

(a) Each fire department shall annually have fire apparatus inspected and maintained in accordance with the safety standards as adopted and applied in section 14-11d-2 of the Regulations of Connecticut State Agencies. Such inspection shall be performed by personnel qualified in accordance with Code of Federal Regulations, Title 49, Parts 396.19 and 396.25, as from time to time amended, and employed by a facility operated by the state of Connecticut, a Connecticut municipality, or a heavy-duty truck dealer or repairer licensed by the state of Connecticut. The results of such inspection shall be recorded on a report that meets the record keeping requirements as prescribed in the Code of Federal Regulations, Title 49, Part 396.21.

(b) Standards and procedures for inspection of a fire apparatus, as provided in subsection (a) of this section, shall be in accordance with Code of Federal Regulations, Title 49, Part 396.17, as from time to time amended.

(c) An inspection report shall be prepared and maintained in the offices of each state or municipal fire department for a period of two (2) years.

Sec. 14-11d-4. Ongoing inspection of fire apparatus by inspectors of the Department of Motor Vehicles

(a) Authorized personnel of the department may perform physical inspections of fire apparatus owned or operated by fire departments at the site where the fire apparatus are garaged. Such inspections shall be conducted at reasonable times, and shall focus on randomly selected vehicles and their maintenance records.

(b) The department, upon the receipt of a written request of a chief of a fire department, may assign a motor vehicle inspector to inspect the requesting fire department's fire apparatus to determine the safety of the mechanical systems of the fire apparatus and its roadworthiness. The fire apparatus' inspection does not include ancillary fire fighting equipment that may be present on the motor vehicle.

Sec. 4-11d-5. Fire apparatus out-of-service condition

A fire apparatus, which is determined by a person having inspection authority to be unsafe as to likely cause an accident or breakdown, or when such mechanical condition or loading would likely contribute to loss of control of the vehicle by the driver, shall be issued an out-of-service order.

Sec. 14-11d-6. Exemption from compliance

The commissioner may grant variations or exemptions from compliance with the provisions of Sections 14-11d-1 to 14-11d-5, inclusive, of the Regulations of Connecticut State Agencies in accordance with the provisions of section 14-163c-10 of the Regulations of Connecticut State Agencies.

Sec. 14-11d-7. Violation

No fire department shall require the operation of, nor shall any person operate, any fire apparatus declared and marked "out-of-service" until all required repairs or violations, which resulted in the out-of-service condition, have been rectified.

Statement of purpose: Section 14-11d of the Connecticut General Statutes requires that the Department of Motor Vehicles (DMV) establish, within available appropriations, an annual safety inspection program for fire apparatus. The proposed regulation provides for implementation of that inspection program.

Main Provisions: The summary of the main provisions of the regulation is as follows:

- (1) Provides definitions applicable throughout the proposed regulation;
- (2) Provides for the Federal Motor Carrier Safety Regulations adopted in Section 14-163c-1 and 14-163c-5 of the Regulations of Connecticut State Agencies to apply to fire apparatus;
- (3) Requires each fire department to have its fire apparatus inspected and maintained annually and to have an inspection report prepared and retained for a period of two years;
- (4) Authorizes DMV personnel to physically inspect fire apparatus;
- (5) If requested by a fire department to do so, the DMV may assign an inspector to inspect the fire department's fire apparatus;
- (6) Fire apparatus may be issued an "out-of-service" order by a person having inspection authority;
- (7) The DMV Commissioner may grant variations or exemptions from compliance; and
- (8) Fire apparatus issued an "out-of-service" order cannot be operated until the defective condition has been corrected.

Legal Effects: The entire content of the proposed regulation is new. As stated above, the regulation was mandated by law, and the requirements contained herein are being established for the first time. As part of the regulation promulgation process, an opportunity to provide comment on the proposal was afforded to the public. DMV received valuable input from the Connecticut Fire Equipment Mechanics Association, Connecticut Fire Chiefs Association and the Connecticut State Firefighters Association.

Be it known that the foregoing regulations are adopted by the aforesaid agency pursuant to Sec. 14-11d of the General Statutes, after publication in the Connecticut Law Journal on January 30, 2007, of the notice of the proposal to adopt such regulations, and the holding of an advertised public hearing on the 27th day of March, 2007.

Wherefore, the foregoing regulations are hereby adopted, effective when filed with the Secretary of the State.

In Witness Whereof: July 12, 2007, Robert M. Ward, Commissioner.

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, Connecticut General Statutes: September 27, 2007.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: December 18, 2007.

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Sec. 4-172, as amended, of the General Statutes, Secretary of the State: December 27, 2007.
