

**GAS STATION/CONVENIENCE STORE SERVICES FOR
PERSONS WITH DISABILITIES**

FAQ

Q. What are the applicable laws that my station(s) is subject to?

A. The Americans with Disabilities Act (ADA) is a federal law that was passed in 1990 to afford individuals with disabilities greater rights to access to goods and services of both private businesses and government and to assist individuals with disabilities in gaining and keeping employment. The ADA imposes requirements on private businesses, including gas stations and convenience stores. Vermont law, the Vermont Fair Housing and Public Accommodations Act (VFHPAA), tracks the requirements of the ADA. The specifics of the law pertaining to gas station accessibility are contained in 9 V.S.A. §4110a and are summarized below.

Q. Are all gas stations and convenience stores covered by these laws?

A. Yes, all are covered by these laws but the responsibilities with regard to pricing and pumping of gas depend on whether your station/store has more than one attendant on duty. Other requirements such as accessible parking and entrances, bathrooms, and width of store aisles apply but are beyond the scope of this FAQ. For more information contact the Human Rights Commission.

Q. Who is protected by these laws?

A. Any person who has a disability which is defined as a physical or mental condition that limits one or more life activities. For the purposes of gas station compliance, protected individuals are those who have either a "handicapped" accessible license plate or a placard. These are individuals whose physician has indicated that they have a mobility impairment sufficient to warrant special parking privileges.

Q. What are the specific requirements for places that sell gasoline?

A. The law requires that the station/store:

- pump gas for the individual with a placard or plate, *provided more than one staff person is on duty at the time*;
- charge that individual the same self-service price available to patrons who pump their own gas;
- prominently display the international symbol of accessibility and provide a means for individuals with disabilities to communicate the

need for assistance either through a call button on the fuel dispenser, signage with a telephone number to call and/or signage indicating that individuals with disabilities may honk their horn for assistance. Signage must comply with ADA font size requirements (see enclosed information on how to order signage);

- ensure that the operable parts of the fuel dispensers are no more than 54" from the surface of the vehicular way if the fuel dispenser is installed on an existing curb or 48 inches if it is not on a curb. **This applies only if any major alterations to the station (fuel dispenser or tank replacement, paving, interior or exterior renovation) have occurred on or after September 15, 2010;**

Q. What can happen to my business if I am not in compliance?

A. The ADA is enforced by the U.S. Department of Justice. Vermont law is enforced by the Human Rights Commission. If your station or store is not in compliance and a complaint is filed, these agencies have the power to conduct investigations, issue findings and take appropriate legal action to enforce the law, including seeking civil penalties or injunctive relief.

Q. I want to bring my business into compliance but I need more information about what I need to do. Who can I contact?

A. The Vermont Human Rights Commission can provide you with further information about your responsibilities. In order to assist with proper signage, the Vermont Petroleum Association (VPA) and Vermont Retail & Grocers Association (VRGA) have printed decals that can be placed on your pumps (see the enclosed for order information). To contact the Human Rights Commission either call 800-416-2010 or send an email to human.rights@state.vt.us. To contact the VPA or VRGA to request decals, call 802.839.1928 or send an email to info@vtrga.org. They are available for \$1.00 per decal.

Q. If I contact the Human Rights Commission am I going to put my business at risk of an enforcement action?

A. No, not as long as you are taking proactive steps to address the situation. The Commission is interested in educating owners and operators about their responsibilities and in getting compliance with the law through that means. If, after receiving this information and having a reasonable time to correct any deficiencies, the Commission finds that your business has not made reasonable efforts to comply with the law, then the HRC might resort to an enforcement action but the goal is voluntary compliance NOT enforcement.