

114TH CONGRESS
2D SESSION

H. R. 4552

To require all gas stations offering self-service to meet certain accessibility standards for individuals with disabilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2016

Mr. JOLLY (for himself and Mr. O'ROURKE) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To require all gas stations offering self-service to meet certain accessibility standards for individuals with disabilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gas Pump Access Act
5 of 2016”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The technical assistance materials for the
9 Americans with Disabilities Act of 1990 of the De-
10 partment of Justice requires gas stations, including

1 those offering self-service, to provide equal access for
2 their customers with disabilities.

3 (2) Customers with disabilities are advised that
4 they can obtain refueling assistance by either honk-
5 ing or otherwise signaling an employee.

6 (3) The Americans with Disabilities Act of
7 1990 requires self-service gas stations to provide re-
8 fueling assistance upon the request of a qualified
9 person with a disability if there is more than one at-
10 tendant on duty at the station. Such service is pro-
11 vided without any charge beyond the self-service
12 price.

13 (4) A qualified person with a disability is de-
14 scribed as a person to whom an accessible or dis-
15 abled parking permit has been issued or a person
16 who is in legal possession of a specialized motor ve-
17 hicle license plate indicating that the owner is a per-
18 son with a disability.

19 (5) History has shown that these methods to
20 attract refueling assistance are not effective.
21 Throughout the United States, individuals with dis-
22 abilities who need gas pumping assistance at gas
23 stations or convenience stores do not generally re-
24 ceive such assistance when they honk their horns,
25 flash their headlights, or otherwise signal to attract

1 the attention of an attendant inside the facility. This
2 is not considered equal access under the Americans
3 with Disabilities Act of 1990.

4 (6) In 2014, the State of Florida enacted
5 House Bill 7005, which requires phone numbers to
6 be placed on all gas pumps not later than two years
7 after July 1, 2014. This requirement allows qualified
8 individuals with disabilities to call on their cell
9 phones for free gas pumping assistance. However,
10 should such refueling assistance be requested during
11 times when a second attendant is not present at a
12 self-service gasoline station, the Florida gas station
13 retailer is not required to provide the requested as-
14 sistance and will inform the caller. History has prov-
15 en this to be a simple, inexpensive, common sense,
16 effective solution that is favored by both customers
17 with disabilities and the petroleum and convenience
18 store industries.

19 (7) Today, unlike in 1990, almost everyone
20 owns a cell phone. Owning a cell phone is a safety
21 measure for drivers with disabilities in case their ve-
22 hicle breaks down on the road.

23 **SEC. 3. PURPOSE.**

24 The purpose of this Act is to provide accessibility to
25 gas stations by ensuring that it will be considered discrimi-

1 nation under the Americans with Disabilities Act of 1990
2 (42 U.S.C. 12101 et seq.) for a gas station to fail to dis-
3 play a phone number to call for assistance on each self-
4 service gas pump of the gas station.

5 **SEC. 4. ACCESSIBILITY.**

6 (a) NOTIFICATION REQUIREMENT.—

7 (1) IN GENERAL.—It shall be considered dis-
8 crimination for purposes of section 302 of the Amer-
9 icans with Disabilities Act of 1990 (42 U.S.C.
10 12182) for a gas station or convenience store to fail
11 to clearly display at each self-service gas pump a
12 decal that—

13 (A) is at least 15 square inches in size;

14 (B) has a blue background;

15 (C) includes the telephone number of the
16 gas station or convenience store at which such
17 pump is located and the words “Call for Assist-
18 ance” in printed white text; and

19 (D) includes the International Symbol of
20 Accessibility.

21 (2) OPERATIONAL TELEPHONE.—With respect
22 to the telephone number indicated on the decal, it
23 shall be considered discrimination for purposes of
24 section 302 of the Americans with Disabilities Act of
25 1990 (42 U.S.C. 12182) if the phone connected to

1 such number is not operational and answered di-
2 rectly by an employee of the gas station retailer dur-
3 ing the hours the gas station retailer is open for
4 business to the public.

5 (b) ASSISTANCE.—

6 (1) TWO OR MORE ATTENDANTS.—It shall be
7 considered discrimination for purposes of section
8 302 of the Americans with Disabilities Act of 1990
9 (42 U.S.C. 12182) for a gas station or convenience
10 store that is open for business to the public with two
11 or more attendants on duty to fail to provide gas
12 pumping assistance to a qualified individual with a
13 disability who makes a request for such assistance.

14 (2) ONE ATTENDANT.—It shall not be consid-
15 ered discrimination for purposes of section 302 of
16 the Americans with Disabilities Act of 1990 (42
17 U.S.C. 12182) for a gas station or convenience store
18 that is open for business to the public with one at-
19 tendant on duty to fail to provide gas pumping as-
20 sistance to a qualified individual with a disability
21 who makes a request for such assistance, if such at-
22 tendant notifies the individual that assistance cannot
23 be provided because there is only one attendant on
24 duty.

1 (c) FURTHER ACCESSIBILITY STANDARDS.—Nothing
2 in this section shall prohibit a unit of local government
3 from adopting an ordinance, or enforcing an existing ordi-
4 nance, that expands the accessibility, safety, or availability
5 of fueling assistance to a motor vehicle operator with a
6 qualified disability.

7 (d) REGULATIONS.—Not later than two years after
8 the date of the enactment of this Act, the Secretary of
9 Transportation and the Attorney General shall each pro-
10 mulgate such regulations as are necessary to ensure com-
11 pliance with this section.

12 (e) EXAMPLE OF DECAL MADE PUBLICLY AVAIL-
13 ABLE.—Not later than six months after the date of the
14 enactment of this Act, the Secretary of Transportation
15 and the Attorney General shall make a graphic example
16 of a decal described in subsection (a) publicly available at
17 no cost, in downloadable format, on the websites of the
18 Department of Transportation and the Department of
19 Justice, respectively. Such decal shall have a blank area
20 in which a telephone number may be inserted.

○