



## Americans with Disabilities Act Title II and Title III Revised Regulations Fact Sheet Series

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### Fact Sheet #7

# Wheelchairs and Other Power-Driven Mobility Devices

The Department of Justice has issued revised ADA Title II (state and local government programs) and Title III (private businesses, a.k.a. places of public accommodation) regulations which took effect March 15, 2011. These regulations provide a definition of a wheelchair and other power-driven mobility devices and add additional provisions identifying where they can be used. (§35.104, §35.137, §36.104, §36.311)

### Wheelchair

A wheelchair is a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor, locomotion. Individuals with mobility disabilities must be permitted to use wheelchairs and manually powered mobility aids, i.e., walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities, in any areas open to pedestrian traffic.

### Other Power-Driven Mobility Device (OPDMD)

An OPDMD is any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for the purpose of locomotion, whether or not it was designed primarily for use by individuals with mobility disabilities. OPDMDs may include golf cars, electronic personal assistance mobility devices, such as the Segway<sup>®</sup> Personal Transporter (PT), or any mobility device that is not a wheelchair, which is designed to operate in areas without defined pedestrian routes.



Covered entities must make reasonable modifications in their policies, practices, or procedures to permit individuals with mobility disabilities to use OPDMDs unless the entity can demonstrate that the class of OPDMDs cannot be operated in accordance with legitimate safety requirements adopted by the entity.

Covered entities must assess the following factors to determine whether a particular OPDMD can be allowed in a specific facility as a reasonable modification:

- The type, size, weight, dimensions, and speed of the device.
- The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year).
- The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user).
- Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD in the specific facility.
- Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

### **Inquiries**

Covered entities shall not ask an individual using a wheelchair or OPDMD questions about the nature and extent of the individual's disability. Covered entities may ask a person using an OPDMD to provide a credible assurance that the mobility device is required because of the person's mobility disability. If the covered entity permits the use of a class of OPDMDs by individuals with mobility disabilities, they shall accept the following as credible assurance:

- Presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability. A valid disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of Issuance's requirements.
- A verbal statement, not contradicted by observable fact, that the OPDMD is being used by a person with a mobility disability.

**Call your Regional ADA Center at 1.800.949.4232 for more information on Wheelchairs and OPDMDs and to get other Fact Sheets in our nine part series!**