ENGROSSED HOUSE
CONCURRENT
RESOLUTION NO. 1121

By: Bastin, Adair, Adkins, Anthony, Askins, Begley, Benson, Beutler, Blackburn, Bonny, Boyd (Betty), Boyd (Laura), Breckinridge, Bryant, Case, Claunch, Coleman, Cotner, Cox, Cozort, Crocker, Culver, Dank, Davis, Deutschendorf, Dunegan, Dunlap, Eddins, Ervin, Erwin, Ferguson, Fields, Glover, Graves, Gray, Greenwood, Hager, Hamilton, Hastings, Hefner, Hiett, Hilliard, Holt, Hutchison, Johnson, Key, Kinnamon, Kirby, Kouba, Langmacher, Leist, Maddux, Mass, Matlock, McCorkell, Miller, Mitchell, Morgan, O'Neal, Paulk, Peltier, Perry, Pettigrew, Phillips, Plunk, Pope (Clay), Pope (Tim), Ramsey, Reese, Rhodes, Rice, Roach, Roberts, Ross, Sadler, Satterfield, Seikel, Settle, Smaligo, Smith (Bill), Smith (Dale), Staggs, Stanley, Steidley, Stites, Stottlemyre, Sullivan (John), Sullivan (Leonard), Taylor, Thomas, Thornbrugh, Toure, Tyler, Vaughn, Voskuhl, Weaver, Webb, Weese, Wells and Worthen of the House

and

Brown of the Senate

A Concurrent Resolution relating to mobility impaired individuals and the petroleum industry; encouraging the development of voluntary refueling services by the petroleum industry for such mobility impaired individuals; stating legislative intent relating to discussion for solutions concerning such services to mobility impaired persons; and directing distribution.

WHEREAS, for many persons with mobility impairment disabilities, the ability to operate a motor vehicle is a vital component in

ensuring full integration into society, independent living and achievement of education and career goals; and

WHEREAS, with design developments of motor vehicles and the motor vehicle industry's recognition of the need, many more persons with mobility impairments are purchasing specialized motor vehicles; and

WHEREAS, without access to refueling services for persons with mobility impairments, possession of or access to a specialized motor vehicle is meaningless; and

WHEREAS, the number of service stations having full service fuel pumps has decreased significantly, making it ever more difficult for persons with mobility impairments to obtain refueling services; and

WHEREAS, the significantly higher prices usually charged for full service refueling, where self service refueling is available, results in discrimination against mobility impaired individuals; and

WHEREAS, pursuant to the Americans with Disabilities Act, if the removal of barriers to access is not readily achievable, the public facility must make its goods and services available through alternative methods if readily achievable; and

WHEREAS, the Americans with Disabilities Act also provides that, if the public accommodation's facility is inaccessible, the public accommodation may not place a surcharge on the individual with a disability for the costs associated with the alternative method; and

WHEREAS, by not offering refueling services to a person with a mobility impairment and as a result leaving them no choice but to pay for full service is, in effect, like placing a surcharge on the mobility impaired individual; and

WHEREAS, it would be beneficial for both the petroleum distributors and the mobility impaired population to develop a voluntary rather than mandatory refueling program for the mobility impaired; and

WHEREAS, with cooperation, a voluntary program could be designed and implemented which would not only help the mobility impaired lead an independent life, but also help the petroleum distributors to comply with the law and develop new business opportunities.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 45TH OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

THAT the Oklahoma Legislature recognizes the need for refueling services for the mobility impaired which enables those individuals to integrate into society and lead independent lives and enables the petroleum industry to be in compliance with federal law.

THAT the Oklahoma Legislature supports and encourages the petroleum distributors and marketers industry to work in concert with the mobility impaired community to develop voluntary refueling services.

THAT it is the intent of the Oklahoma Legislature that representatives of the mobility impaired community and the petroleum distributors and marketers meet and enter into discussions which will lead to a solution to the current problem of refueling services, develop a workable plan that is beneficial to all parties, eliminate the need for legislative intervention to solve the problem, and reduce the possibility of litigation brought to enforce the federal Americans with Disabilities Act.

THAT copies of this resolution be distributed to the Director of the Office of Handicapped Concerns and to the Corporation Commission for distribution to representatives of the petroleum distributors and marketers industry.

Adopted by the House of Representatives the 30th day of May, 1996.

Speaker of the House of Representatives

Adopted by the Senate the ____ day of _____, 1996.

President of the Senate