

114TH CONGRESS
1ST SESSION

H. R. 3217

To require the Secretary of Transportation to conduct a study on the adequacy of motor vehicle refueling assistance to individuals with disabilities, to promulgate regulations in accordance with the results of such study, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2015

Mrs. BUSTOS (for herself, Mr. LOEBSACK, Ms. DUCKWORTH, and Mr. FARR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require the Secretary of Transportation to conduct a study on the adequacy of motor vehicle refueling assistance to individuals with disabilities, to promulgate regulations in accordance with the results of such study, 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 “Refueling Assistance
5 Act of 2015”.

1 **SEC. 2. STUDY ON MOTOR VEHICLE REFUELING ASSIST-**
2 **ANCE FOR QUALIFIED INDIVIDUALS WITH**
3 **DISABILITIES.**

4 (a) **IN GENERAL.**—Not later than one year after the
5 date of the enactment of this Act, the Secretary of Trans-
6 portation (in this Act referred to as the “Secretary”), in
7 consultation with the Attorney General, shall conduct a
8 study on motor vehicle refueling assistance to qualified in-
9 dividuals with disabilities.

10 (b) **SUBJECT MATTER.**—The study required by sub-
11 section (a) shall address the following:

12 (1) The adequacy of Federal regulations and
13 guidance in effect at the time the study is conducted
14 to enable qualified individuals with disabilities to re-
15 ceive motor vehicle refueling assistance in a safe,
16 timely, convenient, and consistent manner.

17 (2) Data on the practices of gas stations for
18 providing motor vehicle refueling assistance to quali-
19 fied individuals with disabilities.

20 (3) Measures available to gas stations to im-
21 prove motor vehicle refueling assistance for qualified
22 individuals with disabilities, including an assessment
23 of the cost and feasibility of implementing such
24 measures, taking into account variations in the
25 equipment and technology used by gas stations at
26 the time of the study.

1 (4) The extent to which the location of gas sta-
2 tions in rural or urban areas affects the measures
3 available to such gas stations to improve motor vehi-
4 cle refueling assistance for qualified individuals with
5 disabilities.

6 (5) The feasibility of requiring gas stations to
7 install a freestanding device operable with a closed
8 fist and reachable from inside a motor vehicle (re-
9 ferred to in this subsection as a “calling device”) to
10 be used by a qualified individual with a disability to
11 alert a station attendant that such individual re-
12 quires motor vehicle refueling assistance, including
13 an assessment of—

14 (A) the extent to which the installation of
15 a calling device would improve the ability of
16 qualified individuals with disabilities to receive
17 motor vehicle refueling assistance in a safe,
18 timely, convenient, and consistent manner;

19 (B) the measures necessary to ensure that
20 a calling device be designed and installed in ac-
21 cordance with all accessibility guidelines for
22 public accommodations under title III of the
23 Americans with Disabilities Act of 1990 (42
24 U.S.C. 12181 et seq.);

1 (C) the need for appropriate signage at gas
2 stations—

3 (i) that clearly identifies the purpose
4 of a calling device and the hours during
5 which motor vehicle refueling assistance is
6 available through use of the device; and

7 (ii) that is clearly visible to a qualified
8 individual with a disability inside a motor
9 vehicle in the refueling area of a gas sta-
10 tion;

11 (D) the cost to a gas station to install and
12 maintain a calling device and the burden of
13 such cost on small and large gas stations; and

14 (E) funding opportunities to offset the cost
15 of installing calling devices, including grant pro-
16 grams and new or existing tax credits.

17 (6) Methods of disseminating information relat-
18 ing to the availability of motor vehicle refueling as-
19 sistance in consultation with State officials, includ-
20 ing the use of Internet-based and smart phone tech-
21 nology to allow individuals to search by location for
22 gas stations with operable calling devices.

23 (c) CONSULTATION WITH INTERESTED PARTIES.—

24 In conducting the study required by subsection (a), the
25 Secretary shall consult with groups representing individ-

1 uals with disabilities, groups representing veterans, gas
2 station owners, and other interested parties.

3 **SEC. 3. REPORT TO CONGRESS.**

4 Not later than 90 days after completing the study
5 required by section 2(a), the Secretary, in consultation
6 with the Attorney General, shall submit to Congress a re-
7 port that—

8 (1) summarizes the results of the study; and

9 (2) includes recommendations for imposing fea-
10 sible and cost-effective requirements on gas stations
11 to improve motor vehicle refueling assistance for
12 qualified individuals with disabilities.

13 **SEC. 4. REGULATIONS.**

14 Not later than 180 days after submitting the report
15 required by section 3, the Secretary, in consultation with
16 the Attorney General, shall promulgate any regulations
17 that the Secretary considers necessary to improve motor
18 vehicle refueling assistance for qualified individuals with
19 disabilities, taking into account the results of the study
20 required by section 2(a).

21 **SEC. 5. ENFORCEMENT.**

22 (a) CIVIL PENALTY.—

23 (1) IN GENERAL.—Except as provided in sub-
24 section (b), the Secretary may impose a civil penalty
25 on a person that the Secretary determines, in ac-

1 cordance with subchapter II of chapter 5 of title 5,
2 United States Code (commonly known as the “Ad-
3 ministrative Procedure Act”), knowingly violates the
4 regulations promulgated pursuant to section 4.

5 (2) DETERMINATION OF AMOUNT OF PEN-
6 ALTY.—In determining the amount of the penalty to
7 be imposed on a person under paragraph (1), the
8 Secretary shall consider the severity of the violation,
9 the size of the relevant business owned or operated
10 by the person, and the extent to which the penalty
11 will affect the financial viability of such business.

12 (b) NOTICE OF VIOLATION.—The Secretary may not
13 impose a penalty on a person for violating the regulations
14 promulgated pursuant to section 4 unless such violation
15 continues for more than 30 days after the date on which
16 the individual receives notice of the violation.

17 **SEC. 6. QUALIFIED INDIVIDUAL WITH A DISABILITY DE-**
18 **FINED.**

19 In this Act, the term “qualified individual with a dis-
20 ability” has the meaning given the term in section 201(2)
21 of the Americans with Disabilities Act of 1990 (42 U.S.C.
22 12131).

○