

ALI-ABA Audio Seminar

NEW Proposed Regulations for the ADA Amendments Act

October 21, 2009

Telephone Seminar/Audio Webcast

**Americans with Disabilities Act of 1990, As Amended
(From the ADA Home Page of the U.S. Department of Justice)**

AMERICANS WITH DISABILITIES ACT OF 1990, AS AMENDED

(From the ADA Home Page of the U.S. Department of Justice)

Editor's Note:

Following is the current text of the Americans with Disabilities Act of 1990 (ADA), including changes made by the ADA Amendments Act of 2008 (P.L. 110-325), which became effective on January 1, 2009. The ADA was originally enacted in public law format and later rearranged and published in the United States Code. The United States Code is divided into titles and chapters that classify laws according to their subject matter. Titles I, II, III, and V of the original law are codified in Title 42, chapter 126, of the United States Code beginning at section 12101. Title IV of the original law is codified in Title 47, chapter 5, of the United States Code. Since this codification resulted in changes in the numbering system, the Table of Contents provides the section numbers of the ADA as originally enacted in brackets after the codified section numbers and headings. For the reader's convenience, changes created by the ADA Amendments Act of 2008 are shown by strike-out and bold.

TITLE 42 - THE PUBLIC HEALTH AND WELFARE

CHAPTER 126 - EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES

Sec. 12101. Findings and purpose. [Section 2]

(a) Findings.

(b) Purpose.

Sec. 12101 note: Findings and Purposes of the ADA Amendments Act of 2008

Sec. 12102. ~~Definitions.~~ **Definition of disability.** [Section 3]

Sec. 12103. Additional definitions.

SUBCHAPTER I - EMPLOYMENT [Title I]

Sec. 12111. Definitions. [Section 101]

Sec. 12112. Discrimination. [Section 102]

(a) General rule.

(b) Construction.

(c) Covered entities in foreign countries.

(d) Medical examinations and inquiries.

Sec. 12113. Defenses. [Section 103]

(a) In general.

(b) Qualification standards.

(c) Qualification standards and tests related to uncorrected vision.

(~~e~~ d) Religious entities.

(~~d~~ e) List of infectious and communicable diseases.

Sec. 12114. Illegal use of drugs and alcohol. [Section 104]

(a) Qualified individual with a disability.

(b) Rules of construction.

(c) Authority of covered entity.

(d) Drug testing.

(e) Transportation employees.

Sec. 12115. Posting notices. [Section 105]

Sec. 12116. Regulations. [Section 106]

Sec. 12117. Enforcement. [Section 107]

(a) Powers, remedies, and procedures.

(b) Coordination.

SUBCHAPTER II - PUBLIC SERVICES [Title II]

PART A - Prohibition Against Discrimination and Other Generally Applicable Provisions [Subtitle A]

Sec. 12131. Definitions. [Section 201]

Sec. 12132. Discrimination. [Section 202]

Sec. 12133. Enforcement. [Section 203]

Sec. 12134. Regulations. [Section 204]

- (a) In general.
- (b) Relationship to other regulations.
- (c) Standards.

PART B - Actions Applicable to Public Transportation Provided by Public Entities Considered Discriminatory [Subtitle B]

SUBPART I - Public Transportation Other Than by Aircraft or Certain Rail Operations [Part I]

Sec. 12141. Definitions. [Section 221]

Sec. 12142. Public entities operating fixed route systems. [Section 222]

- (a) Purchase and lease of new vehicles.
- (b) Purchase and lease of used vehicles.
- (c) Remanufactured vehicles.

Sec. 12143. Paratransit as a complement to fixed route service. [Section 223]

- (a) General rule.
- (b) Issuance of regulations.
- (c) Required contents of regulations.
- (d) Review of plan.
- (e) "Discrimination" defined.
- (f) Statutory construction.

Sec. 12144. Public entity operating a demand responsive system. [Section 224]

Sec. 12145. Temporary relief where lifts are unavailable. [Section 225]

- (a) Granting.
- (b) Duration and notice to Congress.
- (c) Fraudulent application.

Sec. 12146. New facilities. [Section 226]

Sec. 12147. Alterations of existing facilities. [Section 227]

- (a) General rule.
- (b) Special rule for stations.

Sec. 12148. Public transportation programs and activities in existing facilities and one car per train rule. [Section 228]

- (a) Public transportation programs and activities in existing facilities.
- (b) One car per train rule.

Sec. 12149. Regulations. [Section 229]

- (a) In general.
- (b) Standards.

Sec. 12150. Interim accessibility requirements. [Section 230]

SUBPART II - Public Transportation by Intercity and Commuter Rail [Part II]

Sec. 12161. Definitions. [Section 241]

Sec. 12162. Intercity and commuter rail actions considered discriminatory. [Section 242]

- (a) Intercity rail transportation.
- (b) Commuter rail transportation.
- (c) Used rail cars.
- (d) Remanufactured rail cars.