



# OLR RESEARCH REPORT

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## **MOTORIZED CARTS FOR RETAIL CUSTOMERS WITH DISABILITIES**

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You asked if state law requires retail establishments to provide motorized carts or other mobility devices for their customers with disabilities.

This office is not authorized to give legal opinions and this report should not be construed as such.

### **SUMMARY**

State law does not specifically require retail establishments to provide motorized carts or other mobility devices for customers with disabilities to use while shopping. But it makes it a discriminatory practice to deny anyone full and equal accommodations in a place of public accommodation because of a physical disability. Whether this could be construed as requiring retail establishments to provide motorized carts or other mobility devices for customers with disabilities to use in the establishments is a matter for the court to decide. For purposes of this law, a “public accommodation” means any establishment that caters or offers its services or facilities or goods to the general public ([CGS § 46a-63](#)).

Federal law does not require retail establishments to provide motorized carts or other mobility devices for customers with disabilities. The applicable federal law is the Americans with Disabilities Act (ADA), which prohibits discrimination in several areas against people with disabilities (42 USC § 12182(a)). To this end, it, among other things, requires places of public accommodation to be handicapped accessible so people with disabilities can get into them and access goods and services.

For ADA purposes, a retail establishment is a place of public accommodation subject to the act's accessibility standards. This means that any such establishment opened for first occupancy after January 26, 1993 must be readily accessible to people with disabilities, unless it is structurally impracticable to meet the requirements. Those that opened for first occupancy before that date do not have to be fully accessible. But they must remove architectural and communication barriers if readily achievable and, if not readily achievable, provide an alternative method of making their goods and services available to people with disabilities. Examples of alternatives to barrier removal include (1) providing curb service or home delivery, (2) retrieving merchandise from inaccessible shelves or racks, or (3) relocating activities to accessible locations.

ADA regulations specifically state that public accommodations do not have to provide their customers or clients with personal devices, such as wheelchairs (28 CFR § 36.305).

More information on the ADA is available at the Department of Justice website at <http://www.usdoj.gov/crt/ada/adahom1.htm>.

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