

1999 ASSEMBLY BILL 693

February 1, 2000 – Introduced by Representatives HANDRICK, SPILLNER, HEBL, KEDZIE, KLUSMAN, MILLER, PETTIS, STONE, SUDER, SYKORA and YOUNG, cosponsored by Senators PANZER and SCHULTZ. Referred to Committee on Labor and Employment.

- 1 **AN ACT to amend** 343.63 (5) of the statutes; **relating to:** discrimination on the
2 basis of disability in the licensing of driving school instructors.

Analysis by the Legislative Reference Bureau

Under current law, the secretary of transportation may not issue a driving school instructor license, other than a license that is restricted to classroom instruction, to an applicant who has suffered an amputation or loss of the full use of either upper limb or the natural use of the foot normally used to operate the foot brake and foot accelerator.

Under the current fair employment law, however, a licensing agency may not refuse to license an individual on the basis of disability unless the disability is reasonably related to the individual's ability to adequately undertake the job-related responsibilities of that licensure. In evaluating whether an individual with a disability can adequately undertake those job-related responsibilities, the safety of the individual, his or her coworkers and the general public and any special duty of care for the general public that the licensure involves may be considered. That evaluation, however, must be made on case-by-case basis and not by a general rule that prohibits the licensure of individuals with disabilities in general or a particular class of individuals with disabilities.

This bill specifically applies the disability discrimination prohibition of the fair employment law to the issuance of a driving school instructor license to a person who has suffered an amputation or loss of the full use of either upper limb or the natural use of the foot normally used to operate the foot brake or foot accelerator. Specifically, under the bill, the secretary of transportation may not refuse to issue a driving school

