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LRB-4015/1 GMM:wlj:mrc

## 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.

- 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

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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 and foot accelerator unless having full use of those limbs or natural use of that foot is reasonably related to the individual's ability to adequately undertake the job-related responsibilities, including the safety responsibilities, of a driving school instructor. Under the bill, the secretary of transportation must evaluate whether an individual can adequately undertake those responsibilities on a case-by-case basis and not by a general rule that prohibits the licensing of individuals who do not have full use of an upper limb or natural use of the braking and accelerating foot.

## The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**Section 1.** 343.63 (5) of the statutes is amended to read:

343.63 (5) Except for a license which is restricted to classroom instruction, no license shall be issued to an applicant who, subject to ss. 111.321, 111.322 and 111.34, has suffered an amputation or loss of the full use of either upper limb or loss of the natural use of the foot normally employed to operate the foot brake and foot accelerator.

7 (END)