

Obligations of Private Travel Services to Deaf Individuals

Private travel services and tour guides have obligations to provide auxiliary aids and services to deaf individuals who contract for their tours. Title III of the new Americans with Disabilities Act (ADA), P.L. 101-336, 42 U.S.C. 12181 et seq. (Title III), provides people with disabilities the right to equal access to public accommodations. Title III covers a wide range of places, including those which offer travel services, education, recreation or amusement to the public. Public accommodations are required to provide auxiliary aids and services to ensure effective communication with deaf and hard of hearing people.

The U.S. Department of Justice regulation to Title III of the ADA, 28 C.F.R. Part 36, and the Analysis thereto, 56 Fed. Reg. 35544 - 35691 (July 26, 1991), explain in detail the requirements of this title. Public accommodations are required to provide auxiliary aids when such are necessary to enable a person with disabilities to benefit from their services:

A public accommodation shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities.

8 C.F.R. §36.303(c).

A comprehensive list of auxiliary aids and services required by the ADA is set forth in this regulation, and includes, for deaf and hard of hearing individuals:

[q]ualified interpreters, notetakers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunication devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments.

28 C.F.R. 36.303(b)(1).

The term "qualified interpreter" is defined by the regulation as:

. . . an interpreter who is able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary.

28 C.F.R. 36.104.

The regulation states that the costs for provision of these auxiliary aids may not be imposed upon the individual with disabilities in any kind of surcharge.

28 C.F.R. 36.301(c).

The Analysis to this regulation makes it clear that Congress, as well as the Department of Justice, "expects that public accommodations will consult with the individual with a disability before providing

a particular auxiliary aid or service."

56 Fed.Reg. at 35567.

There are many ways in which some of the costs of providing interpreter services may be defrayed or reduced. Fees will vary for this type of assignment among individual interpreters. It is also possible to receive a tax credit for costs incurred in providing these services. Please contact the Internal Revenue Service for more information on the tax credit available to small businesses for costs incurred in complying with the ADA.