

## State Disability Accommodations During the Novice Driver Licensing Process

For people with disabilities, access to transportation and the ability to obtain a driver license is key to living independently.<sup>1</sup> Under the Americans with Disabilities Act (ADA), a state motor vehicle department may not deny a license to someone solely because they have a disability. However, it is also important that people with disabilities have the tools and training they need to drive safely. While states set their own rules for who can get a license, they must follow ADA rules to avoid discrimination. State novice driver licensing laws must strike a balance between ensuring access to the same opportunities as non-disabled individuals and providing necessary support and accommodations to learn and be tested fairly. This policy report analyzes provisions related to ADA accommodations for driver licensure that are codified in state law. State agencies may provide additional accommodations through informal agency policy, practice, or guidance documents.

### Overview of the Americans with Disabilities Act

The ADA, enacted in 1990, is a federal civil rights law that prohibits discrimination based on a disability.<sup>2</sup> Recognizing that almost 20% of the U.S. population has a disability, the ADA guarantees that people with disabilities have equal access to the same rights, privileges, advantages, and opportunities that others have when participating in civic activities.<sup>3</sup> The ADA defines a person with a disability as someone who has a physical or mental impairment that substantially limits one or more major life activities, has a history or record of having such an impairment, or is regarded by others as having such an impairment.<sup>4</sup> The ADA provides the following non-exhaustive list of examples of ADA-covered disabilities: cancer; diabetes; post-traumatic stress disorder; HIV; autism; cerebral palsy; deafness or hearing loss; blindness or low vision; epilepsy; mobility disabilities that require the use of a wheelchair, walker, or cane;

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<sup>1</sup> Haley Bishop et al., *Driving Among Adolescents with Autism Spectrum Disorder and Attention-Deficit Hyperactivity Disorder*, 4 *Safety* 3 (2018), available at <https://www.mdpi.com/2313-576X/4/3/40>.

<sup>2</sup> 42 U.S.C. §§ 12131-12134 (1990).

<sup>3</sup> U.S. Dep't of Just. Civ. Rts. Div., *ADA Update: A Primer for State and Local Governments*, available at <https://www.ada.gov/resources/title-ii-primer/#who-is-protected-by-the-ada>.

<sup>4</sup> 28 U.S.C. § 35.108 (2016).

intellectual disabilities; major depressive disorder; and traumatic brain injury.<sup>5</sup> The ADA makes clear that the law neither requires nor prohibits programs specifically designed for people with disabilities, but when a public entity offers a special program, they must also provide any person with a disability the option to choose what program they want to participate in.<sup>6</sup>

Title II of the ADA applies to all state and local governments and all departments, agencies, special purpose districts, and other instrumentalities of state or local governments, including motor vehicle administrators.<sup>7</sup> Title II entities that contract with other entities to provide public services are also obligated to ensure that their contractors do not discriminate on the basis of disability.<sup>8</sup> The ADA requires that all public entities with 50 or more employees have a grievance procedure for addressing ADA complaints, in addition to designating at least one employee to coordinate ADA compliance.<sup>9</sup> The ADA Coordinator's job involves managing the government entity's compliance with the ADA and investigating any complaints alleging the entity violated the ADA.<sup>10</sup>

### Legal Mandates Under the ADA Related to Novice Driver Licensing

- **Communication Access.** Under section (a)(1) of 28 C.F.R § 35.16, public entities are required to “ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communication with others.” Section (b)(1) requires that a public entity “furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities. . . an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity.” For example, an individual with a hearing or vision impairment may require additional assistance or adaptive technology when completing a licensing exam.
- **Reasonable Accommodations.** Title II requires that public entities make certain accommodations so that people with disabilities have a fair and equal opportunity to participate in civic programs and activities.<sup>11</sup> Furthermore, the ADA instructs state and local governments to make reasonable modifications to policies and procedures when necessary to accommodate people with disabilities.<sup>12</sup>
- **Non-Discrimination:** The ADA prohibits discrimination in eligibility determinations, like disqualifying applicants from obtaining a license based solely on their disability and without an individualized assessment of their driving ability.<sup>13</sup>

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<sup>5</sup> U.S. Department of Justice Civil Rights Division, Introduction to the American with Disabilities Act, available at <https://www.ada.gov/topics/intro-to-ada/>.

<sup>6</sup> 28 U.S.C. § 35.130.

<sup>7</sup> *Id.* § 35.104.

<sup>8</sup> U.S. Dep't of Just. Civ. Rts. Div. *supra* note 2.

<sup>9</sup> 28 U.S.C. § 35.107.

<sup>10</sup> *Id.*

<sup>11</sup> 28 U.S.C. § 35.130.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

## State Law Variations

State legislatures have broad discretion in determining appropriate driver licensing requirements. States cannot, however, enact laws or policies that impose blanket bans and licensure restrictions that violate ADA protections. For example, a state law requiring all applicants with certain medical conditions to meet additional criteria without an individual assessment will likely be considered discriminatory.

Many states utilize a functional ability evaluation standard that requires applicants to demonstrate a threshold level of functional ability and safe driving skills, regardless of any medical condition, rather than disqualifying individuals based solely on a diagnosis.<sup>14</sup> All 50 states and Washington D.C. require first-time licensure applicants to complete a vision exam or provide evidence of meeting specified vision standards.<sup>15</sup> Additionally, most state licensing agencies have established medical review boards tasked with evaluating the fitness of drivers with disabilities.<sup>16</sup> A majority of states also offer some form of limited or restricted license if applicants with disabilities cannot demonstrate safe driving skills under all conditions.

## ADA Coordinators

Title II of the ADA requires all public entities with 50 or more employees to designate at least one employee to act as an ADA Coordinator.<sup>17</sup> However, very few states have passed legislation requiring state agencies authorized to issue driver licenses to employ an ADA Coordinator. As of December 31, 2021, only Washington, D.C.,<sup>18</sup> and Utah<sup>19</sup> require state licensing authorities to employ an ADA Coordinator by law.<sup>20</sup> Additionally, the state laws that do expressly require licensing agencies to employ an ADA Coordinator do not provide additional information that

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<sup>14</sup> See Maryland Department of Transportation Motor Vehicle Administration, *Safety for Older & Medically At-Risk Drivers*, available at <https://mva.maryland.gov/safety/Pages/older/older-driver-safety-safe-mobility.aspx> (“[L]icensing is not determined by diagnoses. MVA focuses on functional ability, not age or disease, and provides an individual review on fitness to drive.”).

<sup>15</sup> CPHLR Driver Education, Training, & Testing, LawAtlas.org, (March 17, 2025), University of Maryland Carey School of Law, Legal Resource Center for Public Health Policy, <https://lawatlas.org/datasets/driver-education-training-and-testing>.

<sup>16</sup> See Maryland Department of Transportation Maryland Motor Vehicle Administration, *Medical Review Process*, available at <https://mva.maryland.gov/safety/Pages/older/mva-medical-advisory-board.aspx> (“The objective of the MAB is to assess mental and medical fitness to drive of individuals who have conditions that can impact [] their ability to safely operate a motor vehicle. . . The MAB does not make the final decision as to whether or not to license or to suspend a driver’s license. Each case is reviewed on an individual basis.”); U.S. Department of Transportation National Highway Traffic Safety Administration, DOT HS 812 402, *Medical Review Practices for Driver Licensing Volume 3: Guidelines and Processes in the United States* (April 2017), available at [https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/812402\\_medicalreviewdriverlicense.pdf](https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/812402_medicalreviewdriverlicense.pdf).

<sup>17</sup> *Supra* note 8.

<sup>18</sup> D.C. Code § 50-921.03 (2016).

<sup>19</sup> U.A.C. R698-3-2 (1993) (Utah has law that designates ADA Coordinator for Department of Public Safety, and The Department of Public Safety is the state licensing authority).

<sup>20</sup> CPHLR Novice Driver Licensing Laws, LawAtlas.org, (March 17, 2025), University of Maryland Carey School of Law, Legal Resource Center for Public Health Policy, <https://lawatlas.org/datasets/novice-driver-licensing>.

would further define the ADA Coordinator's role and scope of authority in assessing complaints related to driver training and licensure.<sup>21</sup> Many states do provide the public with information on their department websites regarding the licensing agency's ADA Coordinator and the procedures for requesting additional accommodations and filing grievance reports.<sup>22</sup>

## Testing Accommodations

All 50 states and Washington, D.C., require individuals applying for a driver's license to complete both a knowledge test and a road test.<sup>23</sup> The knowledge test typically evaluates an applicant's knowledge of traffic laws and procedures, while the driving road or skills test assesses an applicant's ability to operate a motor vehicle with ordinary and reasonable control. The most commonly codified protections for applicants with disabilities are accommodations provided during these testing processes.<sup>24</sup>

## Knowledge Test Accommodations

As of December 31, 2021, 30 states had enacted laws that outline the legal responsibilities of state licensing agencies to provide accommodations during the knowledge/written test.<sup>25</sup> These accommodations typically include allowing the written test to be read aloud to the driver and the answers to be collected orally, providing for or allowing an interpreter for a Deaf or hard-of-hearing person, allowing computer-assisted technology to be used, and allowing additional testing methods to be used as needed.<sup>26</sup>

Additionally, a few states have codified ADA protections by ensuring that applicants with disabilities have equal access to the same testing procedures available to individuals without

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<sup>21</sup> *Id.*

<sup>22</sup> Colorado Department of Revenue Division of Motor Vehicles, *Americans with Disabilities Act Accommodation Request for Driver License Services*, available at <https://dmv.colorado.gov/americans-with-disabilities-act-accommodation-request-for-driver-license-services>.; Connecticut State Department of Aging and Disability Services Driver Training Program, *Driver Training Program*, available at <https://portal.ct.gov/aginganddisability/content-pages/programs/driver-training-program>.; Florida Highway Safety and Motor Vehicles, *Notice Under the Americans with Disabilities Act*, available at <https://www.flhsmv.gov/ada-notice/>.; Maine Department of Transportation, *MaineDOT ADA Accessibility Program*, available at <https://www.maine.gov/mdot/civilrights/ada/>.; Maryland Department of Transportation Motor Vehicle Administration, *Persons with Disabilities*, available at <https://mva.maryland.gov/about-mva/Pages/Persons-With-Disabilities.aspx>.; Missouri Department of Transportation, *Americans with Disabilities (ADA)*, available at <https://www.modot.org/americans-disabilities-ada>.; Pennsylvania Department of Transportation, *Americans with Disabilities Act & Pedestrian Accommodations*, available at <https://www.pa.gov/en/agencies/penndot/programs-and-doing-business/road-design/ada-and-pedestrian-accommodations.html>.; State of Wisconsin Department of Transportation, *Americans with Disabilities Act (ADA)*, available at <https://wisconsindot.gov/Pages/doing-bus/civil-rights/titlevi-ada/ADAcompliance.aspx>.

<sup>23</sup> *Supra* note 15.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

disabilities.<sup>27</sup> For example, South Carolina law stipulates, “[t]he department shall not discriminate against a handicapped person by treating him in a different manner than it treats a nonhandicapped person. A handicapped person shall have the option of taking the same test as a nonhandicapped person and, upon satisfactory completion of the test, shall be issued a license comparable to that which a nonhandicapped person would be qualified to receive.”<sup>28</sup>

State	Law	Knowledge Test Accommodation(s)
Alabama	Ala. Code § 32-6-7.1 (1993)  Ala. Admin. Code r. 760-X-20-.21 (2005)	Requires that any person with physical disabilities be subject to the same laws, rules, and regulations set forth by the Department of Public Safety relating to licensure  Vision impairment accommodation - large print or assistant allowed
Alaska	Alaska Admin. Code tit. 2, § 90.420 (2020)	Allows knowledge test to be read aloud and answers to be collected orally
Florida	Fla. Admin. Code Ann. r. 15A-1.0125 (2014)	Allows knowledge test to be read aloud and answers to be collected orally  Interpreter must be provided for a Deaf or hard-of-hearing person
Georgia	Ga. Comp. R. & regs. 375-3-1-.08 (2018)	Allows knowledge test to be read aloud and answers to be collected orally
Idaho	Idaho Code § 49-202 (2020)  Idaho Code § 49-313 (2016)	Allows knowledge test to be read aloud and answers to be collected orally
Illinois	Ill. Admin. Code tit. 92, § 1030.80 (2015)  625 Ill. Comp. Stat. 5/6-109 (West 2020)	Allows knowledge test to be read aloud and answers to be collected orally  Deaf persons who are otherwise qualified are not prohibited from being issued a license.
Iowa	Iowa Admin. Code r. 761-604.20(321) (2020)	Allows knowledge test to be read aloud and answers to be collected orally

<sup>27</sup> *Id.*

<sup>28</sup> S.C. Code Ann. § 56-1-170 (2016).

	Iowa Code § 321.186 (2015)	The Department shall make every effort to accommodate a “functionally illiterate applicant.”
Louisiana	La. Admin. Code tit. 55, pt. III, § 152 (2017)	Driving schools that administer the knowledge test are required to identify alternative testing techniques for students with hearing, speech, or learning disabilities.
Maine	Me. Rev. Stat. tit. 29-A, § 1358 (2019)	Interpreter must be provided for a Deaf or hard-of-hearing person  Secretary of State will provide CART (computer-assisted real time transcription) provider/equipment, as needed.
Maryland	Md. Code Regs. 11.17.05.01 (2021)  Md. Code Regs. 11.17.14.02 (2018)  Md. Code Regs. 11.11.04.03 (2006)	Allows knowledge test to be read aloud and answers to be collected orally  Interpreter must be provided for a Deaf or hard-of-hearing person  Computer-assisted testing must be offered.
Minnesota	Minn. R. 7410.4740 (2013)	Interpreter must be provided for a Deaf or hard-of-hearing person
Montana	Mont.Admin.R. 23.3.121 (1983)  Mont.Admin.R. 23.3.112 (1980)	Allows knowledge test to be read aloud and answers to be collected orally
Nevada	Nev. Admin. Code § 483.120 (1982)	Allows knowledge test to be read aloud and answers to be collected orally
New Hampshire	N.H. Code Admin. R. Ann. Saf-C 1005.03 (2012)	Allows knowledge test to be read aloud and answers to be collected orally
New Jersey	N.J. Admin. Code § 13:21–8.7 (2018)  N.J. Admin. Code § 13:21–8.8 (2018)  N.J. Stat. § 39:3-13a (1982)	Allows knowledge test to be read aloud and answers to be collected orally  Interpreter must be provided for a Deaf or hard-of-hearing person, but, before an interpreter is secured, the applicant may be required to attempt to complete an oral test. Students who receive an oral

		examination may still be required to record responses on the appropriate answer sheet.
New York	N.Y. Veh. and Traf. Law § 503 (2021)  N.Y. Comp. Codes R. & Regs. tit. 15, § 3.4 (2015)	Allows knowledge test to be read aloud and answers to be collected orally  Alternative test form can be given in if approved by commissioner
North Carolina	19A N.C. Admin. Code 3B.0201 (2021)	Allows test takers with “reading comprehension difficulties” to use an audio component to listen to test questions with earphones
North Dakota	N.D. Cent. Code § 39-06-13 (2021)	Test may be taken remotely any time
Ohio	Ohio Admin. Code 4501:1-1-08 (2016)  Ohio Rev. Code § 4507.11 (2021)	Allows knowledge test to be read aloud and answers to be collected orally  If test taker is illiterate, can be tested by methods that would indicate to the examining officer that the applicant has a reasonable knowledge of motor vehicle laws and understands highway traffic control devices
Oklahoma	Okla. Admin. Code § 595:10-3-7 (2015)	The Department may provide an alternative method of testing if the individual cannot read  The test can be given online if it is available and approved by the Department
Oregon	Or. Admin. R. 735-062-0040 (2018)	Allows knowledge test to be read aloud and answers to be collected orally
South Carolina	S.C. Code § 56-1-170 (2016)	A person with a disability has the option to take the same test as a non-disabled person
Tennessee	Tenn. Comp. R. & Regs. 1340-1-13-.15 (2008)  Tenn. Code § 55-50-322 (2018)	Allows knowledge test to be read aloud and answers to be collected orally
Texas	37 Tex. Admin. Code § 15.52 (2009)	Allows knowledge test to be read aloud and answers to be collected orally

	Tex. Transp. Code § 521.161 (2017)	Applicants are given the option to take parts of the examination in writing, mechanical, electronic, or other testing method.
Utah	Utah Admin. Code r. 708-39-4 (2010)	Allows knowledge test to be read aloud and answers to be collected orally  Test may be administered as a group test or open book test.
Vermont	Vt. Stat. tit. 23, § 632 (2020)	Allows knowledge test to be read aloud and answers to be collected orally
Washington	Wash. Rev. Code § 46.20.130 (2006)	Allows knowledge test to be read aloud and answers to be collected orally
West Virginia	W. Va. Code R. § 91-4-4 (2021)	Allows knowledge test to be read aloud and answers to be collected orally
Wisconsin	Wis. Stat. § 343.16 (2020)	The Department must attempt to accommodate any special needs of the driver.
Wyoming	045.0005.1 Wyo. Code R. § 11 (2016)	Allows knowledge test to be read aloud and answers to be collected orally

## Road Test Accommodations

As of December 31, 2021, 13 states had codified provisions that offer some form of accommodation during the road test to applicants with disabilities.<sup>29</sup> It is essential that states provide access to appropriate accommodations to enable applicants with disabilities to safely and successfully complete the driver's license skills test. The most common accommodations offered to individuals with disabilities during the road test include allowing drivers to use their own vehicles equipped with modifications and providing or allowing an interpreter to be in the vehicle during the road test for Deaf or hard-of-hearing individuals.<sup>30</sup>

A few states require that a limited or restricted driver's license be issued to any applicant who uses a vehicle equipped with special equipment to complete the road test.<sup>31</sup> For example, in New Hampshire, "[a]n applicant who, because of a missing or damaged limb, cannot drive a motor vehicle with a manual transmission, shall be issued a restricted driver license."<sup>32</sup> Furthermore, "[a]n applicant who, because of a disability or handicap, cannot safely drive a

<sup>29</sup> *Supra* note 15.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> N.H. Code Admin. R. Saf-C 1008.05 (2012).



motor vehicle without the assistance of special equipment shall be issued a restricted driver license.”<sup>33</sup>

New Jersey allows an approved interpreter to provide instructions to a Deaf or hard-of-hearing applicant immediately before and immediately after completing the road test.<sup>34</sup> New Jersey does not, however, allow an interpreter to accompany an applicant while completing the skills test.<sup>35</sup> A law like this may present challenges if individuals with disabilities do not have access to the accommodations needed to communicate effectively with the examiner while completing the road test.

State	Code Section/ Administrative Regulation Cite(s)	Road Test Accommodation(s)
Arizona	Ariz. Admin. Code § 17-4-502 (2020)	Drivers may use their own vehicle equipped with modifications for disabilities to complete the test. If adaptation is used during examination, Department will indicate the adaptation as a restriction.
Colorado	Colo. Code Regs. § 204-30:8-401 (2020)	Service dogs can be in the vehicle during the test, but interpreters are not allowed in the vehicle during the test
Georgia	Ga. Comp. R. & Regs. 375-3-1-.11 (2017)	Drivers may use their own vehicle equipped with modifications for disabilities to complete the test
Hawaii	Haw. Rev. Stat. § 286-110 (2016)	If applicant has disability and fails road test on first attempt, may be issued temporary instruction permit
Louisiana	La. Admin. Code tit. 55, pt. III, § 152 (2017)	Driving schools are required to identify alternative testing techniques to be used for students with hearing, speech or learning disabilities.
Maine	29-250 Me. Code R. § 3 (2016)	Drivers may use their own vehicle equipped with modifications for disabilities to complete the test
Maryland	Md. Code Regs. 11.11.04.03 (2006)	Interpreter must be provided for Deaf or hard-of-hearing persons

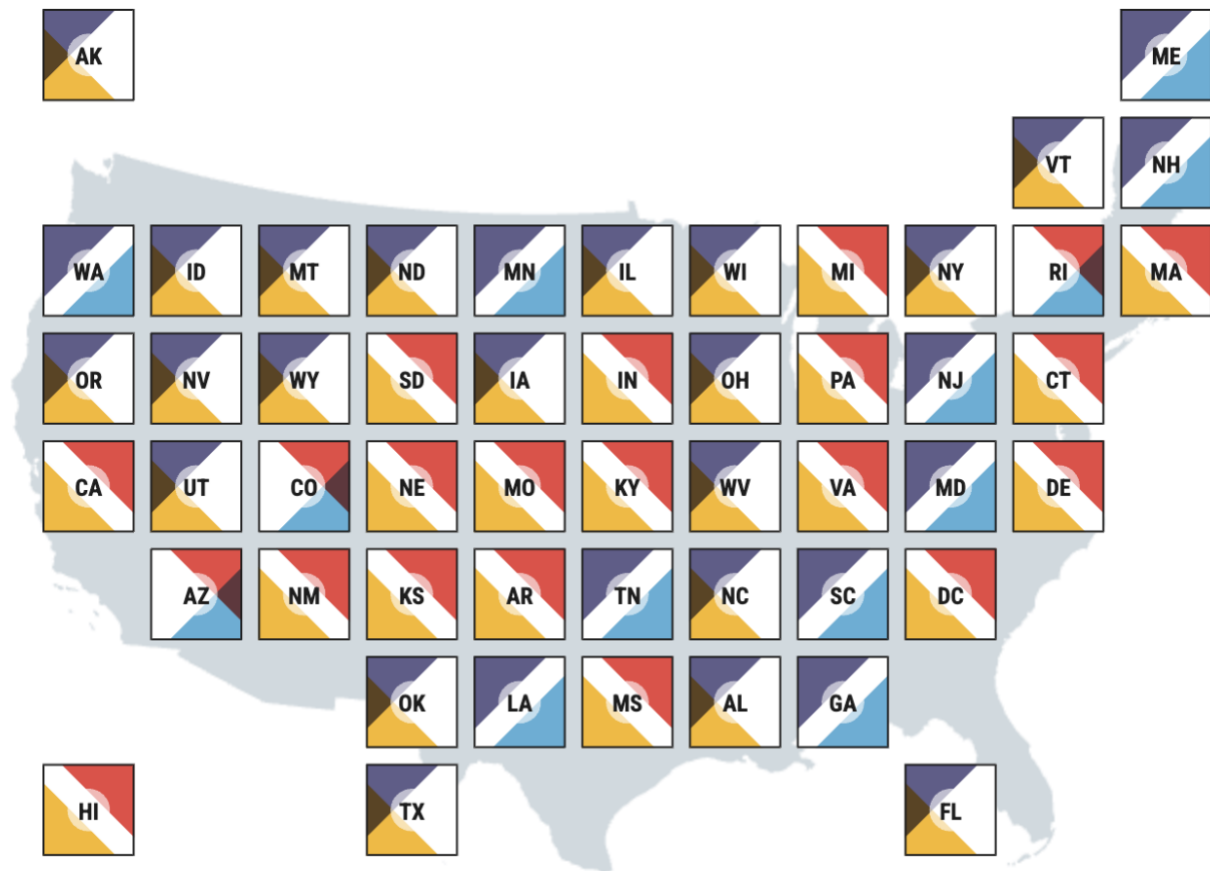
<sup>33</sup> *Id.* 1008.06.


<sup>34</sup> N.J. Admin. Code § 13:21-8.15 (2018).


<sup>35</sup> *Id.*


Minnesota	Minn. R. 7410.4960 (2002)	If applicant has medical condition, they may test for a restricted license after presenting authorization for the road test from the department stating driving limitations
New Hampshire	N.H. Code Admin. R. Saf-C 1008.05 (2012)  N.H. Code Admin. R. Saf-C 1008.06 (2012)	Drivers may use their own vehicle equipped with modifications for disabilities to complete the test. Use of special equipment will result in issuance of a restricted license.
New Jersey	N.J. Admin. Code § 13:21–8.15 (2018)	Deaf or hard of hearing applicants may have an interpreter before and after—but not during—the road test.
Rhode Island	R.I. Gen. Laws § 31-10-22 (2018)	Drivers may use their own vehicle equipped with modifications for disabilities to complete the test  Test at division office nearest to person's home
South Carolina	S.C. Code § 56-1-170 (2016)	A person with a disability has the option to take the same test as a non-disabled person
Tennessee	Tenn. Comp. R. & Regs. 1340-01-13-.09 (2008)	Drivers may use their own vehicle equipped with modifications for disabilities to complete the test. Use of controls and/modifications will be noted as a restriction on the license.
Washington	Wash. Rev. Code § 46.20.130 (West 2006)	Interpreter must be provided for Deaf or hard-of-hearing persons


**Figure 1: Map showing the U.S. states and jurisdictions with laws that offer accommodations during the knowledge and/or road test.<sup>36</sup>**



 State does not have codified provisions that addresses accommodations offered during the written/knowledge test

 State does not have codified provisions that addresses accommodations offered during the written/knowledge test

 State has codified provisions that addresses accommodations available during the road/skills test

 State does not have codified provisions that addresses accommodations available during the road/skills test

<sup>36</sup> *Supra* note 15.

## Driver Education Accommodations

**Visual impairment.** States have implemented a range of laws that provide accommodations for applicants with disabilities to meet the driver education requirements necessary for obtaining a license. Many states require new drivers with bioptic telescopic lenses to complete separate training or licensing requirements.<sup>37</sup> A few states have enacted laws that provide special driver education and training classes, often taught by a vision specialist, to effectively train individuals with visual impairments.<sup>38</sup> Alabama requires applicants with bioptic lenses to complete “in-clinic and on-road training by a certified driving rehabilitation specialist.”<sup>39</sup> The West Virginia Division of Rehabilitation Services is in charge of developing and overseeing the state’s Low Vision Driver Training Program.<sup>40</sup> In South Carolina, a person diagnosed with low vision acuity who uses bioptic telescopic lenses is required to submit proof that they have successfully completed a “bioptic driver training course or program certified to train individuals to use bioptic telescopic glasses while operating a motor vehicle” before obtaining a license.<sup>41</sup> Other states that require applicants with visual impairments to complete special training and/or licensing requirements include Georgia,<sup>42</sup> Illinois,<sup>43</sup> Kentucky,<sup>44</sup> Maryland,<sup>45</sup> Mississippi,<sup>46</sup> New York,<sup>47</sup> Ohio,<sup>48</sup> Oklahoma,<sup>49</sup> Oregon,<sup>50</sup> Pennsylvania,<sup>51</sup> Tennessee,<sup>52</sup> and Virginia.<sup>53</sup>

**Parent-taught driver education.** Although not specifically designed to be an accommodation for driver’s license applicants with disabilities, state laws permitting parent-taught driver education may provide additional flexibility for young people with disabilities to successfully

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<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> Ala. Admin. Code r. 760-X-20-.21 (2005).

<sup>40</sup> W. Va. Code St. R., § 130-3-1 (2009).

<sup>41</sup> S.C. Code Ann., § 56-1-222 (2017).

<sup>42</sup> Ga. Comp. R. & Regs. 375-3-5-.08 (2010); O.C.G.A. § 40-5-27 (West 2021).

<sup>43</sup> 92 Ill. Admin. Code § 1030.75 (2015).

<sup>44</sup> Ky. Rev. Stat. §§ 186.577-186.579.

<sup>45</sup> Md. Code Regs. 11.17.05.01-.10 (1992).

<sup>46</sup> 32 Miss. Admin. Code Pt. 22, R. 3.21 (2013).

<sup>47</sup> N.Y. Comp. Codes R. & Regs. Tit. 15 § 5.5 (1977).

<sup>48</sup> Ohio Admin. Code 4501:1-1-33 (1990).

<sup>49</sup> Okla. Admin. Code § 595:10-5-7 (2019).

<sup>50</sup> Or. Admin. R. 735-062-0310 (2016); Or. Admin. R. 735-062-0320 (2008); Or. Rev. Stat. Ann. tit. 59, § 807.359 (West 2003); Or. Rev. Stat. Ann. tit. 59, § 807.369 (West 2008); Or. Admin. R. 735-062-0370 (2004); Or. Admin. R. 735-062-0380 (2008); Or. Rev. Stat. Ann. tit. 59, § 807.363 (West 2014); Or. Admin. R. 735-062-0390 (2018); Or. Admin. R. 735-062-0330 (2018); Or. Rev. Stat. Ann. tit. 59 § 807.368 (West 2003); Or. Admin. R. 735-062-0340 (2004).

<sup>51</sup> 75 Pa. Cons. Stat. § 1505 (2021).

<sup>52</sup> Tenn. Admin. Code r. 1340-01-13-.10 (2008).

<sup>53</sup> Va. Code Ann. § 46.2-312 (2010).

complete the requirements for a license. Connecticut,<sup>54</sup> Iowa,<sup>55</sup> Montana,<sup>56</sup> Oklahoma,<sup>57</sup> Texas,<sup>58</sup> and Wyoming<sup>59</sup> have implemented general laws permitting applicants to complete the required classroom and/or behind-the-wheel instruction via a parent-led program.<sup>60</sup>

**Individualized Education Plans (IEPs).** Delaware has enacted several statutes that provide specific licensing accommodations for individuals with Individualized Education Plans (IEPs). Delaware authorizes driver education instructors to provide accommodations such as allowing multiple chances to complete driver education, delaying course completion until 11<sup>th</sup> or 12<sup>th</sup> grade, allowing the course to be taken across two semesters, and/or offering specialized instruction through the student's IEP.<sup>61</sup> Likewise, New Hampshire provides accommodations for meeting certain driver education requirements including an exemption from the requirement to complete all assignments in the classroom if a student has an IEP.<sup>62</sup>

## Conclusion

Acquiring safe driving skills is essential for individuals with disabilities to attain autonomy and independence. State legislation must carefully balance the need to provide access to effective driver training and education with the obligation to offer reasonable accommodations and to ensure that licensing laws and policies are free from disability-based discrimination. Under federal law, state driver licensing laws must accommodate individuals with ADA-covered disabilities by ensuring that any license restrictions or additional requirements are based on an individualized assessment of the applicant's actual driving ability rather than assumptions based on a diagnosis. Moreover, licensing agencies and contracted organizations are required to offer appropriate accommodations throughout the licensing process, including during training and testing.

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<sup>54</sup> Conn. Gen. Stat. Ann. § 14-36 (2021).

<sup>55</sup> Iowa Admin. Code r. 761-634.11(321) (2020).

<sup>56</sup> Mont. Admin. R. 10.13.409 (2017) (When classroom portion is done through online or distance learning platform, can take hands-on driving portion under instruction of student's parent or guardian).

<sup>57</sup> Okla. Admin. Code 595:10-1-5 (2019).

<sup>58</sup> Tex. Admin. Code tit. 37, § 15.27 (2021).

<sup>59</sup> Wyo. Code R. 206.0002.39 § 4 (2007).

<sup>60</sup> *Supra* note 15.

<sup>61</sup> Del. Admin. Code tit. 14, § 540 (2013).

<sup>62</sup> *Supra* note 32 at 3118.01.