

Guidance concerning Taxicabs

Advocates for Service Animal Partners provides this material for informational purposes only. Material contained here is not legal advice. If you need legal advice, please contact an attorney licensed to practice law in your state.

This information concerns the protections afforded to individuals accompanied by service animals under Federal law. Most states have statutes that offer greater protections, including criminal remedies for violations. Please consult your particular state statutes for more information about the state laws that may apply in a specific geographic area.

The Americans with Disabilities Act (ADA) considers taxicabs and other demand responsive systems a place of public accommodation (42 USC 12181(3)). Taxicabs may not require documentation for the service animal (28 CFR Section 36.302(c)(6)) or charge pet deposits or other fees because of the presence of the service animal, but may charge the individual for any damage caused by a service animal if it is their policy to charge other guests for damages they cause (28 CFR Section 36.302(c)(8)). An individual accompanied by a service animal may not be denied access to a taxicab (42 USC 12182(b)(1)(A)(i)) or be subjected to any other administrative standard, criteria, or method that has the effect of discriminating against an individual with a disability, such as flagging the individual's profile to indicate the presence of a service animal or allowing a driver the choice to accept or deny a patron

based upon the presence of the service animal (42 USC 12182(D)). Allergies and fear of animals are generally not sufficient reasons to deny access to an individual with a disability accompanied by a service animal. The dog must be kept under the handler's direct control and must be kept on a leash or tether, unless doing so would interfere with the tasks or work the animal was trained to perform (28 CFR Section 36.302(c)(4)). A service animal may be excluded from a taxicab if the animal is out of control and the handler does not take effective action to control it or if the animal is not housebroken (28 CFR Section 36. 302(c)(2)). If a service animal is properly excluded from a taxicab, the individual with a disability must be allowed the opportunity to obtain goods, services, and accommodations without having the service animal in the vehicle (28 CFR Section 36.302(c)(3)). Patrons accompanied by service animals are not required to accept any other accommodation, aid, service, opportunity, or benefit which such individual chooses not to accept (42 USC 12201(d)).

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