

**104 KAR 1:100. Nondiscrimination on the basis of disability by a place of public accommodations, licensing agencies and trade organizations.**

RELATES TO: KRS 344.050, 344.060, 344.120, 344.130, 344.500, 28 C.F.R. 36

STATUTORY AUTHORITY: KRS 12.290, 344.190(14), 28 C.F.R. 36, 42 U.S.C. 12181

NECESSITY, FUNCTION, AND CONFORMITY: KRS 344.190(14) requires the Kentucky Commission on Human Rights to prescribe administrative regulations to effectuate the purposes and provisions of the Kentucky Civil Rights Act. This administrative regulation provides that all places of public accommodation be designed and constructed so as to be readily accessible to and usable by persons with disabilities. In addition, examinations or courses related to licensing or certification for professional and trade purposes shall be accessible to persons with disabilities.

Section 1. 28 CFR Part 36, 56 FR 355.43, January 26, 1992, is adopted without change and supplements Title III of the Americans with Disabilities Act, which extends the prohibitions against disabilities discrimination to privately operated public accommodations and commercial facilities. It further requires that examinations or courses related to licensing or certification for professional and trade purposes be accessible to the disabled. This administrative regulation was promulgated by the U.S. Department of Justice and is enforced by the Kentucky Commission on Civil Rights.

Section 2. Material Adopted Without Change. The following material is adopted without change:

(1) "Nondiscriminatory on the Basis of Disability by Public Accommodations and in Commercial Facilities" - 28 CFR 36, 56 Federal Register 35543, January 26, 1992.

(2) This material may be inspected, copied, or obtained:

(a) At the offices of the Kentucky Commission on Human Rights, The Heyburn Building, Suite 700, 332 West Broadway, Louisville, Kentucky 40202; or

(b) By calling:

1. (502) 595-4024;

2. (800) 292-5566;

3. (502) 595-4084, (TDD), for the hearing impaired;

4. Kentucky Relay Service, (800) 648-6056 (TTY/TDD).

(c) The material may also be obtained directly from the Office of The Americans With Disabilities Act at (202) 514-0301 (voice), (202) 414-0381 (TDD), or (202) 514-6193 (electronic bulletin board) in the following alternative formats:

1. Large print;

2. Braille;

3. Electronic file on computer disk;

4. Audio-tape. (19 Ky.R. 2158; Am. 2397; eff. 5-10-93.)