individuals who use wheelchairs. as soon as practicable but in no case later

§ 37.95 Ferries and other passenger
vessels operated by public entities.
[Reserved]

§§ 37.97–37.99 [Reserved]

Subpart E—Acquisition of Accessible Vehicles by Private Entities

§ 37.101 Purchase or lease of vehicles
by private entities not primarily en-
gaged in the business of trans-
porting people.

(a) Application. This section applies
to all purchases or leases of vehicles by
private entities which are not pri-
marily engaged in the business of trans-
porting people, in which a solicita-
tion for the vehicle is made after Au-

(b) Fixed Route System. Vehicle Capac-
ity Over 16. If the entity operates a
fixed route system and purchases or
leases a vehicle with a seating capacity
of over 16 passengers (including the
driver) for use on the system, it shall
ensure that the vehicle is readily ac-
cessible to and usable by individuals
with disabilities, including individuals
who use wheelchairs.

(c) Fixed Route System. Vehicle Capac-
ity of 16 or Fewer. If the entity oper-
ates a fixed route system and purchases or
leases a vehicle with a seating capacity
of 16 or fewer passengers (including the
driver) for use on the system, it shall
ensure that the vehicle is readily ac-
cessible to and usable by individuals
with disabilities, including individuals
who use wheelchairs, unless the sys-
tem, when viewed in its entirety, meets
the standard for equivalent service of §37.105 of this part.

(d) Demand Responsive System, Vehicle Capac-
ty Over 16. If the entity operates a
demand responsive system, and pur-
cesses or leases a vehicle with a seating
capacity of over 16 passengers (in-
cluding the driver) for use on the sys-
tem, it shall ensure that the vehicle is readily accessible to and usable by indi-
viduals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its en-
tirety, meets the standard for equiva-
ten service of §37.105 of this part.

(e) Demand Responsive System, Vehicle Capacity of 16 or Fewer. Entities providing demand responsive trans-
portation covered under this section are
not specifically required to ensure that
new vehicles with seating capacity of
16 or fewer are accessible to individuals
with wheelchairs. These entities are
required to ensure that their systems,
when viewed in their entirety, meet the
equivalent service requirements of §§37.171 and 37.105, regardless of whether
or not the entities purchase a new
vehicle.

[56 FR 45621, Sept. 6, 1991, as amended at 61
FR 25416, May 21, 1996]

§ 37.103 Purchase or lease of new non-
rail vehicles by private entities pri-
marily engaged in the business of trans-
porting people.

(a) Application. This section applies
to all acquisitions of new vehicles by
private entities which are primarily
engaged in the business of transporting people and whose operations affect
commerce, in which a solicitation for the vehicle is made after Au-

(b) Fixed route systems. If the entity
operates a fixed route system, and pur-
cesses or leases a new vehicle other
than an automobile, a van with a seating
capacity of less than eight persons
(including the driver), or an over-the-
road bus, it shall ensure that the vehi-
cle is readily accessible to and usable
by individuals with disabilities, including individuals who use wheelchairs.

(c) Demand responsive systems. If the
entity operates a demand responsive system, and purchases or leases a new
vehicle other than an automobile, a
van with a seating capacity of less
than eight persons (including the driv-
er), or an over-the-road bus, it shall en-
sure that the vehicle is readily acces-
sible to and usable by individuals with
disabilities, including individuals who
use wheelchairs.

(d) Vans with a capacity of fewer than
8 persons. If the entity operates either