For Immediate Release

DISABILITY RIGHTS NC SUES DMV OVER DISCRIMINATORY LICENSING SYSTEM

February 18, 2014, Raleigh, NC – The North Carolina Division of Motor Vehicles systematically discriminates against drivers with disabilities in violation of the Americans with Disabilities Act and the Rehabilitation Act, according to a lawsuit filed today. The lawsuit alleges that drivers with disabilities are subjected to unnecessary road testing and medical exams, based on stereotypes and generalizations about people with physical disabilities.

The case was filed by six individuals with disabilities. Disability Rights NC also is named as a Plaintiff on behalf of other drivers with disabilities who are subject to discrimination by the DMV.

The DMV Medical Review Program is a mechanism for the DMV to identify unsafe drivers. Doctors, family members, and others may suggest that a driver is no longer capable of safely driving, and the DMV may require that individual to undergo medical screening. However, the DMV has extended the program to drivers, like the Plaintiffs in this case, who are capable, safe drivers but who have a physical disability. Each individual Plaintiff was referred for testing or medical review by DMV staff based on the DMV’s policies towards drivers with disabilities.

“We can’t sit by and allow the DMV to stereotype and demean North Carolina drivers with disabilities,” said Vicki Smith, Executive Director of Disability Rights NC. “We are taking this action to protect and promote the dignity of these individuals and all individuals with disabilities, and to enforce the right to be free from discrimination on account of disability.”

The individual experiences of the named Plaintiffs demonstrate that people with disabilities from across the state are not afforded equal treatment or appropriate customer service by the DMV:

Logan Wilson, Chapel Hill. Like many teens at age 16, Logan earned his provisional license. Unlike his peers, Mr. Wilson was required to undergo additional testing due to his cerebral palsy. The DMV imposed these requirements even though Mr. Wilson’s doctor assured the DMV that Mr. Wilson’s condition was stable and non-degenerative, and did not require follow up review or restrictions other than those related to his graduated license.

Steven Chambers, Vale. Mr. Chambers has been required to provide medical information to the DMV each year for four years. Each year, Mr. Chambers’ doctor has informed the DMV that Mr. Chambers’ cerebral palsy is stable and non-progressive and does not require medical follow up regarding his ability to drive safely. And, even though he passed his driving test,
Mr. Chambers was told he must undergo – and pay for – an expensive “behind the wheel assessment” performed by an occupational therapist.

**Pam Dickens, Hillsborough.** When Ms. Dickens renewed her license, she was required to take a road test because she uses hand controls to operate her vehicle. Even though she passed, she was ordered to provide medical information regarding her ability to drive. She has been required to repeat the process every year even though her doctor says it’s not necessary. When Ms. Dickens asked the DMV to take her out of the program, the agency declined because she uses hand controls.

**Rebecca Kay, Raleigh.** Ms. Kay renewed her license in 2013 when she was 60-years-old. She had injured one of her hands when she was 16 and had driven for 44 years without the use of any special technology. Yet, in 2013, the DMV required her to install a wheel knob to her car over her objection. In fact, the DMV examiner told Ms. Kay that if she continued to complain, more restrictions would be added to her license.

**Katherine McCrory, Asheville.** When Ms. McCrory went to the DMV to get a driver license after moving to North Carolina, she was required to take a road test, which she passed. The DMV nevertheless required Ms. McCrory to provide medical information regarding her muscular dystrophy. Ms. McCrory’s doctor indicated there were no limitations on her driving and she did not need follow-up review. The DMV ordered another medical review the following year, and imposed unnecessary restrictions on her license.

**Natasha Wright, Raleigh.** Ms. Wright visited the DMV to change her address. When the DMV discovered she had a disability, the agency required her to submit a Medical Report. Despite Ms. Wright’s doctor indicating that Ms. Wright did not need restrictions, the DMV decided that Ms. Wright would not be allowed to drive more than 25 miles from home, or more than 45 miles per hour. Ms. Wright appealed, but was never given a hearing. Instead, the DMV ordered another medical review and road test. Now, as with others, Ms. Wright cannot get off the DMV treadmill. “I just wanted an address change,” Ms. Wright said.

“These individuals continue to be subjected to the DMV’s discriminatory operation of its driver licensing program,” said Smith. “This must end.” The Plaintiffs are seeking injunctive relief to prevent the DMV from continuing to impose unreasonable requirements on the individual Plaintiffs and other drivers with disabilities.

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*Disability Rights North Carolina is a 501(c)(3) nonprofit organization based in Raleigh. Its team of attorneys, advocates, paralegals and support staff provide advocacy and legal services at no charge for North Carolinians with disabilities to protect their civil rights under the Americans with Disabilities Act and other federal and state laws.*