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National Association of the Deaf Memo on Access to Drive-Through Services

Drive through service is a staple in American culture. Restaurants, banks, pharmacies, and other businesses routinely provide service via drive through windows to accommodate the fast-paced lifestyle that Americans have grown accustomed to. Deaf and hard of hearing individuals, just like anyone else, have the same need and desire for the convenience of drive through services. Pursuant to federal law, businesses that provide drive through services must make reasonable modifications to allow deaf and hard of hearing individuals to use them.

Title III of the Americans with Disabilities Act (“ADA”) prohibits places of public accommodation, such as restaurants, banks, pharmacies, and other businesses, from discriminating against people who are deaf or hard of hearing in the full and equal enjoyment of the entity’s goods, services, facilities, privileges, advantages or accommodations. 42 U.S.C. § 12182(a). Deaf and hard of hearing people have “the right to *fully participate in all aspects of society.*” 42 U.S.C. § 12101(a)(1) (emphasis added). Such participation must be in the “most integrated setting appropriate.” 42 U.S.C. § 12182(b)(1)(B). Specifically, public accommodations are required to make reasonable modifications in policies, practices, and procedures, and to provide auxiliary aids or services, including acquiring or modifying equipment or devices, to ensure that individuals who are deaf or hard of hearing are not excluded, denied services, segregated, or otherwise treated differently than other individuals. 42 U.S.C. §§ 12182(b)(2)(A)(ii) and (iii).

Prohibiting deaf and hard of hearing customers from using drive through windows violates the ADA. *Bunjer v. Edwards*, 985 F. Supp. 165 (D.D.C. 1997). Drive through windows provide customers with the benefit of convenience in today’s hectic world. To deny deaf or hard of hearing individuals the use of a drive through window or to require them to go inside to receive service is to deny them the benefit of that convenience and to provide them with a separate and unequal benefit; a violation of the ADA. Businesses must make reasonable modifications or provide auxiliary aids or services to communicate effectively with deaf and hard of hearing customers. These modifications can include, but are not limited to, installing a buzzer system to notify the business of the presence of a deaf or hard of hearing customer or installing a touch-screen menu for all customers to make service selections. Additionally, businesses should conduct employee trainings to ensure full service to deaf and hard of hearing customers.

The NAD encourages businesses with drive through window services to make reasonable modifications and provide the auxiliary aids and services necessary to ensure equal opportunity and effective communication with deaf and hard of hearing individuals.