

**SUBSTITUTE FOR  
HOUSE BILL NO. 5405**

A bill to amend 1937 PA 10, entitled  
"An act to define the use of travel aids by blind persons; to  
provide protection against accidents to such persons; to require  
instruction and examination in certain circumstances; and to  
provide penalties for violation hereof,"  
by amending sections 1a, 2, and 3 (MCL 752.51a, 752.52, and  
752.53), sections 1a and 2 as amended by 2002 PA 401 and section 3  
as amended by 1986 PA 62.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 1a. As used in this act:
- 2       (a) "Blind" means ~~a person~~ **an individual** who has a visual
- 3       acuity of 20/200 or less in the better eye with correction, or has
- 4       limitation of ~~his or her~~ **the individual's** field of vision such that
- 5       the widest diameter of the visual field subtends an angular



1 distance not greater than 20 degrees.

2 (b) "Cane" means an aid used by a blind pedestrian for travel  
3 and identification purposes that is **predominantly white or metallic**  
4 in color with or without a red tip.

5 (c) "Crosswalk" means that term as defined in section 10 of  
6 the Michigan vehicle code, 1949 PA 300, MCL 257.10.

7 ~~(d) "Dog guide" means a dog, in harness, that has been~~  
8 ~~formally trained and that is used by a blind person as a travel~~  
9 ~~aid.~~ **"Service animal" means that term as defined in section 50a of**  
10 **the Michigan penal code, 1931 PA 328, MCL 750.50a.**

11 (e) "Walker" means an aid used by a blind pedestrian for  
12 travel and identification purposes that is white in color or has  
13 white legs with or without a red tip.

14 Sec. 2. (1) A driver of a vehicle shall not approach a  
15 crosswalk or any other pedestrian crossing without taking all  
16 necessary precautions to avoid accident or injury to a blind  
17 pedestrian carrying a cane or using a ~~dog guide~~ **service animal** or  
18 walker.

19 (2) A driver who approaches a crosswalk or any other  
20 pedestrian crossing without taking all necessary precautions to  
21 avoid accident or injury to a blind pedestrian carrying a cane or  
22 using a ~~dog guide~~ **service animal** or walker is liable in damages for  
23 any injuries caused the blind pedestrian. A blind pedestrian who  
24 does not carry a cane or use a ~~dog guide~~ **service animal** or walker  
25 has all of the rights and privileges conferred upon any other  
26 pedestrian by the laws of this state. The failure of a blind  
27 pedestrian to carry a cane or use a ~~dog guide~~ **service animal** or  
28 walker ~~shall~~ **must** not be treated as evidence of negligence in a  
29 civil action for injury to the blind pedestrian or for the blind



pedestrian's wrongful death. A driver who approaches a crosswalk or any other pedestrian crossing without taking all necessary precautions to avoid accident or injury to a blind pedestrian carrying a cane or using a service animal or walker is subject to criminal penalties as provided under section 3.

(3) If a person alleges to a peace officer a violation of subsection (1), the peace officer shall investigate the alleged violation. The prosecuting attorney shall review the peace officer's investigative report to determine whether a violation of subsection (1) has occurred and whether to issue charges. Upon the request of the blind pedestrian and after reviewing the investigative report, a prosecuting attorney shall inform the blind pedestrian of ~~his or her~~ **the prosecuting attorney's** decision and the reason or reasons supporting that decision.

Sec. 3. (1) ~~A-Except as otherwise provided in subsections (2), (3), and (4),~~ a person who violates section 2(1) is guilty of a misdemeanor ~~—punishable by imprisonment for not more than 90 days —or by a fine of not more—less~~ than \$100.00 **and not more than** \$500.00, or both.

(2) A person who violates section 2(1) in a grossly negligent manner causing injury to a blind individual, or the blind individual's service animal, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(3) A person who violates section 2(1) in a grossly negligent manner causing the death of a blind individual is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$7,500.00, or both.

(4) A person who violates section 2(1) in a grossly negligent



1 manner causing the death of a blind individual's service animal is  
2 guilty of a felony punishable by imprisonment for not more than 5  
3 years or a fine of not more than \$7,500.00, or both.

