

**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



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

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

15 Sec. 3. (1) ~~A-Except as otherwise provided in subsections (2),~~  
 16 **(3), and (4),** a person who violates section 2(1) is guilty of a  
 17 misdemeanor ~~—~~ punishable by imprisonment for not more than 90 days  
 18 ~~—~~ or by a fine of not ~~more~~ **less** than \$100.00 **and not more than**  
 19 \$500.00, or both.

20 (2) A person who violates section 2(1) in a grossly negligent  
 21 manner causing injury to a blind individual, or the blind  
 22 individual's service animal, is guilty of a misdemeanor punishable  
 23 by imprisonment for not more than 1 year or a fine of not more than  
 24 \$1,000.00, or both.

25 (3) A person who violates section 2(1) in a grossly negligent  
 26 manner causing the death of a blind individual is guilty of a  
 27 felony punishable by imprisonment for not more than 10 years or a  
 28 fine of not more than \$7,500.00, or both.

29 (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.

