

SENATE BILL NO. 1096

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 and 2 (MCL 752.51a and 752.52),
section 1a as added and section 2 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 who has a visual acuity of 20/200
3 or less in the better eye with correction, or has limitation of
4 his or her field of vision such that the widest diameter of the
5 visual field subtends an angular distance not greater than 20
6 degrees.

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1 (b) "Cane" means an aid used by a blind pedestrian for ~~the~~
2 ~~purpose of~~ travel and identification ~~which shall be~~ PURPOSES
3 THAT IS white in color with or without a red tip.

4 (C) "CROSSWALK" MEANS THAT TERM AS DEFINED IN SECTION 10 OF
5 THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.10.

6 (D) ~~(c)~~ "Dog guide" means a dog, in harness, ~~which~~ THAT
7 has been formally trained and ~~which~~ THAT is used by a blind
8 person as a travel aid.

9 (E) "WALKER" MEANS AN AID USED BY A BLIND PEDESTRIAN FOR
10 TRAVEL AND IDENTIFICATION PURPOSES THAT IS WHITE IN COLOR OR HAS
11 WHITE LEGS WITH OR WITHOUT A RED TIP.

12 Sec. 2. (1) A driver of a vehicle shall not approach a
13 crosswalk ~~as defined by section 10 of the Michigan vehicle code,~~
14 ~~Act No. 300 of the Public Acts of 1949, being section 257.10 of~~
15 ~~the Michigan Compiled Laws,~~ or any other pedestrian crossing
16 without taking all necessary precautions to avoid accident or
17 injury to a blind pedestrian carrying a cane or using a dog guide
18 OR WALKER.

19 (2) A driver who approaches a crosswalk or any other pedes-
20 trian crossing without taking all necessary precautions to avoid
21 accident or injury to a blind pedestrian carrying a cane or using
22 a dog guide ~~shall be~~ OR WALKER IS liable in damages for any
23 injuries caused the blind pedestrian. A blind pedestrian who
24 does not carry a cane or use a dog guide ~~shall have~~ 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 OR WALKER shall not

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1 be treated as evidence of negligence in a civil action for injury
2 to the blind pedestrian or for the blind pedestrian's wrongful
3 death.

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