

SENATE BILL No. 1096

February 12, 2002, Introduced by Senators HAMMERSTROM, SANBORN, HART, NORTH, BENNETT, MC COTTER, SCHWARZ, BULLARD, BYRUM, GOUGEON, JOHNSON, GAST, GOSCHKA, STEIL, SIKKEMA and GARCIA and referred to the Committee on Transportation and Tourism.

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.

SB 1096, As Passed Senate, February 27, 2002

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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

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.