

Legislative Analysis



DRIVER PRECAUTIONS FOR BLIND PEDESTRIANS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 4527 as introduced
Sponsor: Rep. Curt S. VanderWall

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4528 as introduced
Sponsor: Rep. Mark A. Tisdell

Committee: Health Policy
Complete to 6-3-25

SUMMARY:

House Bill 4527 would amend 1937 PA 10, which prohibits the driver of a vehicle from approaching 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 **walker** or a **service animal**.¹

Blind means a person who has a visual acuity of 20/200 or less in the better eye with correction, or has limitation of their field of vision such that the widest diameter of the visual field subtends an angular distance not greater than 20 degrees.

Cane means an aid used by a blind pedestrian for travel and identification purposes that is predominantly white or metallic in color² with or without a red tip.

Walker means an aid used by a blind pedestrian for travel and identification purposes that is white in color or has white legs with or without a red tip.

Service animal would mean either of the following:

- A service animal as defined in federal regulations,³ where it generally means a dog that is individually trained to do work or perform tasks for the benefit of a person with a disability that are directly related to that person's disability.
- A miniature horse that has been individually trained to do work or perform tasks as described in the federal regulations for service animals referenced above.

Currently, a person who violates the above prohibition is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$100, or both. Under the bill, a person who violates the above prohibition would be guilty of a crime as follows:

- Except as provided below, a misdemeanor punishable by imprisonment for up to 90 days or a fine of \$100 to \$500, or both imprisonment and a fine.

¹ The law currently refers to use of a *dog guide* (defined as a dog in harness that has been formally trained and is used by a blind person as a travel aid). The bill would replace *dog guide* with **service animal** throughout the act.

² The law currently has "white in color," which the bill would change to "predominantly white or metallic in color."

³ <https://www.ecfr.gov/current/title-28/chapter-I/part-36/subpart-A/section-36.104>

Also see: <https://www.ada.gov/topics/service-animals/>

- If the person violates the prohibition in a grossly negligent manner causing injury to a blind individual or their service animal, a misdemeanor punishable by imprisonment up to one year or a fine of up to \$1,000, or both.
- If the person violates the prohibition in a grossly negligent manner causing the death of a blind individual's service animal, a felony punishable by imprisonment for up to five years or a fine of up to \$7,500, or both.
- If the person violates the prohibition in a grossly negligent manner causing the death of a blind individual, a felony punishable by imprisonment for up to 10 years or a fine of up to \$7,500, or both.

MCL 752.51a, 752.52, and 752.53

House Bill 4528 would amend the Code of Criminal Procedure to add the felonies proposed by House Bill 4527 to the sentencing guidelines provisions. Specifically, failure of a driver to avoid an accident as described above would be a Class C crime against a person with a maximum term of imprisonment of 10 years if it causes the death of a blind individual, and a Class E crime against property with a maximum term of imprisonment of five years if it causes the death of a blind individual's service animal. The bill cannot take effect unless House Bill 4527 is also enacted.

MCL 777.17b

FISCAL IMPACT:

House Bill 4527 would have an indeterminate fiscal impact on the state and on local units of government. The number of convictions that would result under provisions of the bill is not known. Depending on the circumstances, violations could be either misdemeanors or felonies. New misdemeanor convictions would result in increased costs related to county jails or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2024, the average cost of prison incarceration in a state facility was roughly \$46,200 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$5,500 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

House Bill 4528 is a companion bill to House Bill 4527 and would amend the sentencing guidelines chapter of the Code of Criminal Procedure to include the proposed new felonies included in House Bill 4527. Causing the death of a blind pedestrian would be a Class C felony against a person punishable by a statutory maximum of 10 years. Causing the death of a blind pedestrian's service animal would be a Class E felony against property punishable by a

statutory maximum of five years. The bill would not have a direct fiscal impact on the state or on local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.