

**SUBSTITUTE FOR
HOUSE BILL NO. 4527**

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 **to** 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-that** violates section 2(1) is guilty of
 17 a misdemeanor ~~,-punishable by imprisonment for not more than 90~~
 18 ~~days, or by a fine of not more-~~ **less than \$100.00 and not more than**
 19 **\$500.00, or both.**

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

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

29 (4) **A person that violates section 2(1) in a grossly negligent**



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