USE OF TRAVEL AIDS BY BLIND PERSONS

Act 10 of 1937

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.

History: 1937, Act 10, Imd. Eff. Apr. 16, 1937 ;-- Am. 1986, Act 62, Eff. Jan. 1, 1987

The People of the State of Michigan enact:

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752.51 Repealed. 1986, Act 62, Eff. Jan. 1, 1987.

Compiler's Notes: The repealed section pertained to color of canes used by blind persons.

752.51a Definitions.

Sec. 1a.

As used in this act:

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

(b) "Cane" means an aid used by a blind pedestrian for travel and identification purposes that is white in color with or without a red tip.

(c) "Crosswalk" means that term as defined in section 10 of the Michigan vehicle code, 1949 PA 300, MCL 257.10.

(d) "Dog guide" means a dog, in harness, that has been formally trained and that is used by a blind person as a travel aid.

(e) "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.

History: Add. 1986, Act 62, Eff. Jan. 1, 1987 ;-- Am. 2002, Act 401, Imd. Eff. June 3, 2002

752.52 Blind pedestrian carrying cane or using dog guide or walker; duty of driver; liability; failure to carry cane or use dog guide or walker; investigation of alleged violation; review of investigative report; informing blind pedestrian of decision.

Sec. 2.

(1) A driver of a vehicle shall not approach 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 dog guide or walker.

(2) A driver who approaches 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 dog guide or walker is liable in damages for any injuries caused the blind pedestrian. A blind pedestrian who does not carry a cane or use a dog guide or walker has all of the rights and privileges conferred upon any other pedestrian by the laws of this state. The failure of a blind pedestrian to carry a cane or use a dog guide or walker shall not be treated as evidence of

negligence in a civil action for injury to the blind pedestrian or for the blind pedestrian's wrongful death.

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

History: 1937, Act 10, Imd. Eff. Apr. 16, 1937 ;-- CL 1948, 752.52 ;-- Am. 1952, Act 249, Eff. Sept. 18, 1952 ;-- Am. 1986, Act 62, Eff. Jan. 1, 1987 ;-- Am. 2002, Act 401, Imd. Eff. June 3, 2002

752.53 Violation as misdemeanor; penalty.

Sec. 3.

A person who violates section 2(1) is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or by a fine of not more than $100.00, or both.

History: 1937, Act 10, Imd. Eff. Apr. 16, 1937 ;-- CL 1948, 752.53 ;-- Am. 1986, Act 62, Eff. Jan. 1, 1987

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752.54 Instruction or examination on requirements of act.

Sec. 4.

If a person elects or is required to take instruction for the purpose of driving motor vehicles or for the preparation of an examination given by the department of state for a license to operate a motor vehicle, or is required to take an examination given by the department of state, the person shall be instructed or examined on the requirements of this act.

History: Add. 1986, Act 62, Eff. Jan. 1, 1987