

BILL ANALYSIS

Senate Research Center

H.B. 1343
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

For many blind and disabled citizens of Texas, their primary means of transportation is walking. These pedestrians are at a higher risk of being involved in automobile accidents than pedestrians who have sight and monitor their surroundings. There are multiple reasons why blind and disabled citizens are becoming more prone to vehicular accidents. Motor vehicles have become quieter, making it more difficult for blind pedestrians to hear. Additionally, motorists often fail to yield the right of way.

Currently, a motor vehicle driver must take necessary precautions to avoid injuring or endangering a blind or disabled pedestrian. Failure to take the necessary precautions can result in the driver being charged with a Class C misdemeanor with a fine not to exceed \$200.

This bill increases the penalties incurred by motorists who cause serious bodily injury or death to blind pedestrians. This legislation raises awareness about blind pedestrians and, in turn, helps to decrease the number of vehicle-pedestrian accidents. Additionally, a portion of the monies collected from these fines will be designated for the Department of Assistive and Rehabilitative Services to provide services for visually impaired individuals.

H.B. 1343 amends current law relating to blind pedestrians and failure of the operator of a motor vehicle to yield the right-of-way.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Transfers Section 121.007, Human Resources Code, to Chapter 552, Transportation Code, renumbers it as Section 552.010, and amends it as follows:

Sec. 552.010. New heading: BLIND PEDESTRIANS. (a) Makes no changes to this subsection.

(b) Makes no changes to this subsection.

(c) Provides that if it is shown on the trial of an offense under this section that as a result of the commission of the offense a collision occurred causing serious bodily injury or death to a blind person, the offense is a misdemeanor punishable by a fine of not more than \$500 and 30 hours of community service to an organization or agency that primarily serves visually impaired or disabled persons, to be completed in not less than six months and not more than one year. Requires that a portion of the community service required under Subsection (2) (relating to the number of hours community service to be completed) include sensitivity training. Deletes existing text providing that the failure of a totally or partially blind or otherwise disabled person to carry a white cane or be guided or aided by an assistance animal does not deprive the person of the rights and privileges conferred by law on pedestrians crossing streets or highways and does not constitute evidence of contributory negligence.

(d) Defines "assistance animal" and "white cane." Deletes existing text providing that a person who violates this section commits a Class C misdemeanor.

SECTION 2. Amends Section 552.003, Transportation Code, by adding Subsections (d) and (e), as follows:

(d) Provides that if it is shown on the trial of an offense under Subsection (a) (relating to requiring the operator of a vehicle to yield the right-of-way to a pedestrian) that as a result of the commission of the offense a collision occurred causing serious bodily injury or death to a visually impaired or disabled person, the offense is a misdemeanor punishable by a fine of not more than \$500 and 30 hours of community service to an organization or agency that primarily serves visually impaired or disabled persons, to be completed in not less than six months and not more than one year. Requires that a portion of the community service required under Subsection (2) (relating to the number of hours community service to be completed) include sensitivity training.

(e) Defines "visually impaired" and "disabled."

SECTION 3. (a) Provides that the change in law made by this Act applies only to an offense committed on or after the effective date of this Act. Provides that, for purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.