

## **BILL ANALYSIS**

C.S.H.B. 1343  
By: Menendez  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

For many blind and disabled citizens of Texas, the primary means of transportation is walking. These pedestrians are at a higher risk of being involved in automobile accidents than pedestrians with sight and the ability to monitor their surroundings. There are multiple reasons why blind and disabled citizens are becoming more prone to vehicular accidents. One reason is that motor vehicles have become quieter, making it more difficult for blind pedestrians to hear them. Additionally, the rising number of distracting activities, such as using a cell phone or adjusting the radio, causes more drivers to approach intersections without caution. Many motorists do not yield the right-of-way to blind and disabled pedestrians, putting these pedestrians in harm's way.

Under current law, a motorist who fails to yield to a blind or disabled pedestrian and causes any kind of injury or endangers the pedestrian can be charged with a Class C misdemeanor and a fine not to exceed \$200.

C.S.H.B. 1343 increases the penalties incurred by a motorist who fails to yield the right-of-way to a blind and disabled pedestrian. The bill aims to raise awareness of blind and disabled pedestrians and, consequently, decrease the number of accidents involving pedestrians.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1343 transfers and renumbers Section 121.007, Human Resources Code, Blind and Disabled Pedestrians, to Section 552.010, Transportation Code, and amends it to enhance the penalty for the offense of failing to yield the right-of-way to a pedestrian guided by an assistance animal or carrying a white cane and crossing or attempting to cross an intersection or crosswalk on a public street or highway. The bill makes the offense, if it is shown at trial that as a result of the commission of the offense, a collision occurred causing serious bodily injury or death to a blind person, 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, with the community service to be completed in not less than six months and not more than one year. The bill requires a portion of the community service to include sensitivity training. The bill removes a provision establishing 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. The bill defines "assistance animal" and "white cane" by reference for purposes these provisions.

C.S.H.B. 1343 removes a provision establishing that a person who violates the prohibition against carrying a white cane on a public street or highway unless a person is totally or partially

blind or who fails to take necessary precautions to avoid injuring or endangering a blind or disabled pedestrian crossing an intersection or crosswalk commits a Class C misdemeanor. The bill makes the provisions relating to blind and disabled pedestrians apply to blind pedestrians.

C.S.H.B. 1343 amends the Transportation Code to enhance the penalty for the offense of failing to yield the right-of-way to a pedestrian at a cross walk. The bill makes the offense, if it is shown at trial 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, 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, with the community service to be completed in not less than six months and not more than one year. The bill requires a portion of the community service to include sensitivity training. The bill defines "visually impaired" and "disabled" for purposes of these provisions.

#### **EFFECTIVE DATE**

September 1, 2009.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1343 differs from the original by enhancing the penalty for each of the offenses described in the bill, if it is shown at trial that as a result of the commission of the offense, a collision occurred causing serious bodily injury or death to a blind person, to a fine of not more than \$500 and 30 hours of community service to an organization or agency primarily serving blind, visually impaired, or disabled persons, rather than a fine of not more than \$4,000 and not less than 100 hours and not more than 200 hours of community service. The substitute adds a provision not in the original requiring a portion of the community service to include sensitivity training.

C.S.H.B. 1343 removes provisions in the original requiring the officer collecting a fine for such an offense to keep separate records of the money collected before depositing the money with the appropriate treasury and to submit a quarterly report to the comptroller of public accounts and requiring the comptroller to deposit these funds to the credit of a special account from which money may be appropriated to the Department of Assistive and Rehabilitative Services to provide certain services for visually impaired persons. The substitute removes additional provisions in the original relating to such records and the management of funds in the special account.