

AN ACT

relating to blind and disabled pedestrians and failure of the operator of a motor vehicle to yield the right-of-way.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 121.007, Human Resources Code, is transferred to Chapter 552, Transportation Code, renumbered as Section 552.010, and amended to read as follows:

Sec. 552.010 [~~121.007~~]. BLIND [~~AND DISABLED~~] PEDESTRIANS.

(a) No person may carry a white cane on a public street or highway unless the person is totally or partially blind.

(b) The driver of a vehicle approaching an intersection or crosswalk where a pedestrian guided by an assistance animal or carrying a white cane is crossing or attempting to cross shall take necessary precautions to avoid injuring or endangering the pedestrian. The driver shall bring the vehicle to a full stop if injury or danger can be avoided only by that action.

(c) 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:

(1) a fine of not more than \$500; and

(2) 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

1 than one year.

2 (c-1) A portion of the community service required under
3 Subsection (c)(2) shall include sensitivity training. [~~The failure~~
4 ~~of a totally or partially blind or otherwise disabled person to~~
5 ~~carry a white cane or be guided or aided by an assistance animal~~
6 ~~does not deprive the person of the rights and privileges conferred~~
7 ~~by law on pedestrians crossing streets or highways and does not~~
8 ~~constitute evidence of contributory negligence.~~]

9 (d) For the purposes of this section:

10 (1) "Assistance animal" has the meaning assigned by
11 Section 121.002, Human Resources Code.

12 (2) "White cane" has the meaning assigned by Section
13 121.002, Human Resources Code [~~A person who violates this section~~
14 ~~commits a Class C misdemeanor].~~

15 (e) If conduct constituting an offense under this section
16 also constitutes an offense under another section of this code or
17 the Penal Code, the actor may be prosecuted under either section or
18 both sections.

19 SECTION 2. Section 552.003, Transportation Code, is amended
20 by adding Subsections (d), (d-1), (e), and (f) to read as follows:

21 (d) If it is shown on the trial of an offense under
22 Subsection (a) that as a result of the commission of the offense a
23 collision occurred causing serious bodily injury or death to a
24 visually impaired or disabled person, the offense is a misdemeanor
25 punishable by:

26 (1) a fine of not more than \$500; and

27 (2) 30 hours of community service to an organization

1 or agency that primarily serves visually impaired or disabled
2 persons, to be completed in not less than six months and not more
3 than one year.

4 (d-1) A portion of the community service required under
5 Subsection (d)(2) shall include sensitivity training.

6 (e) For the purposes of this section:

7 (1) "Visually impaired" has the meaning assigned by
8 Section 91.002, Human Resources Code.

9 (2) "Disabled" means a person who cannot walk without
10 the use or assistance of:

11 (A) a device, including a brace, cane, crutch,
12 prosthesis, or wheelchair; or

13 (B) another person.

14 (f) If conduct constituting an offense under this section
15 also constitutes an offense under another section of this code or
16 the Penal Code, the actor may be prosecuted under either section or
17 both sections.

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

23 (b) An offense committed before the effective date of this
24 Act is covered by the law in effect when the offense was committed,
25 and the former law is continued in effect for that purpose.

26 SECTION 4. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 1343 was passed by the House on May 15, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1343 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1343 on May 31, 2009, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

Chief Clerk of the House

H.B. No. 1343

I certify that H.B. No. 1343 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 30, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1343 on May 31, 2009, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor