

1-1 By: Menendez, McClendon H.B. No. 1343
1-2 (Senate Sponsor - Van de Putte)
1-3 (In the Senate - Received from the House May 18, 2009;
1-4 May 19, 2009, read first time and referred to Committee on Criminal
1-5 Justice; May 22, 2009, reported favorably by the following vote:
1-6 Yeas 6, Nays 0; May 22, 2009, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to blind and disabled pedestrians and failure of the
1-10 operator of a motor vehicle to yield the right-of-way.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 121.007, Human Resources Code, is
1-13 transferred to Chapter 552, Transportation Code, renumbered as
1-14 Section 552.010, and amended to read as follows:

1-15 Sec. 552.010 [~~121.007~~]. BLIND [~~AND DISABLED~~] PEDESTRIANS.

1-16 (a) No person may carry a white cane on a public street or highway
1-17 unless the person is totally or partially blind.

1-18 (b) The driver of a vehicle approaching an intersection or
1-19 crosswalk where a pedestrian guided by an assistance animal or
1-20 carrying a white cane is crossing or attempting to cross shall take
1-21 necessary precautions to avoid injuring or endangering the
1-22 pedestrian. The driver shall bring the vehicle to a full stop if
1-23 injury or danger can be avoided only by that action.

1-24 (c) If it is shown on the trial of an offense under this
1-25 section that as a result of the commission of the offense a
1-26 collision occurred causing serious bodily injury or death to a
1-27 blind person, the offense is a misdemeanor punishable by:

1-28 (1) a fine of not more than \$500; and

1-29 (2) 30 hours of community service to an organization
1-30 or agency that primarily serves visually impaired or disabled
1-31 persons, to be completed in not less than six months and not more
1-32 than one year.

1-33 (A) A portion of the community service required
1-34 under Subsection (2) shall include sensitivity training. [The
1-35 failure of a totally or partially blind or otherwise disabled
1-36 person to carry a white cane or be guided or aided by an assistance
1-37 animal does not deprive the person of the rights and privileges
1-38 conferred by law on pedestrians crossing streets or highways and
1-39 does not constitute evidence of contributory negligence.]

1-40 (d) For the purposes of this section:

1-41 (1) "Assistance animal" has the meaning assigned by
1-42 Section 121.002, Human Resources Code.

1-43 (2) "White cane" has the meaning assigned by Section
1-44 121.002, Human Resources Code. [A person who violates this section
1-45 commits a Class C misdemeanor.]

1-46 SECTION 2. Section 552.003, Transportation Code, is amended
1-47 by adding Subsections (d) and (e) to read as follows:

1-48 (d) If it is shown on the trial of an offense under
1-49 Subsection (a) that as a result of the commission of the offense a
1-50 collision occurred causing serious bodily injury or death to a
1-51 visually impaired or disabled person, the offense is a misdemeanor
1-52 punishable by:

1-53 (1) a fine of not more than \$500; and

1-54 (2) 30 hours of community service to an organization
1-55 or agency that primarily serves visually impaired or disabled
1-56 persons, to be completed in not less than six months and not more
1-57 than one year.

1-58 (A) A portion of the community service required
1-59 under Subsection (2) shall include sensitivity training.

1-60 (e) For the purposes of this section:

1-61 (1) "Visually impaired" has the meaning assigned by
1-62 Section 91.002, Human Resources Code.

1-63 (2) "Disabled" means a person who cannot walk without
1-64 the use or assistance of:

2-1 (A) a device, including a brace, cane, crutch,
2-2 prosthesis, or wheelchair; or

2-3 (B) another person.

2-4 SECTION 3. (a) The change in law made by this Act applies
2-5 only to an offense committed on or after the effective date of this
2-6 Act. For purposes of this section, an offense is committed before
2-7 the effective date of this Act if any element of the offense occurs
2-8 before that date.

2-9 (b) An offense committed before the effective date of this
2-10 Act is covered by the law in effect when the offense was committed,
2-11 and the former law is continued in effect for that purpose.

2-12 SECTION 4. This Act takes effect September 1, 2009.

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