

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 655

S.P. 233

In Senate, January 26, 1999

An Act to Increase the Penalty for Failure to Yield the Right-of-way to a Visually Impaired Pedestrian.

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAGGETT of Kennebec.
Cosponsored by Representative FULLER of Manchester and
Representatives: MAYO of Bath, BERRY of Belmont.

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3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 17 MRSA §1313**, as amended by PL 1997, c. 611, §5, is
5 further amended to read:

6 **§1313. Motor vehicle drivers**

7 The driver of a vehicle approaching a totally or partially
8 blind or otherwise physically disabled pedestrian who is carrying
9 a cane predominantly white or metallic in color, with or without
10 a red tip, or using a guide or personal care dog as defined in
11 section 1312 shall take all necessary precautions to avoid injury
12 to that blind or otherwise physically disabled pedestrian, and
13 any driver who fails to take such precautions is liable in
14 damages for any injury caused the pedestrian and commits a
15 traffic infraction under Title 29-A, section 2056, subsection 9.
16 A totally or partially blind or otherwise physically disabled
17 pedestrian, not carrying such a cane or using a guide or personal
18 care dog in any of the places, accommodations or conveyances
19 listed in section 1312, has all of the rights and privileges
20 conferred by law upon other persons, and the failure of a totally
21 or partially blind or otherwise physically disabled pedestrian to
22 carry such a cane or to use a guide or personal care dog in any
23 such places, accommodations or conveyances may not be held to
24 constitute nor be evidence of contributory negligence.

25 **Sec. 2. 29-A MRSA §2056, sub-§9** is enacted to read:

26
27 **9. Failure to yield right-of-way to a visually impaired**
28 **pedestrian. Notwithstanding other provisions of this section, an**
29 **operator who fails to yield the right-of-way to a visually**
30 **impaired pedestrian commits a traffic infraction punishable by a**
31 **fine of not less than \$50 nor more than \$1,000.**

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35 **SUMMARY**

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37 This bill makes failure to yield the right-of-way to a
38 visually impaired person a specific traffic infraction and
39 doubles the fine for that infraction.
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