

1989

Session Law 89-032

Florida Senate & House of Representatives

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**S 245 GENERAL BILL/CS/1ST ENG by Transportation; Jennings
(Compare CS/H 161, H 195)**

Traffic Regulations/Blind Persons; provides traffic regulations to assist blind persons; provides penalties; provides for application of act; provides that certain mobility-impaired persons shall have right-of-way on public streets or highways in same manner as is currently the case for blind persons; provides penalty. Amends & renumbers 413.07 as 316.1301; creates 316.1303. Effective Date: 10/01/89.

02/13/89 SENATE Prefiled

02/17/89 SENATE Referred to Transportation; Judiciary-Civil

02/20/89 SENATE On Committee agenda—Transportation, 03/08/89, 9:00 am, Room-C

03/08/89 SENATE Comm. Report: CS by Transportation; Now in Judiciary-Civil

04/04/89 SENATE Introduced, referred to Transportation; Judiciary-Civil -SJ 28; Comm. Report: CS by Transportation -SJ 60; CS read first time -SJ 62; Now in Judiciary-Civil -SJ 60; On Committee agenda—Judiciary-Civil, 04/04/89, 2:00 pm, Room-1C; Comm. Report: Favorable by Judiciary-Civil, placed on Calendar -SJ 92

04/18/89 SENATE Placed on Special Order Calendar -SJ 173; CS passed; YEAS 38 NAYS 0 -SJ 178

04/25/89 HOUSE In Messages

04/28/89 HOUSE Received, placed on Calendar -HJ 298

05/02/89 HOUSE Placed on Special Order Calendar; Substituted for HB 195; Read second time -HJ 324; Amendments adopted -HJ 325
05/03/89 HOUSE Read third time; CS passed as amended; YEAS 107 NAYS 0 -HJ 342

05/05/89 SENATE In Messages

05/18/89 SENATE Concurred -SJ 391; CS passed as amended; YEAS 36 NAYS 0 -SJ 392

05/18/89 Ordered engrossed, then enrolled -SJ 392

05/23/89 Signed by Officers and presented to Governor -SJ 448

05/31/89 Became Law without Governor's Signature; Chapter No. 89-32 -SJ 619

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

REVISED: _____

BILL NO. CS/SB 245

DATE: March 29, 1989

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Mohler <i>[Signature]</i>	Garciulo <i>[Signature]</i>	1. TR _____	FAV/CS _____
2. Lang <i>[Signature]</i>	Smawley <i>[Signature]</i>	2. JCI _____	Favorable _____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT: Uniform Traffic Control/ Blind Pedestrian BILL NO. AND SPONSOR: CS/SB 245 by Transportation and Senator Jennings

I. SUMMARY:

A. Present Situation:

Section 413.07, F.S., provides special traffic regulations to assist blind persons.

Subsection (1) of that section provides that it is unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is white in color or white tipped with red.

Subsection (2) of the section provides that whenever a pedestrian is crossing, or attempting to cross, a public street or highway, guided by a dog guide or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, the driver of every vehicle approaching the place where such pedestrian is attempting to cross shall bring his vehicle to a full stop before arriving at such place and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian.

Subsection (3) of the section provides that persons who are totally or partially blind or who are otherwise incapacitated, have all of the rights and privileges conferred by law upon pedestrians crossing streets or highway, whether or not such persons are being guided by a dog guide or carrying a cane. Further, the failure of a totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a dog guide, upon the street, highways, or sidewalks of this state does not constitute, and is not evidence of, contributory negligence.

Subsection (4) of the section provides that a person who violates any provision of the section is guilty of a misdemeanor of the second degree, punishable by a term of imprisonment not to exceed 60 days or a fine not to exceed \$500.

B. Effect of Proposed Changes:

The bill transfers the provisions of s. 413.07, F.S., to newly-created s. 316.1301, within the Florida Uniform Traffic Control Law.

Subsection (2) is amended to provide that a person who fails to stop his vehicle and take all necessary precautions upon approaching a place where a blind or incapacitated person is trying to cross the street would be guilty of a moving violation, punishable by a fine of \$52.

Subsection (3) is amended to provide that the failure of a blind person to carry a cane or walking stick or to be guided

by a dog does not constitute comparative negligence and is not admissible in a civil action regarding negligence.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Persons who are convicted of failing to stop and take all necessary precautions upon approaching a place where a blind or incapacitated person is trying to cross the street would be subject to a fine of \$52 rather than a fine of up to \$500.

B. Government:

It is not anticipated that there will be a significant number of violations of this section, thus the administrative costs and revenues would be negligible.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

STORAGE NAME: s0245-f.hsc
DATE: July 13, 1989

HOUSE OF REPRESENTATIVES
COMMITTEE ON HIGHWAY SAFETY & CONSTRUCTION
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: SB 245

RELATING TO: Traffic Regulations Assisting Blind Persons

SPONSOR(S): Senate Transportation Committee and Senator Jennings

EFFECTIVE DATE: October 1, 1989

DATE BECAME LAW: May 31, 1989

CHAPTER #: 89-32, Laws of Florida

COMPANION BILL(S): HB 195

OTHER COMMITTEES OF REFERENCE: (1) None
(2)

I. SUMMARY:

This bill moves the provisions of law relating to traffic regulations to assist blind persons from its current location in Chapter 413, F.S., Vocational Rehabilitation, to Chapter 316, F.S., the State Uniform Traffic Control Code. Provides that violations of the section relating to persons who do not adhere to regulations assisting blind persons who are pedestrians shall be treated as a civil traffic infraction rather than a second degree misdemeanor. Creates section 316.1303, F.S., to provide similar traffic regulations to assist mobility-impaired persons who use a walker, a crutch, an orthopedic cane or a wheelchair.

A. PRESENT SITUATION:

Currently, section 413.07, F.S., provides traffic regulations to assist blind persons when crossing or attempting to cross a public street or highway, guided by a dog guide or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red. The driver of every vehicle approaching an intersection or place where such pedestrian is attempting to cross is required to bring his vehicle to a full stop before arriving at such place and shall take precautions as necessary to avoid injuring such pedestrian.

Section 413.07, F.S., provides a second degree misdemeanor penalty for persons who violate this section.

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B. EFFECT OF PROPOSED CHANGES:

Places the traffic regulations to assist blind persons in Chapter 316, the State Uniform Traffic Control Code.

Changes the penalty for drivers who do not come to a full stop when approaching the intersection or place where such pedestrian is attempting to cross from a second degree misdemeanor to a civil traffic infraction.

Creates section 316.1303, F.S., to provide similar traffic regulations to assist mobility-impaired persons who use a walker, a crutch, an orthopedic cane or a wheelchair.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

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2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

None.

IV. COMMENTS:

Legislative History:

A. Enacted Bill:

Senate Transportation Committee: SB 245 was reported favorably as a committee substitute to make CS/SB 245 substantially the same as HB 195.

Senate Chamber: Passed.

House Chamber: Substituted for HB 195 and amended to include traffic regulations to assist mobility-impaired persons and passed.

Senate Chamber: Concurred in House amendment and passed.

B. Companion Bill:


House Highway Safety and Construction Committee: HB 195 was reported favorably with one amendment which defined the penalty for subsection (2) of section 316.1301, F.S., as a civil traffic infraction.

House Chamber: Laid on table and CS/SB 245 was substituted and amended to include traffic regulations to assist mobility-impaired persons.


V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:


Lois Watson

Staff Director:


Bill Ham