

3-1-1971

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Recommended Citation

Ford, Lee, "Rights of the Blind" (1971). *New Dimensions in Legislation*. Paper 25.
http://scholarship.law.nd.edu/new_dimensions_legislation/25

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RIGHTS OF THE BLIND

LEE FORD, Ph.D.
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A BILL FOR AN ACT concerning the rights and privileges of blind and disabled persons.

BE IT ENACTED:

SECTION 1. This act may be referred to as the "Rights of the Blind Law."

Sec. 2. Definitions as used in this act:

- (a) Blind: A person shall be considered blind only if his central visual acuity does not exceed twenty/two hundred in the better eye with correcting lenses, or if his visual acuity is greater than twenty/two hundred but is occasioned by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.
- (b) Cane: A cane carried by a blind, visually handicapped, or otherwise disabled person, shall mean a crooked-handled wooden or cane walking stick, a straight stick or cane, or a long Hoover cane carried by the blind, which is painted white except for a bright red band at the bottom thereof six to eight inches in length.
- (c) Guide Dog: The term guide dog shall mean a "seeing eye", "leader dog", "guide dog", or similarly named dog, used as a leader or guide to a blind person, which is in guide harness, and which has been properly trained or approved by a school engaged in training dogs for the purpose of guiding blind persons.
- (d) Proper Muzzle: A proper muzzle is a strap of quality leather which is loosely looped around the mouth of the guide dog to prevent possible biting.
- (e) Guide Harness: Shall be composed of dog harness with handle, choke collar and leash. The dog harness itself shall consist of one double leather strap around the chest, two double leather straps over the withers and back, and one double leather adjustable strap fastening under the chest behind the front legs. A rigid leather covered handle shall be attached to the left and right sides of the harness. The choke collar should fit loosely around the neck.

Sec. 3. It is the policy of this state to encourage and enable the blind to participate fully in the social and economic life of the state.

Sec. 4. It shall be the policy of this state that the blind have an equal opportunity to be employed in the state service, the service of the political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds of this state on the same terms and conditions as the able-bodied, unless it is shown that blindness prevents the performance of the work involved.

Sec. 5. (a) The blind have the same rights and privileges as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public elevators, public

hallways, and other facilities available for the public use.

(b) The proprietors, lessees, employees, or other persons in charge of any place of public accommodations, amusement, resort, or recreation, including but not limited to any inn, hotel, motel, lodging place, restaurant, eating house, barber house, public educational institution or any other places to which the general public is invited, shall permit a blind person to enter such place and to make use of the accommodations therein provided, when such accommodations are available, subject only to the conditions and limitations established by law and applicable alike to all persons.

Sec. 6. (a) The blind are entitled to full and equal accommodations, advantages, facilities and privileges of all modes of transportation of all common carriers.

(b) Any blind person and guide dog shall be transported by any mode of transportation of any common carrier at the usual and ordinary fare charged to one person, under such reasonable regulations as may be established by the carrier, anything in this title to the contrary notwithstanding. Any blind person accompanied by a guide dog shall be entitled to full and equal accommodations on all common carriers, provided that the guide dog shall not occupy a seat in any public conveyance, nor unreasonably endanger the public safety.

Sec. 7. Any blind person shall be accompanied by a guide dog, when using the facilities covered by §§5 and 6, and may keep such animal in his immediate custody unless it creates an unreasonably dangerous situation. For the purposes of this section, no guide dog shall be considered dangerous merely because he is not muzzled.

Sec. 8. In order to guard against accidents in traffic on the public thoroughfare, it is unlawful for any person unless blind, to carry a cane in a raised or extended position while in any area covered in §5(a) of this act. This cane is the symbol of the blind and is carried by them for their identification and protection. It is recommended that any person who is blind shall, when walking on a street or highway, unless guided by a guide dog or assisted by a person with sight, carry such a cane.

Sec. 9. (a) Any blind person accompanied by a guide dog shall, upon request, present for inspection credentials issued by the training school, which trained his guide dog, establishing that this guide dog has been so trained. The blind person shall be liable for any damage caused by his guide dog to the premises or facilities covered in §§5 and 6 or to persons using such premises or facilities.

(b) A guide dog belonging to a blind person who is a resident of the state, or any bona fide non profit organization which is in the business of breeding, raising or training dogs that are to be used for guiding the blind, shall upon application by the owner of the organization be licensed, pursuant to this article, without payment of a fee.

(c) Any person (or animal owned by any person) who directly or indirectly annoys, injures, teases, threatens, harms or neglects a guide dog or

a dog in training for a guide dog, shall be subject to penalty as in §13 of this article. This is to include the blind handler or owner, the dog trainer, any member of the family of the blind owner or trainer, and the general public.

Sec. 10. A blind or visually handicapped pedestrian, even though not carrying a cane or using a guide dog in any place shall have all of the rights and privileges conferred by law upon other persons. The failure of a blind or visually handicapped pedestrian to carry a cane or to use a guide dog in any places, accommodations, or conveyances covered by §§5 or 6 shall not of itself constitute (nor be evidence) of negligence or contributory negligence.

Sec. 11. A blind person shall exercise that degree of care for his own safety in any of the places, accommodations or conveyances specified in this article which an ordinary prudent person so handicapped would exercise under similar circumstances. The provisions of this section shall not apply unless the blind person complies with the legal limitations applicable to sighted persons.

Sec. 12. The driver of a vehicle approaching a blind pedestrian who knows, or in the exercise of reasonable care should know, that such pedestrian is blind because the pedestrian is carrying a white cane or using a guide dog or otherwise, should exercise care commensurate with the situation to avoid injuring such pedestrian. Whenever a pedestrian is crossing or attempting to cross a public street, roadway, avenue, alley, highway or other public intersection or near an intersection or crosswalk, guided by a guide dog or carrying a cane in a raised or extended position, the driver of every vehicle approaching the intersection or crosswalk shall take such precautions as may be necessary to avoid injuring or endangering such pedestrian. If injury or danger to the pedestrian can be avoided only by bringing his vehicle to a full stop, he shall bring his vehicle to a full stop. Any person who fails to stop his vehicle and yield the right of way shall be liable for any loss or damage which results as a proximate cause of failure to yield the right of way to blind persons; except blind persons shall exercise due care in approaching and crossing said roadways and thoroughfares, and shall yield right of way to emergency vehicles, sounding a bell, a siren, or other noise device.

Sec. 13. Any person (or persons, partnerships, firms, associations, or corporations, or the agents of any person, firm, association or corporation), who shall violate the provisions of this Act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than \$10.00 nor more than \$100.00, or not more than 10 days in jail, or both.

Sec. 14. Each year the governor shall take suitable public notice of October fifteenth as White Cane Day. He shall issue a proclamation in which he: (a) Comments upon the significance of the white cane and the guide dog.

(b) Calls upon the citizens of the state to observe the provisions of the "Rights of the Blind Law" and urges the citizens to take precautions necessary for the safety of the blind.

(c) Reminds the citizens of the state of the policies with respect

to the blind herein declared and urges the citizens to cooperate in giving effect to them.

(d) Emphasizes the need for the citizens to be aware of the presence of blind persons in the community and to keep safe for the blind the highways, roads, streets, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, amusement and resort, and other places to which the public is invited, and to offer assistance to blind persons upon appropriate occasions.

COMMENT

LEE FORD, Ph.D.

Following is a memo to accompany a bill for an act concerning the rights and privileges of blind and disabled persons, explaining briefly each section. A 50 page (double spaced) report giving researched details from laws of the 50 states is available from the Legislative Bureau, Box 634, N.D., Indiana 46556, at cost + postage (\$5.75). We believe the following summary is adequate for most circumstances.

Sec. 1. Title. Note one complete chapter. We recommend that the rights and privileges of the blind pedestrian, especially his right to mobility, be placed in one chapter to make the statute (1) easier to locate, (2) more complete and comprehensive, (3) avoid possible overlooking a statute because it is hidden in an unexpected section. We found these statutes under many different headings, and often found the same state had a statute here, another there, each a part of the same thought. Much wear and tear is saved by having all this information in one place under a title stating: Rights of the Blind.

Sec. 2. Definitions. During many years of working with the blind pedestrian and his problem of mobility, we found that one of the biggest problems was that the majority of sighted people did not know just what to do about him. Also, just when was a person blind? The definition of blind used is the most generally accepted legal and practical definition of the many proposed. The cane is the legal symbol of blindness, as is the guide dog. However, the cane is a dead stick, the dog a living body. Hence, due again to the fact that many people and many judges and attorneys, are not familiar with the working guide dog, we felt description of proper muzzle and harness might save undue harassment of the blind man and his dog by well meaning but improperly informed lawabiding citizens. Definition of guide dog was given because each of the four major training schools, to say nothing of the minor schools, calls their trained guides by a different brand name. All, however, are guides.

Sec. 3. A clear simple statement of the policy of the state regarding the blind may seem unnecessary to some, but often for the first time it forces the legislators to take a stand which will truly allow the blind full participation as first class citizens. Too long they have been considered as welfare recipients, pushed into the

background, not given proper mobility training nor proper vocational training, and not accepted even in state jobs of any status or importance.

Sec. 4. This section again might seem unnecessary to some, but although today more and more of the blind are breaking the barriers society has thrown up against their full participation in the job market, there is still a long ways to go. How many blind government employees do you know? Did you ever, in fact, meet a blind government employee at any level? Again this statement forces the legislators to take a stand on the matter, and then gives the blind person some actual statutory support in his fight for an equal opportunity at a job. He is a person just like you and me, and he does not like charity and welfare checks any more than we do. He prefers the satisfaction and status of a real job.

Sec. 5. This section means that the blind man, and his guide dog companion, have the right to go anywhere that any other member of the general public can go, with full protection of that right under the law. But in order to exercise this right, he must be fully mobile, fully capable of moving freely on his own in any surrounding, familiar or unfamiliar.

So what if he gets lost? Then he asks directions. What would you do under the same circumstances, eh? His dog is well trained and in most cases minds his own business better than the strange people who often stare at him and his master or try to talk or pet him. If the blind person needs help, he will ask. Otherwise, all he asks is that you let him have the courtesy of being his own man, the same as he allows you.

Sec. 6. Most of the states now have accepted the fact that the blind person and his guide dog do need to move from place to place, and as a blind person can not see to drive any kind of vehicle, he must use a public carrier, if he is alone. The federal statutes first made this break through for the blind person, and it is now generally accepted. However, some of the restrictions relate to harness and muzzle of the guide dog, hence the need underlined for specific information in the statutes.

Sec. 7. This section was added, not only to doubly insure that the blind person and his guide dog were considered one unit for purposes of mobility, but that the guide dog was to be permitted to stay right with his blind master at all times. No more can the dog be tied in the baggage cars while the blind master rides alone, worried and insecure in the coach. His dog rides at his feet, in the immediate custody of the blind master.

Sec. 8. It seems almost unnecessary to say that a white cane should not be carried by other than a blind or disabled person. It is the symbol of blindness over many ages, but the statutory statement makes it implicit.

Sec. 9. There have been some few problems where improperly trained dogs were thought to be guides. The credentials do not guarantee a properly trained guide dog, but are the best and most simple insurance possible. Liability of the owner for damage by

the dog is accepted as the dog is his property, but the statement in the statute makes everyone feel better.

There are probably not over 4,000 guide dogs in the country at any one time, so a free license is not necessarily a great loss to the taxpayer-voter of America. The contact between blind man and government official is good, however, and the blind man feels his is a recognition of the value of his dog.

There is usually cruelty to animal statutes in each state, but teasing or threatening harm to a guide dog accompanying or belonging to a blind person, is a special sin, as it harms both the dog and the man. Therefore, we felt that need for a specific spelling out penalty for violation of this type of infamous activity.

Sec. 10. Most of the very capable blind pedestrians who have a guide dog, also are trained to use the cane, and in familiar surroundings, sometimes prefer to use neither. They are perfectly capable of deciding when the dog, the cane, or neither fits the situation. We believe their decision should rest on their own judgment, which should be the best possible available as who knows better than they the risks involved?

Sec. 11. We must always remember that under the law, as well as in every day life, the blind person is still a person. He must exercise that degree of caution for his own safety that any other reasonable man would exercise, remembering that he is blind. However, it must also be remembered, that he is not required to exercise any more caution for his own safety than any other reasonable person, as he only has to take into account the fact that he is blind.

In the past we have often been so very careful of the blind person that he was smothered and buried in our concern. He must be allowed to be freely mobile, get out into the stream of life and learn to move with the rest of us. If he gets a skinned knee, or a broken arm, that is all in the game. He must be exposed to and must accept the same hazards of living that the rest of society has. Only thus can he become truly one of us.

Sec. 12. Usually a blind pedestrian has a more or less usual geographic range of activity, and becomes familiar to those who live or work or drive in that area. It does not seem that it is asking too much for those fortunate enough to have sight and a driver's license to be on the lookout for the familiar figure with cane or dog and simply remember that while he is doing his best to comply with all traffic regulations, the fact remains that he cannot see, and you can. Somewhere in most state highway driver training manuals and motor vehicle laws, is a little corner referring to the blind pedestrian. If you spot a man with cane or guide dog, common courtesy would demand that you at least be a bit more careful.

Sec. 13. The misdemeanor penalty would be whatever is standard for the state involved. The penalty is the only way that some violators can be made to see the error of their ways.

Sec. 14. White Cane Day is proclaimed by the President of the United States each year, so it is already a national day of recognition of the blind. However, it is a good feeling for the blind

person to know that his Governor is willing also to designate the day as a good time each year to continue the education of the sighted citizens that they have a responsibility to the few blind in their state, to give them the courtesy of free mobility in all public places, and to give them a chance at equal employment.

The blind do not want special favors from the government or from their neighbors. The blind simply want freedom of mobility, freedom to work at a job like anyone else, and freedom to live a normal life, subject to the usual hazards of living. This chapter on rights and privileges of the blind pedestrian, is one simple outright way that each state legislator can help the blind reach this most reasonable goal.

Table 1 attached: This table shows which of the 14 points in the suggested model bill, "Rights and privileges of blind and disabled persons", are covered in some degree, expressly or even by strong implication, in the statutes of each of the 50 states of the United States of America. Any errors are in over-extending existing statutes through interpretation, so this is the broadest possible interpretation of existing statutes.

We feel that this is the time to recommend to your State Legislature that during 1971 they adopt in toto this section enumerating the "Rights of the Blind".

TABLE 1. This table shows which of the 14 points in the suggested model bill, "Rights and privileges of blind and disabled persons", are covered in some degree, expressly or even by strong implication, in the statutes of each of the 50 States of the United States of America.

STATE	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	#14
Alabama					X		X	X	X	X	X	X	X	
Alaska					X	X	X	X	X	X	X	X	X	
Arizona	X	X			X	X	X	X	X	X	X	X	X	
Arkansas					X									X
California	X	X			X	X	X	X	X	X	X	X	X	X
Colorado					X	X		X				X	X	
Connecticut					X	X	X	X	X			X	X	
Delaware								X				X		
Florida					X		X	X		X	X	X	X	
Georgia					X	X	X	X				X	X	
Hawaii	X				X	X	X	X				X	X	
Idaho	X		X	X	X	X	X	X	X	X	X	X	X	
Illinois					X		X		X				X	
Indiana	X		X		X	X	X	X	X	X	X	X	X	X
Iowa	X		X		X	X	X	X	X	X	X	X	X	X
Kansas							X	X		X	X	X	X	
Kentucky		X			X	X	X	X	X	X	X	X	X	
Louisiana					X	X	X	X	X	X	X	X	X	
Maine	X				X	X	X	X	X	X	X	X	X	
Maryland							X	X				X	X	
Massachusetts					X	X	X		X		X		X	
Michigan	X				X		X	X				X	X	
Minnesota					X	X	X	X	X			X	X	
Mississippi					X		X	X		X	X	X	X	
Missouri					X	X	X	X		X	X	X	X	
Montana								X				X	X	
Nebraska							X	X				X	X	
Nevada								X				X	X	
New Hampshire					X		X		X				X	
New Jersey						X	X	X				X		
New Mexico	X		X	X	X	X		X	X	X	X	X	X	X
New York					X	X	X	X	X	X		X	X	
North Carolina	X				X	X	X	X	X	X	X	X	X	
North Dakota								X		X		X	X	
Ohio		X				X	X	X	X			X	X	
Oklahoma					X	X	X	X					X	
Oregon		X			X	X	X	X	X	X	X	X	X	
Pennsylvania				X	X			X	X	X	X	X	X	
Rhode Island					X	X	X	X	X	X	X	X	X	
South Carolina							X	X	X	X	X	X	X	
South Dakota							X	X	X	X	X	X	X	
Tennessee					X	X	X	X	X	X	X	X	X	
Texas					X	X	X	X	X	X	X	X	X	
Utah	X		X	X	X	X	X	X	X		X	X	X	X
Vermont							X	X	X	X	X	X	X	
Virginia					X		X	X	X	X	X	X	X	
Washington					X	X	X							
West Virginia	X	X	X	X	X	X	X	X	X	X	X	X	X	
Wisconsin					X		X		X				X	