

Enrolled
House Bill 3160

Sponsored by Representatives DOHERTY, PILUSO; Senator MONNES ANDERSON

CHAPTER

AN ACT

Relating to the use of white canes; creating new provisions; amending ORS 811.035, 814.110 and 814.120; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 814.110 is amended to read:

814.110. (1) *[This section establishes rights for pedestrians who are blind or blind and deaf. The rights established by this section are enforced by ORS 811.035 and 814.120.]* The following definitions apply to this section and to ORS 811.035 and 814.120:

(a) *“Dog guide” means a dog that is wearing a dog guide harness and is trained to lead or guide a person who is blind.*

(b) (a) *“Person who is”* “Blind” means *[a person who has 20/200 vision or less]* **visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or having** a visual field of 20 degrees or less.

(b) **“Dog guide” means a dog that is wearing a dog guide harness and is trained to lead or guide a person who is blind.**

(c) **“Limited vision” means visual acuity that does not exceed 20/70 and is no worse than 20/200 in the better eye with corrective lenses.**

(c) (d) *“White cane” means a cane or walking stick that is white in color or white with a red tip.*

(2) This section and ORS 811.035 and 814.120 grant and enforce the following rights for pedestrians who are blind or *[blind and deaf]* **deaf-blind**:

(a) A **person who has limited vision and a person who is blind or [blind and deaf] deaf-blind** may carry and use a white cane on the highways and other public places of this state for the purposes of identification and mobility.

(b) *[Any]* **A person who has limited vision and a person who is [blind and deaf] deaf-blind** may use a white cane marked by a six-inch-wide chartreuse-colored strip at the tip end.

(3) A pedestrian **who has limited vision and a pedestrian** who is blind or *[blind and deaf]* **deaf-blind** and who is not carrying a white cane or not accompanied by a dog guide has all the rights and privileges granted by law to all pedestrians.

SECTION 2. ORS 814.120 is amended to read:

814.120. (1) A person commits the offense of unlawful use of a white cane if the person uses or carries a white cane on the highways or any other public place of this state and the person is **not a person who has limited vision or is not a person who is blind or a person who is deaf-blind [blind and deaf].**

(2) This section is subject to the provisions and definitions relating to the rights of pedestrians **who have limited vision or pedestrians** who are blind or [*blind and deaf*] **deaf-blind** under ORS 814.110.

(3) The offense described in this section, unlawful use of a white cane, is a Class D traffic violation.

SECTION 3. ORS 811.035 is amended to read:

811.035. (1) The driver of a vehicle commits the offense of failure to stop and remain stopped for a **pedestrian who has limited vision or a pedestrian who is blind** if the driver violates any of the following:

(a) A driver approaching a pedestrian who **has limited vision or a pedestrian who is blind** or [*blind and deaf*] **deaf-blind**, who is carrying a white cane or accompanied by a dog guide, and who is crossing or about to cross a roadway, shall stop and remain stopped until the pedestrian has crossed the roadway.

(b) Where the movement of vehicular traffic is regulated by traffic control devices, a driver approaching a pedestrian who **has limited vision or a pedestrian who is blind** or [*blind and deaf*] **deaf-blind** shall stop and remain stopped until the pedestrian has vacated the roadway if the pedestrian has entered the roadway and is carrying a white cane or is accompanied by a dog guide. This paragraph applies notwithstanding any other provisions of the vehicle code relating to traffic control devices.

(2) This section is subject to the provisions and definitions relating to the rights of pedestrians who **have limited vision or pedestrians who** are blind or [*blind and deaf*] **deaf-blind** under ORS 814.110.

(3) For the purposes of this section, a pedestrian is crossing the roadway when any part or extension of the pedestrian, including but not limited to any part of the pedestrian's body, wheelchair, cane, crutch, bicycle or leashed animal, moves onto the roadway with the intent to proceed.

(4) The offense described in this section, failure to stop and remain stopped for a pedestrian who **has limited vision or a pedestrian who** is blind, is a Class B traffic violation.

SECTION 4. The amendments to ORS 811.035, 814.110 and 814.120 by sections 1 to 3 of this 2017 Act apply to conduct occurring on or after the effective date of this 2017 Act.

SECTION 5. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by House April 12, 2017

Repassed by House May 16, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 11, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

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Dennis Richardson, Secretary of State