WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 80

(By Mr. M惋ld)

PASSED Feb. 28, 1969

In Effect 30 days from Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DAY 3-14-69
ENROLLED
Senate Bill No. 80
(By MR. MORELAND)

[Passed February 28, 1969; in effect ninety days from passage.]

AN ACT to repeal section seven, article ten, chapter seventeen-c; section seven, article three, chapter twenty-four; and section twenty-four, article ten, chapter sixty-one, all of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend chapter five of said code by adding thereto a new article, designated article fifteen, relating to blind persons; providing for certain rights for blind persons and a penalty for this violation; providing that drivers take certain precautions concerning blind persons; providing for white cane day.

Be it enacted by the Legislature of West Virginia:

That section seven, article ten, chapter seventeen-c; section seven, article three, chapter twenty-four; and section twenty-
four, article ten, chapter sixty-one, all of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that chapter five of said code be amended by adding thereto a new article, designated article fifteen, to read as follows:

ARTICLE 15. WHITE CANE LAW.


1 This article shall be known as the "White Cane Law".


1 It is the policy of this state to encourage and enable blind persons to participate fully in the social and economic life of the state and to engage in remunerative employment.


1 For the purpose of this article, a person shall be considered to be 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.
§5-15-4. Equal right to use public facilities.

1 (a) Blind persons shall have the same right as persons with normal sight to the full and free use of the highways, roads, streets, sidewalks, walkways, public buildings, public facilities, and other public places.

2 (b) Blind persons are entitled to full and equal accommodations, advantages, facilities and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, restaurants, other places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

3 (c) Every blind person shall have the right to be accompanied by a guide dog, wearing a harness, especially trained for the purpose, in any of the places, accommodations or conveyances specified in subsection (b) of this section without being required to pay an extra charge for
the admission of such guide dog, but the blind person shall, upon request, present for inspection credentials issued by an accredited school for training guide dogs. The blind person shall be liable for any damage done by a guide dog to the premises or facilities or to persons using such premises or facilities.

§5-15-5. Standard of care to be exercised by and with respect to blind persons.

A blind person shall exercise that degree of care for his own safety in any of the places, accommodations or conveyances specified in section four of this article which an ordinarily prudent person so handicapped would exercise under similar circumstances.

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 such pedestrian is carrying a cane predominantly white or metallic in color (with or without a red tip) or is using a guide dog or otherwise shall exercise care commensurate with the situation to avoid injuring such pedestrian.
§5-15-6. Annual proclamation of white cane day.

1. Each year the governor shall take suitable public notice of October fifteen as white cane day. He shall issue a proclamation in which he:

(a) Comments upon the significance of the white cane;

(b) Calls upon the citizens of the state to observe the provisions of the white cane law and 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 of 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.


1. It is the policy of this state that blind persons shall be employed in the state service, the service of the political
3 subdivisions of the state, in the public schools and in all
4 other employment supported in whole or in part by public
5 funds on the same terms and conditions as persons with
6 normal sight, unless it is shown that the disability pre-
7 vents the performance of the work involved.

§5-15-8. Interference with rights hereunder; penalties.
1 Any person, firm or corporation, or the agent of
2 any person, firm or corporation, who denies or interferes
3 with admittance to or enjoyment of the places, accom-
4 modations or conveyances specified in section four of this
5 article or otherwise interferes with the rights of a blind
6 person under the provisions of this article shall be guilty
7 of a misdemeanor, and, upon conviction thereof, shall
8 be fined an amount not to exceed fifty dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Camp
Chairman Senate Committee

Phillip J. Rutledge
Vice-Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Nye
Clerk of the Senate

Clerk of the House of Delegates

Lyndsay
President of the Senate

Jim F. Brashear
Speaker House of Delegates

The within is approved this the 12th day of March, 1969.

Archie Shane Jr.
Governor