

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 80

(By Mr. Morland)

PASSED Feb. 28, 1969

In Effect thirty days from Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-14-69

80
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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article ten, chapter sixty-one, all of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that chapter five of said code be amended by adding thereto a new article, designated article fifteen, to read as follows: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.

§5-15-1. Short title.

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

§5-15-2. Policy.

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

§5-15-3. Definition.

1 For the purpose of this article, a person shall be con-
2 sidered to be blind only if his central visual acuity does
3 not exceed twenty/two hundred in the better eye with
4 correcting lenses, or if his visual acuity is greater than
5 twenty/two hundred but is occasioned by a limitation
6 in the fields of vision such that the widest diameter of
7 the visual field subtends an angle no greater than twenty
8 degrees.

§5-15-4. Equal right to use public facilities.

1 (a) Blind persons shall have the same right as persons
2 with normal sight to the full and free use of the high-
3 ways, roads, streets, sidewalks, walkways, public build-
4 ings, public facilities, and other public places.

5 (b) Blind persons are entitled to full and equal ac-
6 commodations, advantages, facilities and privileges of
7 all common carriers, airplanes, motor vehicles, railroad
8 trains, motor buses, streetcars, boats or any other public
9 conveyances or modes of transportation, hotels, lodging
10 places, restaurants, other places of public accommoda-
11 tion, amusement or resort, and other places to which the
12 general public is invited, subject only to the conditions
13 and limitations established by law and applicable alike
14 to all persons.

15 (c) Every blind person shall have the right to be ac-
16 companied by a guide dog, wearing a harness, especially
17 trained for the purpose, in any of the places, accommoda-
18 tions or conveyances specified in subsection (b) of this
19 section without being required to pay an extra charge for

20 the admission of such guide dog, but the blind person
21 shall, upon request, present for inspection credentials is-
22 sued by an accredited school for training guide dogs.
23 The blind person shall be liable for any damage done by
24 a guide dog to the premises or facilities or to persons
25 using such premises or facilities.

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

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

6 The driver of a vehicle approaching a blind pedestrian
7 who knows, or in the exercise of reasonable care should
8 know, that such pedestrian is blind because such pedes-
9 trian is carrying a cane predominantly white or metallic
10 in color (with or without a red tip) or is using a guide
11 dog or otherwise shall exercise care commensurate with
12 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
2 of October fifteen as white cane day. He shall issue a
3 proclamation in which he:

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

5 (b) Calls upon the citizens of the state to observe the
6 provisions of the white cane law and to take precautions
7 necessary for the safety of the blind;

8 (c) Reminds the citizens of the state of the policies
9 with respect to the blind herein declared and urges the
10 citizens to cooperate in giving effect to them;

11 (d) Emphasizes the need of the citizens to be aware of
12 the presence of blind persons in the community and to
13 keep safe for the blind the highways, roads, streets, side-
14 walks, walkways, public buildings, public facilities, other
15 public places, places of public accommodation, amuse-
16 ment and resort and other places to which the public is
17 invited, and to offer assistance to blind persons upon ap-
18 propriate occasions.

§5-15-7. Policy of the state on employment of blind persons.

1 It is the policy of this state that blind persons shall be
2 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 Tompkins
Chairman Senate Committee

Phyllis J. Rutledge
Vice-Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Lyndon B. Johnson
President of the Senate

Sam F. Bowers
Speaker House of Delegates

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

Arch A. Shaw Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/2/69
Time 2:30 p.m.

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA