

1 *House* BILL NO. *86 P. P. State*
 2 INTRODUCED BY *Leaton, Miller, Travis, Gelligson*
 3 [*By Request*] *Murphy*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROTECT THE RIGHTS
 5 AND INDEPENDENCE OF BLIND PERSONS; AMENDING SECTIONS
 6 71-1305, 71-1306, AND 71-1307, R.C.M. 1947."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 71-1305, R.C.M. 1947, is amended to
 10 read as follows:

11 "71-1305. Use of white-colored canes restricted to
 12 blind -- access of blind to highways, public accommodations,
 13 common carriers. (1) No person, except those wholly or
 14 partially blind, shall carry or use on any street, highway
 15 or in any other public place, a cane or walking stick which
 16 is white or metallic in color, or white or metallic tipped
 17 with red.

18 (2) The blind, the visually handicapped, and the
 19 otherwise physically disabled have the same right as the
 20 able-bodied to the full and free use of the streets,
 21 highways, sidewalks, walkways, public buildings, public
 22 facilities, and other public places.

23 (3) The blind, the visually handicapped, and the
 24 otherwise physically disabled are entitled to full and equal
 25 accommodations, advantages, facilities, and privileges of

1 all common carriers, airplanes, motor vehicles, railroad
 2 trains, motor buses, boats, or any other public conveyances
 3 or modes of transportation, hotels, lodging places, places
 4 of public accommodation, amusement or resort, and other
 5 places to which the general public is invited, subject only
 6 to the conditions and limitations established by law and
 7 applicable alike to all persons."

8 Section 2. Section 71-1306, R.C.M. 1947, is amended to
 9 read as follows:

10 "71-1306. Right of blind person to be accompanied by
 11 guide dog in public places and in housing accommodations.

12 (1) Every totally or partially blind person shall have the
 13 right to be accompanied by a guide dog, especially trained
 14 for the purpose, in any of the places where the public are
 15 invited--hotels, motels, public conveyances, public eating
 16 places, and places of amusement--without being charged extra
 17 for the guide dog; provided that he shall be liable for any
 18 damage done to the premises or facilities by such dog.

19 (2) Every totally or partially blind person who has a
 20 guide dog, or who obtains a guide dog, shall be entitled to
 21 full and equal access to all housing accommodations as
 22 provided in sections 64-306(?) and 71-1310, R.C.M. 1947, and
 23 he shall not be required to pay extra compensation for such
 24 guide dog but shall be liable for any damage done to the
 25 premises by such a guide dog."

HB 86

1 Section 3. Section 71-1307, R.C.M. 1947, is amended to
2 read as follows:

3 "71-1307. Duty of pedestrian or driver approaching
4 blind person. Any pedestrian who is not wholly or partially
5 blind, or any driver of a vehicle who approaches or comes in
6 contact with a person wholly or partially blind carrying a
7 cane or walking stick predominately white or metallic in
8 color or white tipped with red or being led by a trained
9 guide dog wearing a harness and walking on either side of or
10 slightly in front of said blind person shall immediately
11 come to a full stop and take such precautions before
12 proceeding as may be necessary to avoid accident or injury
13 to the person wholly or partially blind. Any driver or
14 pedestrian who fails to take such precautions shall be
15 liable in damages for any injury caused such pedestrian;
16 provided that a totally or partially blind pedestrian not
17 carrying such a cane or using a guide dog in any of the
18 places, accommodations, or conveyances listed in section
19 71-1305 shall have all of the rights and privileges
20 conferred by law upon other persons, and the failure of a
21 totally or partially blind pedestrian to carry such a cane
22 or to use a guide dog in any such places, accommodations, or
23 conveyances shall not be held to constitute nor be evidence
24 of contributory negligence."

25 Section 4. There is a new R.C.M. section that reads as

1 follows:

2 Penalty for violation. Any person or persons, firm or
3 corporation, or the agent of any person or persons, firm or
4 corporation who denies or interferes with admittance to or
5 enjoyment of the public facilities enumerated in section
6 71-1305, or otherwise interferes with the rights of a
7 totally or partially blind or otherwise disabled person
8 under section 71-1305, is guilty of a misdemeanor."

9 Section 5. There is a new R.C.M. section that reads as
10 follows:

11 Access to housing accommodations. (1) Blind persons,
12 visually handicapped persons, and other physically disabled
13 persons shall be entitled to full and equal access, as other
14 members of the general public, to all housing accommodations
15 offered for rent, lease, or compensation in this state,
16 subject to the conditions and limitations established by law
17 and applicable alike to all persons.

18 (2) "Housing accommodations" means any real property,
19 or portion thereof, which is used or occupied or is
20 intended, arranged, or designed to be used or occupied, as
21 the home, residence, or sleeping place of one or more human
22 beings, but shall not include any accommodations included
23 within subsection (1) or any single family residence the
24 occupants of which rent, lease, or furnish for compensation
25 not more than one (1) room therein.

LC 0522

1 (3) Nothing in this section shall require any person
2 renting, leasing, or providing for compensation real
3 property to modify his property in any way or provide a
4 higher degree of care for a blind person, visually
5 handicapped person, or other physically disabled person than
6 for a person who is not physically disabled.

-End-

Approved by Committee
on Public Health, Welfare
& Safety

HOUSE BILL NO. 86

INTRODUCED BY LESTER (BY REQUEST),

JACK MOORE, TRAVIS, GILLIGAN, GOULD, MURPHY

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROTECT THE RIGHTS
AND INDEPENDENCE OF BLIND PERSONS; AMENDING SECTIONS
71-1305, 71-1306, AND 71-1307, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-1305, R.C.M. 1947, is amended to
read as follows:

"71-1305. Use of white-colored canes restricted to
blind -- access of blind to highways, public accommodations,
common carriers. (1) No person, except those wholly or
partially blind, shall carry or use on any street, highway
or in any other public place, a cane or walking stick which
is white or metallic in color, or white or metallic tipped
with red.

(2) ~~The blind AND the visually handicapped, and the
otherwise-physically-disabled~~ have the same right as the
able-bodied to the full and free use of the streets,
highways, sidewalks, walkways, public buildings, public
facilities, and other public places.

(3) ~~The blind AND the visually handicapped, and the
otherwise-physically-disabled~~ are entitled to full and equal

accommodations, advantages, facilities, and privileges of
all common carriers, airplanes, motor vehicles, railroad
trains, motor buses, boats, or any other public conveyances
or modes of transportation, hotels, lodging places, 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."

Section 2. Section 71-1306, R.C.M. 1947, is amended to
read as follows:

"71-1306. Right of blind person to be accompanied by
guide dog in public places and in housing accommodations.
(1) Every totally or partially blind person shall have the
right to be accompanied by a guide dog, especially trained
for the purpose, in any of the places where the public are
invited--hotels, motels, public conveyances, public eating
places, and places of amusement--without being charged extra
for the guide dog; provided that he shall be liable for any
damage done to the premises or facilities by such dog.

(2) Every totally or partially blind person who has a
guide dog, or who obtains a guide dog, shall be entitled to
full and equal access to all housing accommodations as
provided in sections 64-306(3) and 71-1310, R.C.M. 1947, and
he shall not be required to pay extra compensation for such
guide dog but shall be liable for any damage done to the

1 premises by such a guide dog."

2 Section 3. Section 71-1307, R.C.M. 1947, is amended to
3 read as follows:

4 "71-1307. Duty of pedestrian or driver approaching
5 blind person. Any pedestrian who is not wholly or partially
6 blind, or any driver of a vehicle who approaches or comes in
7 contact with a person wholly or partially blind carrying a
8 cane or walking stick predominately white or metallic in
9 color or white tipped with red or being led by a trained
10 guide dog wearing a harness and walking on either side of or
11 slightly in front of said blind person shall immediately
12 come to a full stop and take such precautions before
13 proceeding as may be necessary to avoid accident or injury
14 to the person wholly or partially blind. Any driver or
15 pedestrian who fails to take such precautions shall be
16 liable in damages for any injury caused such pedestrian;
17 provided that a totally or partially blind pedestrian not
18 carrying such a cane or using a guide dog in any of the
19 places, accommodations, or conveyances listed in section
20 71-1305 shall have all of the rights and privileges
21 conferred by law upon other persons, and the failure of a
22 totally or partially blind pedestrian to carry such a cane
23 or to use a guide dog in any such places, accommodations, or
24 conveyances shall not be held to constitute nor be evidence
25 of contributory negligence."

1 Section 4. There is a new R.C.M. section that reads as
2 follows:

3 Penalty for violation. Any person or persons, firm or
4 corporation, or the agent of any person or persons, firm or
5 corporation who denies or interferes with admittance to or
6 enjoyment of the public facilities enumerated in section
7 71-1305, or otherwise interferes with the rights of a
8 totally or partially blind or otherwise disabled person
9 under section 71-1305, is guilty of a misdemeanor."

10 Section 5. There is a new R.C.M. section that reads as
11 follows:

12 Access to housing accommodations. (1) Blind persons,
13 ~~AND~~ visually handicapped ~~persons;--and--other--physically~~
14 ~~disabled~~ persons shall be entitled to full and equal access,
15 as other members of the general public, to all housing
16 accommodations offered for rent, lease, or compensation in
17 this state, subject to the conditions and limitations
18 established by law and applicable alike to all persons.

19 (2) "Housing accommodations" means any real property,
20 or portion thereof, which is used or occupied or is
21 intended, arranged, or designed to be used or occupied, as
22 the home, residence, or sleeping place of one or more human
23 beings, but shall not include any accommodations included
24 within subsection (1) or any single family residence the
25 occupants of which rent, lease, or furnish for compensation

1 not more than one (1) room therein.

2 (3) Nothing in this section shall require any person
3 renting, leasing, or providing for compensation real
4 property to modify his property in any way or provide a
5 higher degree of care for a blind person, OR A visually
6 handicapped ~~person, or other physically disabled~~ person than
7 for a person who is not ~~physically~~ SO disabled.

-End-

HOUSE BILL NO. 86

INTRODUCED BY LESTER (BY REQUEST),

JACK MOORE, TRAVIS, GILLIGAN, GOULD, MURPHY

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROTECT THE RIGHTS AND INDEPENDENCE OF BLIND PERSONS; AMENDING SECTIONS 71-1305, 71-1306, AND 71-1307, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-1305, R.C.M. 1947, is amended to read as follows:

"71-1305. Use of white-colored canes restricted to blind -- access of blind to highways, public accommodations, common carriers. (1) No person, except those wholly or partially blind, shall carry or use on any street, highway or in any other public place, a cane or walking stick which is white or metallic in color, or white or metallic tipped with red.

(2) The blind, AND the visually handicapped, and the otherwise-physically-disabled have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

(3) The blind, AND the visually handicapped, and the otherwise-physically-disabled are entitled to full and equal

accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, boats, or any other public conveyances or modes of transportation, hotels, lodging places, 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."

Section 2. Section 71-1306, R.C.M. 1947, is amended to read as follows:

"71-1306. Right of blind person to be accompanied by guide dog in public places and in housing accommodations.

(1) Every totally or partially blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places where the public are invited--hotels, motels, public conveyances, public eating places, and places of amusement--without being charged extra for the guide dog; provided that he shall be liable for any damage done to the premises or facilities by such dog.

(2) Every totally or partially blind person who has a guide dog, or who obtains a guide dog, shall be entitled to full and equal access to all housing accommodations as provided in sections 64-306(3) and 71-1310, R.C.M. 1947, and he shall not be required to pay extra compensation for such guide dog but shall be liable for any damage done to the

1 premises by such a guide dog."

2 Section 3. Section 71-1307, R.C.M. 1947, is amended to
3 read as follows:

4 "71-1307. Duty of pedestrian or driver approaching
5 blind person. Any pedestrian who is not wholly or partially
6 blind, or any driver of a vehicle who approaches or comes in
7 contact with a person wholly or partially blind carrying a
8 cane or walking stick predominately white or metallic in
9 color or white tipped with red or being led by a trained
10 guide dog wearing a harness and walking on either side of or
11 slightly in front of said blind person shall immediately
12 come to a full stop and take such precautions before
13 proceeding as may be necessary to avoid accident or injury
14 to the person wholly or partially blind. Any driver or
15 pedestrian who fails to take such precautions shall be
16 liable in damages for any injury caused such pedestrian;
17 provided that a totally or partially blind pedestrian not
18 carrying such a cane or using a guide dog in any of the
19 places, accommodations, or conveyances listed in section
20 71-1305 shall have all of the rights and privileges
21 conferred by law upon other persons, and the failure of a
22 totally or partially blind pedestrian to carry such a cane
23 or to use a guide dog in any such places, accommodations, or
24 conveyances shall not be held to constitute nor be evidence
25 of contributory negligence."

1 Section 4. There is a new R.C.M. section that reads as
2 follows:

3 Penalty for violation. Any person or persons, firm or
4 corporation, or the agent of any person or persons, firm or
5 corporation who denies or interferes with admittance to or
6 enjoyment of the public facilities enumerated in section
7 71-1305, or otherwise interferes with the rights of a
8 totally or partially blind or otherwise disabled person
9 under section 71-1305, is guilty of a misdemeanor."

10 Section 5. There is a new R.C.M. section that reads as
11 follows:

12 Access to housing accommodations. (1) Blind persons,
13 ~~AND~~ visually handicapped persons, ~~and other physically~~
14 ~~disabled~~ persons shall be entitled to full and equal access,
15 as other members of the general public, to all housing
16 accommodations offered for rent, lease, or compensation in
17 this state, subject to the conditions and limitations
18 established by law and applicable alike to all persons.

19 (2) "Housing accommodations" means any real property,
20 or portion thereof, which is used or occupied or is
21 intended, arranged, or designed to be used or occupied, as
22 the home, residence, or sleeping place of one or more human
23 beings, but shall not include any accommodations included
24 within subsection (1) or any single family residence the
25 occupants of which rent, lease, or furnish for compensation

1 not more than one (1) room therein.

2 (3) Nothing in this section shall require any person
3 renting, leasing, or providing for compensation real
4 property to modify his property in any way or provide a
5 higher degree of care for a blind person, OR A visually
6 handicapped ~~person, or other physically disabled~~ person than
7 for a person who is not ~~physically~~ SO disabled.

-End-

HOUSE BILL NO. 86

INTRODUCED BY LESTER (BY REQUEST),

JACK MOORE, TRAVIS, GILLIGAN, GOULD, MURPHY

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROTECT THE RIGHTS AND INDEPENDENCE OF BLIND PERSONS; AMENDING SECTIONS 71-1305, 71-1306, AND 71-1307, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-1305, R.C.M. 1947, is amended to read as follows:

"71-1305. Use of white-colored canes restricted to blind -- access of blind to highways, public accommodations, common carriers. (1) No person, except those wholly or partially blind, shall carry or use on any street, highway or in any other public place, a cane or walking stick which is white or metallic in color, or white or metallic tipped with red.

(2) The blind, AND the visually handicapped, and the otherwise-physically-disabled have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

(3) The blind, AND the visually handicapped, and the otherwise-physically-disabled are entitled to full and equal

accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, boats, or any other public conveyances or modes of transportation, hotels, lodging places, 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."

Section 2. Section 71-1306, R.C.M. 1947, is amended to read as follows:

"71-1306. Right of blind person to be accompanied by guide dog in public places and in housing accommodations. (1) Every totally or partially blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places where the public are invited--hotels, motels, public conveyances, public eating places, and places of amusement--without being charged extra for the guide dog; provided that he shall be liable for any damage done to the premises or facilities by such dog.

(2) Every totally or partially blind person who has a guide dog, or who obtains a guide dog, shall be entitled to full and equal access to all housing accommodations as provided in sections 64-306(3) and 71-1310, R.C.M. 1947, and he shall not be required to pay extra compensation for such guide dog but shall be liable for any damage done to the

1 premises by such a guide dog."

2 Section 3. Section 71-1307, R.C.M. 1947, is amended to
3 read as follows:

4 "71-1307. Duty of pedestrian or driver approaching
5 blind person. Any pedestrian who is not wholly or partially
6 blind, or any driver of a vehicle who approaches or comes in
7 contact with a person wholly or partially blind carrying a
8 cane or walking stick predominately white or metallic in
9 color or white tipped with red or being led by a trained
10 guide dog wearing a harness and walking on either side of or
11 slightly in front of said blind person shall immediately
12 come to a full stop and take such precautions before
13 proceeding as may be necessary to avoid accident or injury
14 to the person wholly or partially blind. Any driver or
15 pedestrian who fails to take such precautions shall be
16 liable in damages for any injury caused such pedestrian;
17 provided that a totally or partially blind pedestrian not
18 carrying such a cane or using a guide dog in any of the
19 places, accommodations, or conveyances listed in section
20 71-1305 shall have all of the rights and privileges
21 conferred by law upon other persons, and the failure of a
22 totally or partially blind pedestrian to carry such a cane
23 or to use a guide dog in any such places, accommodations, or
24 conveyances shall not be held to constitute nor be evidence
25 of contributory negligence."

1 Section 4. There is a new R.C.M. section that reads as
2 follows:

3 Penalty for violation. Any person or persons, firm or
4 corporation, or the agent of any person or persons, firm or
5 corporation who denies or interferes with admittance to or
6 enjoyment of the public facilities enumerated in section
7 71-1305, or otherwise interferes with the rights of a
8 totally or partially blind or otherwise disabled person
9 under section 71-1305, is guilty of a misdemeanor."

10 Section 5. There is a new R.C.M. section that reads as
11 follows:

12 Access to housing accommodations. (1) Blind persons,
13 ~~AND~~ visually handicapped persons, ~~and other physically~~
14 ~~disabled~~ persons shall be entitled to full and equal access,
15 as other members of the general public, to all housing
16 accommodations offered for rent, lease, or compensation in
17 this state, subject to the conditions and limitations
18 established by law and applicable alike to all persons.

19 (2) "Housing accommodations" means any real property,
20 or portion thereof, which is used or occupied or is
21 intended, arranged, or designed to be used or occupied, as
22 the home, residence, or sleeping place of one or more human
23 beings, but shall not include any accommodations included
24 within subsection (1) or any single family residence the
25 occupants of which rent, lease, or furnish for compensation

1 not more than one (1) room therein.

2 (3) Nothing in this section shall require any person
3 renting, leasing, or providing for compensation real
4 property to modify his property in any way or provide a
5 higher degree of care for a blind person, OR A visually
6 handicapped ~~person, or other physically disabled~~ person than
7 for a person who is not ~~physically~~ SO disabled.

-End-