

LEGISLATIVE BILL 496

Approved by the Governor May 19, 1971

Introduced by Harold T. Moylan, 6th District

AN ACT relating to the handicapped; to state policy; to provide for rights of the blind, visually handicapped, and otherwise physically disabled as prescribed; to provide duties for the Governor; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

Section 1. It is the policy of this state to encourage and enable the blind, the visually handicapped, and the otherwise physically disabled to participate fully in the social and economic life of the state and to engage in remunerative employment.

Sec. 2. (1) The blind, the visually handicapped, and the otherwise physically disabled shall 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.

(2) The blind, the visually handicapped, and the otherwise physically disabled shall be entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, 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.

(3) Every totally or partially blind person shall have the right to be accompanied by a dog guide, especially trained for the purpose, in any of the places listed in subsection (2) of this section without being required to pay an extra charge for the dog guide; Provided, that he shall be liable for any damage done to the premises or facilities by such dog.

Sec. 3. In addition to the provisions of sections 28-479 and 28-480, Reissue Revised Statutes of Nebraska, 1943, the driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color or using a

dog guide shall take all necessary precautions to avoid injury to such pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian; Provided, that a totally or partially blind pedestrian not carrying such a cane or using a dog guide in any of the places, accommodations or conveyances listed in section 2 of this act shall have all of the rights and privileges conferred by law upon other persons, and the failure of a totally or partially blind pedestrian to carry such a cane or to use a dog guide in any such places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

Sec. 4. Any person, firm or corporation, or the agent of any person, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities enumerated in section 2 of this act or otherwise interferes with the rights of a totally or partially blind or otherwise physically disabled person under section 2 of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

Sec. 5. Each year, the Governor shall take suitable public notice of October 15 as White Cane Safety Day. He shall issue a proclamation in which he:

- (1) Comments upon the significance of the white cane;
- (2) Calls upon the citizens of the state to observe the provisions of this act and to take precautions necessary to the safety of the disabled;
- (3) Reminds the citizens of the state of the policies with respect to the disabled set forth in this act and urges the citizens to cooperate in giving effect to them; and
- (4) Emphasizes the need of the citizens to be aware of the presence of disabled persons in the community and to keep safe and functional for the disabled the streets, highways, 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 disabled persons upon appropriate occasions.

Sec. 6. It is the policy of this state that the blind, the visually handicapped, and the otherwise physically disabled shall be employed by the state, the political subdivisions of the state, the public schools, and all other employment supported in whole or in part by public funds on the same terms and conditions as the able bodied, unless it is shown that the particular disability prevents the performance of the work involved.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.