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H.B. No. 2135

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of a tourist-oriented directional sign  
3 program.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter D, Chapter 391, Transportation Code,  
6 is amended by adding Section 391.099 to read as follows:

7 Sec. 391.099. TOURIST-ORIENTED DIRECTIONAL SIGN PROGRAM.

8 (a) In this section:

9 (1) "Eligible facility" means a winery or a business  
10 related to agriculture or tourism, including a farm, ranch, or  
11 other tourist activity, that:

12 (A) derives a major portion of its income or  
13 visitors during the normal business season from highway users not  
14 residing in the area of the facility;

15 (B) complies with state and federal laws relating  
16 to:

17 (i) provision of public accommodation  
18 without regard to race, religion, color, age, sex, or national  
19 origin; and

20 (ii) licensing and approval of service  
21 facilities; and

22 (C) is located within the mile limitations  
23 established under the Texas Manual on Uniform Traffic Control  
24 Devices and the Manual on Uniform Traffic Control Devices issued by

1 the United States Department of Transportation, Federal Highway  
2 Administration.

3 (2) "Eligible highway" means a highway that:

4 (A) has noncontrolled access; and

5 (B) is outside the corporate limits of a  
6 municipality with a population of 5,000 or more.

7 (3) "Tourist-oriented directional sign" means a sign  
8 that identifies a particular winery or business related to  
9 agriculture or tourism, including a farm, ranch, or other tourist  
10 activity, and identifies the type or nature of the winery or  
11 business by use of an icon, symbol, or other identifying device.

12 (4) "Trailblazing" means placing multiple signs along  
13 a route or routes directing the public to a specific location.

14 (b) The commission shall administer the tourist-oriented  
15 directional sign program created under this section to erect and  
16 maintain tourist-oriented directional signs on eligible highways.

17 (c) Except as provided by Subsection (f), the commission  
18 shall:

19 (1) regulate the content, composition, design,  
20 placement, erection, and maintenance of tourist-oriented  
21 directional signs and supports on eligible highway rights-of-way;  
22 and

23 (2) adopt rules necessary to administer and enforce  
24 this section.

25 (d) The commission shall enter into one or more contracts  
26 with an individual, firm, group, or association in this state to  
27 erect and maintain tourist-oriented directional signs at locations

1 along eligible highways.

2 (e) A contract under this section shall provide for:

3 (1) the assessment of fees to be paid to a contractor  
4 by an eligible facility; and

5 (2) remittance to the department of the greater of:

6 (A) 10 percent of the fees collected by the  
7 contractor; or

8 (B) an amount sufficient to recover the  
9 department's costs of administering the program.

10 (f) The commission may not adopt rules under this section  
11 that:

12 (1) violate the Texas Manual on Uniform Traffic  
13 Control Devices or the Manual on Uniform Traffic Control Devices  
14 issued by the United States Department of Transportation, Federal  
15 Highway Administration; or

16 (2) prohibit an eligible facility from receiving a  
17 tourist-oriented directional sign based on trailblazing off of the  
18 state highway system.

19 (g) The department shall:

20 (1) before the 31st day after the date the eligible  
21 facility submits an application under this section, notify the  
22 facility that:

23 (A) the application has been received; and

24 (B) the application is complete or that  
25 additional information is required to complete the application; and

26 (2) approve or disapprove the application:

27 (A) before the 61st day after the date the

1 eligible facility submits the application if no additional  
2 information is required under Subdivision (1); or

3 (B) before the 31st day after the date the  
4 eligible facility submits all of the additional information  
5 required under Subdivision (1).

6 SECTION 2. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2005.