

By: Phillips, Hamric, Truitt, Homer, Woolley

H.B. No. 2135

Substitute the following for H.B. No. 2135:

By: Phillips

C.S.H.B. No. 2135

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 391.099. TOURIST-ORIENTED DIRECTIONAL SIGN PROGRAM.

(a) In this section:

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

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

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

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

(ii) licensing and approval of service facilities; and

(C) is located within the mile limitations established under the Texas Manual on Uniform Traffic Control 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.