

By: Phillips

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, business, service, or activity facility, including a farm, ranch, or other tourist activity, that:

(A) derives a 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 10 miles of an intersection with an eligible highway.

(2) "Eligible highway" means a highway that has

1 noncontrolled access and:

2 (A) is outside the corporate limits of a
3 municipality; or

4 (B) is located within the corporate limits of a
5 municipality if the governing body of the municipality approves the
6 participation of the municipality in the program created under this
7 section.

8 (3) "Tourist-oriented directional sign" means a sign
9 that identifies a particular winery, business, service, or activity
10 and identifies the type or nature of the winery, business, service,
11 or activity available by use of an icon, symbol, or other
12 identifying device.

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

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

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

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

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

25 (3) approve an application submitted under this
26 section before the 61st day after the date the eligible facility
27 submitted the application.

1 (d) The commission shall enter into one or more contracts
2 with an individual, firm, group, or association in this state to
3 erect and maintain tourist-oriented directional signs at locations
4 along eligible highways.

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

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

8 (2) remittance to the department of a portion of the
9 fees collected by the contractor in an amount sufficient to recover
10 the department's costs of administering the program.

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

13 (1) limit the number of tourist-oriented directional
14 signs an eligible facility may receive;

15 (2) prohibit the erection of a tourist-oriented
16 directional sign for an eligible facility on more than one highway;
17 or

18 (3) prohibit an eligible facility from receiving a
19 tourist-oriented directional sign based on trailblazing or the
20 number of turns off of a highway it takes to reach the location of
21 the facility.

22 SECTION 2. This Act takes effect September 1, 2005.