

1-1 By: Phillips, et al. (Senate Sponsor - Madla) H.B. No. 2135
1-2 (In the Senate - Received from the House May 4, 2005;
1-3 May 5, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 20, 2005, reported favorably, as
1-5 amended, by the following vote: Yeas 4, Nays 0; May 20, 2005, sent
1-6 to printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: Madla

1-8 Amend H.B. 2135 by adding new SECTIONS 2 and 3 to read as
1-9 follows and renumbering existing SECTIONS accordingly:

1-10 SECTION 2. Subsection (a), Section 391.091, Transportation
1-11 Code, as amended by Chapters 713 and 743, Acts of the 78th
1-12 Legislature, Regular Session, 2003, is reenacted and amended to
1-13 read as follows:

1-14 (a) The department [~~commission~~] shall contract with an
1-15 individual, firm, group, or association in this state to erect and
1-16 maintain specific information logo signs and ~~major shopping area~~
1-17 ~~guide signs~~ ~~and major agricultural interest signs~~ at appropriate
1-18 locations along an eligible highway.

1-19 SECTION 3. Subsection (a), Section 391.098, Transportation
1-20 Code, is amended to read as follows:

1-21 (a) The commission shall authorize the director to grant
1-22 variances, on a case-by-case basis, to the eligibility, location,
1-23 or placement of specific logo signs ~~and major agricultural interest~~
1-24 ~~signs~~ and major shopping area guide signs, including the highways
1-25 along which a sign may be located. The commission may adopt rules
1-26 prescribing conditions or guidelines the director should or must
1-27 consider when determining whether to grant a variance.

1-28 A BILL TO BE ENTITLED
1-29 AN ACT

1-30 relating to the creation of a tourist-oriented directional sign
1-31 program.

1-32 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-33 SECTION 1. Subchapter D, Chapter 391, Transportation Code,
1-34 is amended by adding Section 391.099 to read as follows:

1-35 Sec. 391.099. TOURIST-ORIENTED DIRECTIONAL SIGN PROGRAM.

1-36 (a) In this section:

1-37 (1) "Eligible facility" means a winery or a business
1-38 related to agriculture or tourism, including a farm, ranch, or
1-39 other tourist activity, that:

1-40 (A) derives a major portion of its income or
1-41 visitors during the normal business season from highway users not
1-42 residing in the area of the facility;

1-43 (B) complies with state and federal laws relating
1-44 to:

1-45 (i) provision of public accommodation
1-46 without regard to race, religion, color, age, sex, or national
1-47 origin; and

1-48 (ii) licensing and approval of service
1-49 facilities; and

1-50 (C) is located within the mile limitations
1-51 established under the Texas Manual on Uniform Traffic Control
1-52 Devices and the Manual on Uniform Traffic Control Devices issued by
1-53 the United States Department of Transportation, Federal Highway
1-54 Administration.

1-55 (2) "Eligible highway" means a highway that:

1-56 (A) has noncontrolled access; and

1-57 (B) is outside the corporate limits of a
1-58 municipality with a population of 5,000 or more.

1-59 (3) "Tourist-oriented directional sign" means a sign
1-60 that identifies a particular winery or business related to
1-61 agriculture or tourism, including a farm, ranch, or other tourist
1-62 activity, and identifies the type or nature of the winery or

2-1 business by use of an icon, symbol, or other identifying device.

2-2 (4) "Trailblazing" means placing multiple signs along
2-3 a route or routes directing the public to a specific location.

2-4 (b) The commission shall administer the tourist-oriented
2-5 directional sign program created under this section to erect and
2-6 maintain tourist-oriented directional signs on eligible highways.

2-7 (c) Except as provided by Subsection (f), the commission
2-8 shall:

2-9 (1) regulate the content, composition, design,
2-10 placement, erection, and maintenance of tourist-oriented
2-11 directional signs and supports on eligible highway rights-of-way;
2-12 and

2-13 (2) adopt rules necessary to administer and enforce
2-14 this section.

2-15 (d) The commission shall enter into one or more contracts
2-16 with an individual, firm, group, or association in this state to
2-17 erect and maintain tourist-oriented directional signs at locations
2-18 along eligible highways.

2-19 (e) A contract under this section shall provide for:

2-20 (1) the assessment of fees to be paid to a contractor
2-21 by an eligible facility; and

2-22 (2) remittance to the department of the greater of:

2-23 (A) 10 percent of the fees collected by the
2-24 contractor; or

2-25 (B) an amount sufficient to recover the
2-26 department's costs of administering the program.

2-27 (f) The commission may not adopt rules under this section
2-28 that:

2-29 (1) violate the Texas Manual on Uniform Traffic
2-30 Control Devices or the Manual on Uniform Traffic Control Devices
2-31 issued by the United States Department of Transportation, Federal
2-32 Highway Administration; or

2-33 (2) prohibit an eligible facility from receiving a
2-34 tourist-oriented directional sign based on trailblazing off of the
2-35 state highway system.

2-36 (g) The department shall:

2-37 (1) before the 31st day after the date the eligible
2-38 facility submits an application under this section, notify the
2-39 facility that:

2-40 (A) the application has been received; and

2-41 (B) the application is complete or that
2-42 additional information is required to complete the application; and

2-43 (2) approve or disapprove the application:

2-44 (A) before the 61st day after the date the
2-45 eligible facility submits the application if no additional
2-46 information is required under Subdivision (1); or

2-47 (B) before the 31st day after the date the
2-48 eligible facility submits all of the additional information
2-49 required under Subdivision (1).

2-50 SECTION 2. This Act takes effect immediately if it receives
2-51 a vote of two-thirds of all the members elected to each house, as
2-52 provided by Section 39, Article III, Texas Constitution. If this
2-53 Act does not receive the vote necessary for immediate effect, this
2-54 Act takes effect September 1, 2005.

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