

## **BILL ANALYSIS**

H.B. 2859  
By: Brown, Betty  
Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

HB 2859 establishes a memorial sign program for victims of fatal alcohol or substance-related vehicle accidents. This program allows for a memorial sign to be erected at the request of friends and family of victims who died in an accident within the state's jurisdiction and when certain other requirements are met. At a cost defraying fee, to be determined by the department, the program installs a sign on the State Highway System and features the words "Please Don't Drink and Drive" "In Memory of (victim's name)".

HB 2859 does not authorize the removal of privately funded memorials that conform to state law and Department of Transportation rules.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Transportation in SECTION 1 of this bill.

### **ANALYSIS**

#### SECTION 1.

HB 2859 amends Subchapter K, Chapter 201, Transportation Code, by adding Section 201.909 (a)-(i).

HB 2859 adds Section 201.909(a), Transportation Code, defining the term "victim" as a person killed in a highway accident involving alcohol or a controlled substance. The definition excludes an operator who was under the influence of alcohol or a controlled substance.

HB 2859 adds Section 201.909(b), Transportation Code, directing the Department of Transportation to establish and administer a memorial sign program to publicly memorialize the victims of alcohol or controlled substance-related vehicle accident.

HB 2859 adds Section 201.909(c), Transportation Code, that a sign created within this program should include the phrase "Please Don't Drink and Drive", the phrase "In Memory Of" and the name or names of the victim or victims in whose memory the sign was placed, and the date of the victim's or victims' death.

HB 2859 adds Section 201.909(d), Transportation Code, that a person may request a sign be posted by program by making an application to the department on a form prescribed by the department and submitting an application fee to the department in an amount determined by the department to help defray the costs of administering the program.

HB 2859 adds Section 201.909(e), Transportation Code, that if an application meets the department's requirements and the applicant pays the application fee, the department will erect a sign to remain indefinitely.

HB 2859 adds Section 201.909(f), Transportation Code, that a damaged sign should be removed by the department unless a person submits a written request to the department to replace the sign and submits a replacement fee detailed in 201.909(d).

HB 2859 adds Section 201.909(g), Transportation Code, that the department should replace any sign damaged due to the department's negligence.

HB 2859 adds Section 201.909(h), Transportation Code, that the department shall adopt rules to implement section 201.909, including rules providing for a hearing at the request of concerned citizens.

HB 2859 add Section 201.909(i), Transportation Code, that section 201.909 does not authorize the department to remove an existing privately funded memorial that conforms to state law and department rules. States that a privately funded memorial may remain indefinitely as long as it conforms to state law and department rules.

SECTION 2. Prospective Clause.

**EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.