

AN ACT

relating to a memorial sign program for victims of certain vehicle accidents.

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

SECTION 1. Subchapter K, Chapter 201, Transportation Code, is amended by adding Section 201.909 to read as follows:

Sec. 201.909. MEMORIAL SIGN PROGRAM. (a) In this section, "victim" means a person killed in a highway accident involving alcohol or a controlled substance, excluding an operator who was under the influence of alcohol or a controlled substance.

(b) The commission by rule shall establish and administer a memorial sign program to publicly memorialize the victims of alcohol or controlled substance-related vehicle accidents.

(c) A sign designed and posted under this section shall include:

(1) the phrase "Please Don't Drink and Drive";

(2) the phrase "In Memory Of" and the name of the victim in accordance with the commission rule in whose memory the sign is placed; and

(3) the date of the accident that resulted in the victim's death.

(d) A person may request that a sign be posted under this section by:

(1) making an application to the department on a form

1 prescribed by the department; and

2 (2) submitting a fee to the department in an amount  
3 determined by the department to help defray the costs of posting the  
4 memorial sign.

5 (e) If the application meets the department's requirements  
6 and the applicant pays the memorial sign fee, the department shall  
7 erect a sign. A sign posted under this section may remain posted  
8 for one year. At the end of the one-year period the department may  
9 release the sign to the applicant. The department is not required  
10 to release a sign that has been damaged.

11 (f) A sign posted under this section that is damaged shall  
12 be removed by the department. Except as provided in Subsection (g),  
13 the department may post a new sign if it has been less than one year  
14 from the posting of the original sign and a person:

15 (1) submits a written request to the department to  
16 replace the sign; and

17 (2) submits a replacement fee in the amount provided  
18 under Subsection (d)(2).

19 (g) During the one-year posting period the department shall  
20 replace a sign posted under this section that is damaged because of  
21 the department's negligence.

22 (h) The commission shall adopt rules to implement this  
23 section.

24 (i) This section does not authorize the department to remove  
25 an existing privately funded memorial that conforms to state law  
26 and department rules. A privately funded memorial may remain  
27 indefinitely as long as it conforms to state law and department

1 rules.

2           SECTION 2. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2007.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2859 was passed by the House on May 7, 2007, by the following vote: Yeas 140, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2859 on May 25, 2007, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2859 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor