

By: Brown of Kaufman, Madden, Flynn, Pitts,  
Hughes, et al.

H.B. No. 2859

A BILL TO BE ENTITLED

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 department 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 or names of the victim or victims in whose memory the sign is placed; and

(3) the date of the victim's or victims' 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 prescribed by the department; and

(2) submitting an application fee to the department in

1 an amount determined by the department to help defray the costs of  
2 administering this program.

3 (e) If the application meets the department's requirements  
4 and the applicant pays the application fee, the department shall  
5 erect a sign. A sign posted under this section shall remain  
6 indefinitely.

7 (f) Except as provided in Subsection (g), a sign posted  
8 under this section that is damaged shall be removed by the  
9 department unless a person:

10 (1) submits a written request to the department to  
11 replace the sign; and

12 (2) submits a replacement fee in the amount provided  
13 under Subsection (d)(2) for an application fee.

14 (g) The department shall replace a sign posted under this  
15 section that is damaged because of the department's negligence.

16 (h) The department shall adopt rules to implement this  
17 section, including rules providing for a hearing at the request of  
18 concerned citizens.

19 (i) This section does not authorize the department to remove  
20 an existing privately funded memorial that conforms to state law  
21 and department rules. A privately funded memorial may remain  
22 indefinitely as long as it conforms to state law and department  
23 rules.

24 SECTION 2. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2007.