

By: Deuell

S.B. No. 937

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

17 (2) the phrase "In Memory Of" and the name or names of  
18 the victim or victims in whose memory the sign is placed; and

19 (3) the date of the victim's or victims' death.

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

22 (1) making an application to the department on a form  
23 prescribed by the department; and

24 (2) remitting payment to the department of a fee not to

1 exceed \$100 to help defray the costs of administering this program.

2 (e) If the application meets the department's requirements  
3 and the applicant pays the \$100 fee, the department shall erect a  
4 sign. A sign posted under this section shall remain indefinitely.

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

8 (1) submits a written request to the department to  
9 replace the sign; and

10 (2) submits a replacement fee to the department not to  
11 exceed \$100.

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

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

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

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