

SENATE AMENDMENTS

2nd Printing

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

H.B. No. 2859

1 Act takes effect September 1, 2007.

ADOPTED

MAY 23 2007

Leta Spaw
Secretary of the Senate

By: Brown, Betty (Deuell)

H.B. No. 2859

Substitute the following for H.B. No. 2859:

By: Watson

C.S. H.B. No. 2859

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3 vehicle accidents.

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

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

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

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

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

18 (2) the phrase "In Memory Of" and the name of the
19 victim in accordance with the commission rule in whose memory

1 the sign is placed; and

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

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

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

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

11 (e) If the application meets the department's requirements
12 and the applicant pays the memorial sign fee, the department
13 shall erect a sign. A sign posted under this section may remain
14 posted for one year. At the end of the one year period the
15 department may release the sign to the applicant. The
16 department is not required to release a sign that has been
17 damaged.

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

23 (1) submits a written request to the department to
24 replace the sign; and

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

3 (g) During the one year posting period the department
4 shall replace a sign posted under this section that is damaged
5 because of the department's negligence.

6 (h) The commission shall adopt rules to implement this
7 section.

8 (i) This section does not authorize the department to
9 remove an existing privately funded memorial that conforms to
10 state law and department rules. A privately funded memorial may
11 remain indefinitely as long as it conforms to state law and
12 department rules.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2859 by Brown, Betty (Relating to a memorial sign program for victims of certain vehicle accidents.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to require the Texas Transportation Commission (TTC) to establish and administer a memorial sign program to publicly memorialize the victims of alcohol or controlled substance-related vehicle accidents. The bill would authorize the Texas Department of Transportation (TxDOT) to establish an application fee to be paid by persons participating in the program to help defray the costs of administering the program.

Based on the analysis of TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect immediately upon receiving a vote of two-thirds of all members elected to each house or otherwise on September 1, 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KJG, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 16, 2007

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2859 by Brown, Betty (Relating to a memorial sign program for victims of certain vehicle accidents.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to require the Texas Department of Transportation (TxDOT) to establish and administer a memorial sign program to publicly memorialize the victims of alcohol or controlled substance-related vehicle accidents. The bill would authorize TxDOT to establish an application fee to be paid by persons participating in the program to help defray the costs of administering the program.

Based on the analysis of TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect immediately upon receiving a vote of two-thirds of all members elected to each house or otherwise on September 1, 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KJG, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 16, 2007

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2859 by Brown, Betty (Relating to a memorial sign program for victims of certain vehicle accidents.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to require the Texas Department of Transportation (TxDOT) to establish and administer a memorial sign program to publicly memorialize the victims of alcohol or controlled substance-related vehicle accidents. The bill would authorize TxDOT to establish an application fee to be paid by persons participating in the program to help defray the costs of administering the program.

Based on the analysis of TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect immediately upon receiving a vote of two-thirds of all members elected to each house or otherwise on September 1, 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KJG, TG