

House Bill 2859
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(e) If the application meets the department's requirements and the applicant pays the application fee, the department shall erect a sign. A sign posted under

SENATE VERSION

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(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 prescribed by the department; and

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

(e) If the application meets the department's requirements and the applicant pays the memorial sign fee, the department shall erect a sign. A sign posted

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this section shall remain indefinitely.

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

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

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

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

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

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

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

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under this section may remain posted for one year. At the end of the one year period the department may release the sign to the applicant. The department is not required to release a sign that has been damaged.

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

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

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

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

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

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

Same as House version.

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necessary for immediate effect, this Act takes effect
September 1, 2007.