

BILL ANALYSIS

C.S.H.B. 2469
By: Phillips
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Motorcycle safety awareness for both riders and drivers is an important tool in preventing motorcycle accidents. Certain citizens have worked to initiate programs to educate motorists regarding the importance of watching for motorcyclists, including a program to place crosses on the roadside where a fatal motorcycle accident has occurred. C.S.H.B. 2469 seeks to expand these efforts by creating a memorial sign program at the Texas Department of Transportation for victims of motorcycle accidents.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 2469 amends the Transportation Code to require the Texas Transportation Commission, by rule, to establish and administer a memorial sign program to publicly memorialize the victims of motorcycle accidents. The bill requires a sign designed and posted under its provisions to include a red cross, the phrase "In Memory Of" and the name of one or more victims in accordance with the commission rule, and the date of the accident that resulted in the victim's death. The bill authorizes the sign to include the names of more than one victim if the total length of the names does not exceed one line of text. The bill authorizes a person to request that a sign be posted by making an application to the Texas Department of Transportation (TxDOT) on a form prescribed by the department and submitting a fee to TxDOT in an amount determined by the department to help defray the costs of posting the memorial sign. The bill requires TxDOT to erect a sign if the application meets the department's requirements and the applicant pays the memorial sign fee. The bill authorizes a sign posted under the bill's provisions to remain posted for one year and authorizes TxDOT to release the sign to the applicant at the end of the one-year period. The bill specifies that TxDOT is not required to release a sign that has been damaged. The bill requires TxDOT to remove a sign posted under the bill's provisions that is damaged and authorizes TxDOT to post a new sign if less than one year has passed from the posting of the original sign and a person submits a written request to TxDOT to replace the sign and submits a replacement fee in the amount provided by the department to help defray the cost of posting such a sign. The bill requires TxDOT, during the one-year posting period, to replace a sign posted under the bill's provisions if the sign is damaged because of the department's negligence. The bill authorizes a privately funded memorial to remain indefinitely as long as the memorial conforms to state law and TxDOT rules and specifies that the bill's provisions do not authorize TxDOT to remove such an existing privately funded memorial. The bill requires the Texas Transportation Commission to adopt rules to implement the bill and defines the term "victim." The bill provides a short title, the Mike Grove Motorcycle Fatality Awareness Act, for purposes of citing its provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2469 is the same as the original, except that the substitute adds a Texas Legislative Council footer.