

By: Gutierrez, Pitts

H.B. No. 1486

A BILL TO BE ENTITLED

AN ACT

relating to signs posted under the memorial sign program for victims of certain vehicle accidents.

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

SECTION 1. Sections 201.909(e), (f), and (g), Transportation Code, are amended to read as follows:

(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 under this section may remain posted for two years ~~[one year]~~. At the end of the two-year ~~[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 two years ~~[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 two-year ~~[one year]~~ posting period the department shall replace a sign posted under this section that is damaged because of the department's negligence.

SECTION 2. Section 201.909, Transportation Code, applies to

1 each memorial sign erected under that section, regardless of
2 whether the sign was erected before, on, or after the effective date
3 of this Act.

4 SECTION 3. If the Texas Department of Transportation
5 determines or is informed by the applicable federal agency that
6 implementation of Section 201.909, Transportation Code, as amended
7 by this Act, would result in the loss to the department or this
8 state of federal funds, the Texas Department of Transportation:

9 (1) is not required to comply with Section 201.909,
10 Transportation Code, as amended by this Act, but shall comply with
11 Section 201.909, Transportation Code, as that section existed
12 immediately before the effective date of this Act; and

13 (2) not later than January 1, 2013, shall submit a
14 report to the lieutenant governor and the speaker of the house of
15 representatives regarding the determination by the department or
16 the applicable federal agency.

17 SECTION 4. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2011.