

1-1 By: Gutierrez, Pitts (Senate Sponsor - Wentworth) H.B. No. 1486  
1-2 (In the Senate - Received from the House April 26, 2011;  
1-3 April 29, 2011, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 17, 2011, reported  
1-5 favorably by the following vote: Yeas 6, Nays 0; May 17, 2011,  
1-6 sent to printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to signs posted under the memorial sign program for  
1-10 victims of certain vehicle accidents.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Sections 201.909(e), (f), and (g),  
1-13 Transportation Code, are amended to read as follows:

1-14 (e) If the application meets the department's requirements  
1-15 and the applicant pays the memorial sign fee, the department shall  
1-16 erect a sign. A sign posted under this section may remain posted  
1-17 for two years ~~[one year]~~. At the end of the two-year ~~[one-year]~~  
1-18 period the department may release the sign to the applicant. The  
1-19 department is not required to release a sign that has been damaged.

1-20 (f) A sign posted under this section that is damaged shall  
1-21 be removed by the department. Except as provided in Subsection  
1-22 (g), the department may post a new sign if it has been less than two  
1-23 years ~~[one year]~~ from the posting of the original sign and a person:

1-24 (1) submits a written request to the department to  
1-25 replace the sign; and

1-26 (2) submits a replacement fee in the amount provided  
1-27 under Subsection (d)(2).

1-28 (g) During the two-year ~~[one-year]~~ posting period the  
1-29 department shall replace a sign posted under this section that is  
1-30 damaged because of the department's negligence.

1-31 SECTION 2. Section 201.909, Transportation Code, applies to  
1-32 each memorial sign erected under that section, regardless of  
1-33 whether the sign was erected before, on, or after the effective date  
1-34 of this Act.

1-35 SECTION 3. If the Texas Department of Transportation  
1-36 determines or is informed by the applicable federal agency that  
1-37 implementation of Section 201.909, Transportation Code, as amended  
1-38 by this Act, would result in the loss to the department or this  
1-39 state of federal funds, the Texas Department of Transportation:

1-40 (1) is not required to comply with Section 201.909,  
1-41 Transportation Code, as amended by this Act, but shall comply with  
1-42 Section 201.909, Transportation Code, as that section existed  
1-43 immediately before the effective date of this Act; and

1-44 (2) not later than January 1, 2013, shall submit a  
1-45 report to the lieutenant governor and the speaker of the house of  
1-46 representatives regarding the determination by the department or  
1-47 the applicable federal agency.

1-48 SECTION 4. This Act takes effect immediately if it receives  
1-49 a vote of two-thirds of all the members elected to each house, as  
1-50 provided by Section 39, Article III, Texas Constitution. If this  
1-51 Act does not receive the vote necessary for immediate effect, this  
1-52 Act takes effect September 1, 2011.

1-53 \* \* \* \* \*