

By: Phillips

H.B. No. 2469

A BILL TO BE ENTITLED

AN ACT

relating to a memorial sign program for victims of motorcycle accidents.

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

SECTION 1. This Act shall be known as the Mike Grove Motorcycle Fatality Awareness Act.

SECTION 2. Subchapter K, Chapter 201, Transportation Code, is amended by adding Section 201.911 to read as follows:

Sec. 201.911. MEMORIAL SIGN PROGRAM FOR MOTORCYCLISTS. (a) In this section, "victim" means a person killed in a highway accident while operating or riding on a motorcycle.

(b) The commission by rule shall establish and administer a memorial sign program to publicly memorialize the victims of motorcycle accidents.

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

(1) a red cross;

(2) the phrase "In Memory Of" and the name of one or more victims in accordance with the commission rule; and

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

(d) The sign may include the names of more than one victim if the total length of the names does not exceed one line of text.

(e) A person may request that a sign be posted under this

1 section by:

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

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

7 (f) If the application meets the department's requirements  
8 and the applicant pays the memorial sign fee, the department shall  
9 erect a sign. A sign posted under this section may remain posted  
10 for one year. At the end of the one-year period, the department may  
11 release the sign to the applicant. The department is not required  
12 to release a sign that has been damaged.

13 (g) The department shall remove a sign posted under this  
14 section that is damaged. Except as provided by Subsection (h), the  
15 department may post a new sign if less than one year has passed from  
16 the posting of the original sign and a person:

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

19 (2) submits a replacement fee in the amount provided  
20 by Subsection (e)(2).

21 (h) During the one-year posting period, the department  
22 shall replace a sign posted under this section if the sign is  
23 damaged because of the department's negligence.

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

1 department rules.

2 (j) The commission shall adopt rules to implement this  
3 section.

4 SECTION 3. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2011.