

1-1 By: Phillips (Senate Sponsor - Estes) H.B. No. 2469
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 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 6, Nays 0; May 17, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2469 By: Nichols

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a memorial sign program for victims of motorcycle
1-11 accidents.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. This Act shall be known as the Mike Grove
1-14 Motorcycle Fatality Awareness Act.

1-15 SECTION 2. Subchapter K, Chapter 201, Transportation Code,
1-16 is amended by adding Section 201.911 to read as follows:

1-17 Sec. 201.911. MEMORIAL SIGN PROGRAM FOR MOTORCYCLISTS.

1-18 (a) In this section, "victim" means a person killed in a highway
1-19 accident while operating or riding on a motorcycle.

1-20 (b) The commission by rule shall establish and administer a
1-21 memorial sign program to publicly memorialize the victims of
1-22 motorcycle accidents.

1-23 (c) A sign designed and posted under this section shall
1-24 include:

1-25 (1) a red cross;

1-26 (2) the phrase "In Memory Of" and the name of one or
1-27 more victims in accordance with the commission rule; and

1-28 (3) the date of the accident that resulted in the
1-29 victim's death.

1-30 (d) The sign may include the names of more than one victim if
1-31 the total length of the names does not exceed one line of text.

1-32 (e) A person may request that a sign be posted under this
1-33 section by:

1-34 (1) making an application to the department on a form
1-35 prescribed by the department; and

1-36 (2) submitting a fee to the department in an amount
1-37 determined by the department to cover the costs of posting the
1-38 memorial sign.

1-39 (f) If the application meets the department's requirements
1-40 and the applicant pays the memorial sign fee, the department shall
1-41 erect a sign. A sign posted under this section may remain posted
1-42 for one year. At the end of the one-year period, the department may
1-43 release the sign to the applicant. The department is not required
1-44 to release a sign that has been damaged.

1-45 (g) The department shall remove a sign posted under this
1-46 section that is damaged. Except as provided by Subsection (h), the
1-47 department may post a new sign if less than one year has passed from
1-48 the posting of the original sign and a person:

1-49 (1) submits a written request to the department to
1-50 replace the sign; and

1-51 (2) submits a replacement fee in the amount provided
1-52 by Subsection (e)(2).

1-53 (h) During the one-year posting period, the department
1-54 shall replace a sign posted under this section if the sign is
1-55 damaged because of the department's negligence.

1-56 (i) This section does not authorize the department to remove
1-57 an existing privately funded memorial that conforms to state law
1-58 and department rules. A privately funded memorial may remain
1-59 indefinitely as long as the memorial conforms to state law and
1-60 department rules.

1-61 (j) The commission shall adopt rules to implement this
1-62 section.

1-63 SECTION 3. This Act takes effect immediately if it receives

2-1 a vote of two-thirds of all the members elected to each house, as
2-2 provided by Section 39, Article III, Texas Constitution. If this
2-3 Act does not receive the vote necessary for immediate effect, this
2-4 Act takes effect September 1, 2011.

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