

BILL ANALYSIS

Senate Research Center
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H.B. 2859
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When a death results from an automobile accident involving alcohol, family members often place homemade memorials at the scene. They understandably have a personal connection with such a memorial. However, concerns have been raised that these memorials may present a safety hazard.

H.B. 2859 authorizes the Texas Department of Transportation (TxDOT) to establish a memorial sign program so that family members can have TxDOT place such memorials in places where they do not pose a safety hazard to others. The bill provides that TxDOT is not authorized to remove privately funded memorials, provided that such memorials conform to state law and TxDOT rules.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Transportation in SECTION 1 (Section 201.909, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter K, Chapter 201, Transportation Code, by adding Section 201.909, as follows:

Sec. 201.909. MEMORIAL SIGN PROGRAM. (a) Defines "victim."

- (b) Requires the Texas Department of Transportation (TxDOT) by rule to establish and administer a memorial sign program to publicly memorialize the victims of alcohol-related or controlled substance-related vehicle accidents.
- (c) Sets forth specific items to be included on a sign designed and posted under this section.
- (d) Sets forth the method by which a person may request a sign to be posted under this section.
- (e) Requires TxDOT to erect such a sign if a person's application meets TxDOT's requirements and the person pays the application fee. Requires such a sign to remain posted indefinitely.
- (f) Requires a sign posted under this section that is damaged, except as provided by Subsection (g), to be removed by TxDOT unless a person submits a written request to TxDOT to replace the sign and submits a replacement fee in the amount provided under Subsection (d)(2) for an application fee.
- (g) Requires TxDOT to replace signs posted under this section that are damaged due to TxDOT's negligence.
- (h) Requires TxDOT to adopt rules implementing this section, including rules providing for a hearing at the request of concerned citizens.

(i) Provides that this section does not authorize TxDOT to remove an existing privately funded memorial that conforms to state law and TxDOT rules. Authorizes such a memorial to remain indefinitely as long as it conforms to such laws and rules.

SECTION 2. Effective date: upon passage or September 1, 2007.