

BILL ANALYSIS

Senate Research Center
82R6931 ACP-D

H.B. 1486
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Transportation & Homeland Security
5/9/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a highway sign placed by the Texas Department of Transportation (TxDOT) near the site of a crash to publicly memorialize the victim of an alcohol or controlled substance-related vehicle accident may be posted for one year, and a private memorial may remain indefinitely. Concerns have been expressed that signs posted by TxDOT are not posted long enough to commemorate the victim or raise awareness about the serious issue of drunk driving.

H.B. 1486 amends the Transportation Code to extend from one year to two years the length of time that a sign posted under the memorial sign program for victims of alcohol or controlled substance-related vehicle accidents may remain posted. This change applies to all memorial signs created under provision of law, regardless of whether the sign was erected before, on, or after the effective date of the bill. The bill specifies that TxDOT is not required to comply with the provisions of the bill if TxDOT determines or is informed by the applicable federal agency that implementation of the bill would result in the loss of federal funds to TxDOT or Texas. The bill requires TxDOT, if such a determination is made, to submit a report to the lieutenant governor and the speaker of the house of representatives regarding the determination not later than January 1, 2013.

H.B. 1486 amends current law relating to signs posted under the memorial sign program for victims of certain vehicle accidents.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 201.909(e), (f), and (g), Transportation Code, as follows:

(e) Authorizes a sign posted under this section to remain posted for two years, rather than one year. Authorizes the Texas Department of Transportation (TxDOT), at the end of the two-year, rather than the one-year, period, to release the sign to the applicant.

(f) Authorizes TxDOT, except as provided in Subsection (g), to post a new sign if it has been less than two years, rather than one year, from the posting of the original sign and a person:

(1) submits a written request to TxDOT to replace the sign; and

(2) submits a replacement fee in the amount provided under Subsection (d)(2) (relating to authorizing a person to help defray costs associated with posting a memorial sign).

(g) Requires TxDOT, during the two-year, rather than one-year, posting period, to replace a sign posted under this section that is damaged because of TxDOT's negligence.

SECTION 2. Provides that Section 201.909, Transportation Code, applies each memorial sign erected under that section, regardless of whether the sign was erected before, on, or after the effective date of this Act.

SECTION 3. Provides that if TxDOT determines or is informed by the applicable federal agency that implementation of Section 201.909, Transportation Code, as amended by this Act, would result in the loss to TxDOT or this state of federal funds, TxDOT:

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

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

SECTION 4. Effective date: upon passage or September 1, 2011.