

FIRST REGULAR SESSION

HOUSE BILL NO. 213

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEEKEN.

0692L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 227, RSMo, by adding thereto one new section relating to the establishment and administration of a drunk driving memorial sign program.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 227, RSMo, is amended by adding thereto one new section, to be known as section 227.295, to read as follows:

227.295. 1. **The department of transportation shall establish and administer a drunk driving victim memorial sign program. The provisions of this section shall be known as the "Risk Awareness Program". The signs shall be placed upon the state highways in accordance with this section, placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing.**

2. **The department shall adopt, by rules and regulations, program guidelines for the application for and placement of signs authorized by this section, including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen. The department shall also establish by rule, application procedures and methods for proving eligibility for the program.**

3. **Any person may apply to the department of transportation to sponsor a drunk driving victim memorial sign in memory of an immediate family member who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of section 577.010 or 577.012, RSMo, or was committing an intoxication-related traffic offense at the time of the accident. Upon the**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 request of an immediate family member of the deceased victim involved in a drunk driving
19 accident, the department shall place a sign in accordance with this section. A person who
20 is not a member of the immediate family may also submit a request to have a sign placed
21 under this section if that person also submits the written consent of an immediate family
22 member. The department shall charge the sponsoring party a fee to cover the
23 department's cost in designing, constructing, placing, and maintaining that sign, and the
24 department's costs in administering this section. Signs erected under this section shall
25 remain in place for a period of ten years. After the expiration of the ten-year period, the
26 department shall remove the sign unless the sponsoring party remits to the department of
27 transportation a ten-year renewable fee to cover maintenance costs associated with the
28 sign.

29 4. The signs shall feature the words "Drunk Driving Victim!", the initials of the
30 victim, the month and year in which the victim of the drunk driving accident was killed,
31 and the phrase "Who's Next?". The overall design of the sign, including size, color, and
32 lettering, shall conform to the guidelines and regulations established by the department.
33 The signs shall be placed near the scene of the accident.

34 5. All roadside memorials or markers commemorating the death of a drunk driving
35 victim not meeting the provisions of this section are prohibited. No person, other than a
36 department of transportation employee or the department's designee, may erect a drunk
37 driving victim memorial sign.

38 6. As used in this section, the term "immediate family member" shall mean spouse,
39 child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or
40 stepfather.

41 7. The department shall adopt rules and regulations to implement and administer
42 the provisions of this section. Any rule or portion of a rule, as that term is defined in
43 section 536.010, RSMo, that is created under the authority delegated in this section shall
44 become effective only if it complies with and is subject to all of the provisions of chapter
45 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
46 RSMo, are nonseverable and if any of the powers vested with the general assembly
47 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and
48 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
49 authority and any rule proposed or adopted after August 28, 2009, shall be invalid and
50 void.

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