

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 91
95TH GENERAL ASSEMBLY

0536L.06T

2009

AN ACT

To amend chapter 227, RSMo, by adding thereto seven new sections relating to the designation of state highways and bridges.

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

Section A. Chapter 227, RSMo, is amended by adding thereto seven new sections, to be known as sections 227.295, 227.297, 227.310, 227.320, 227.368, 227.402, and 227.407, to read as follows:

227.295. 1. The department of transportation shall establish and administer a drunk driving risk reduction awareness program. The provisions of this section shall be known as "David's Law". 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

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.

15 operating a motor vehicle in violation of section 577.010 or 577.012, RSMo, or was
16 committing an intoxication-related traffic offense at the time of the accident. Upon the
17 request of an immediate family member of the deceased victim involved in a drunk driving
18 accident, the department shall place a sign in accordance with this section. A person who
19 is not a member of the immediate family may also submit a request to have a sign placed
20 under this section if that person also submits the written consent of an immediate family
21 member. The department shall charge the sponsoring party a fee to cover the
22 department's cost in designing, constructing, placing, and maintaining that sign, and the
23 department's costs in administering this section. Signs erected under this section shall
24 remain in place for a period of ten years. After the expiration of the ten-year period, the
25 department shall remove the sign unless the sponsoring party remits to the department of
26 transportation a ten-year renewable fee to cover maintenance costs associated with the
27 sign.

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

33 5. No person, other than a department of transportation employee or the
34 department's designee, may erect a drunk driving victim memorial sign.

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

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

227.297. 1. This section establishes an interstate interchange designation program,
2 to be known as the "Heroes Way Interstate Interchange Designation Program", to honor
3 the fallen Missouri heroes who have been killed in action while performing active military

4 duty with the armed forces in Afghanistan or Iraq on or after September 11, 2001. The
5 signs shall be placed upon the interstate interchanges in accordance with this section, and
6 any applicable federal limitations or conditions on highway signage, including location and
7 spacing.

8 2. Any person who is related by marriage, adoption, or consanguinity within the
9 second degree to a member of the United States armed forces who was killed in action
10 while performing active military duty with the armed forces in Afghanistan or Iraq on or
11 after September 11, 2001, and who was a resident of this state at the time he or she was
12 killed in action, may apply for an interstate interchange designation under the provisions
13 of this section.

14 3. Any person described under subsection 2 of this section who desires to have an
15 interstate interchange designated after his or her family member shall petition the
16 department of transportation by submitting the following:

17 (1) An application in a form prescribed by the director, describing the interstate
18 interchange for which the designation is sought and the proposed name of the interstate
19 interchange. The application shall include the name of at least one current member of the
20 general assembly who will sponsor the interstate interchange designation. The application
21 may contain written testimony for support of the interstate interchange designation;

22 (2) Proof that the family member killed in action was a member of the United States
23 armed forces and proof that such family member was in fact killed in action while
24 performing active military duty with the United States armed forces in Afghanistan or Iraq
25 on or after September 11, 2001;

26 (3) By signing a form provided by the Missouri transportation department, the
27 applicant shall certify that the applicant is related by marriage, adoption, or consanguinity
28 within the second degree to the member of the United States armed forces who was killed
29 in action; and

30 (4) A fee to be determined by the commission to cover the costs of constructing and
31 maintaining the proposed interstate interchange signs. The fee shall not exceed the cost
32 of constructing and maintaining each sign.

33 4. All moneys received by the department of transportation for the construction
34 and maintenance of an interstate interchange signs shall be deposited in the state treasury
35 to the credit of the state road fund.

36 5. The documents and fees required under this section shall be submitted to the
37 department of transportation.

38 6. The department of transportation shall submit for approval or disapproval all
39 applications for interstate interchange designations to the joint committee on

40 transportation oversight. The joint committee on transportation oversight may review
41 such applications at any scheduled meeting convened pursuant to section 21.795, RSMo.
42 If satisfied with the application and all its contents, the committee shall approve the
43 application. The committee shall notify the department of transportation upon the
44 approval or denial of an application for an interstate interchange designation.

45 7. The department of transportation shall give notice of any proposed interstate
46 interchange designation under this section in a manner reasonably calculated to advise the
47 public of such proposal. Reasonable notice shall include posting the proposal for the
48 designation on the department's official public web site and making available copies of the
49 sign designation application to any representative of the news media or public upon
50 request and posting the application on a bulletin board or other prominent public place
51 which is easily accessible to the public and clearly designated for that purpose at the
52 principal office.

53 8. If the memorial interstate interchange designation request is not approved by the
54 joint committee on transportation oversight, ninety-seven percent of the application fee
55 shall be refunded to the applicant.

56 9. Two signs shall be erected for each interstate interchange designation processed
57 under this section.

58 10. No interstate interchange may be named or designated after more than one
59 member of the United States armed forces killed in action. Such person shall only be
60 eligible for one interstate interchange designation under the provisions of this section.

61 11. Any highway signs erected for any interstate interchange designation under the
62 provisions of this section shall be erected and maintained for a twenty-year period. After
63 such period, the signs shall be subject to removal by the department of transportation and
64 the interstate interchange may be designated to honor persons other than the current
65 designee. An existing interstate interchange designation processed under the provisions
66 of this section may be retained for additional twenty-year increments if, at least one year
67 before the designation's expiration, an application to the department of transportation is
68 made to retain the designation along with the required documents and all applicable fees
69 required under this section.

227.310. The portion of Missouri highway 100 located in Franklin County, from
2 its intersection with Missouri highway 47, to the highway's connection with Interstate 44,
3 shall be designated as the "Veterans Memorial Highway". The department of
4 transportation shall erect and maintain appropriate signs designating such highway, with
5 the costs for such designation to be paid for by the city of Washington.

2 227.320. The portion of the state highway system which was designated as Highway
3 47 as of January 1, 2009, within the limits of the city of Washington shall be designated and
3 known as "Franklin Street" and shall not be designated as a numbered state highway.

2 227.368. The bridge crossing over Interstate 44 on Business Loop 44 at exit 127 in
2 Laclede County shall be designated the "Specialist James M. Finley Memorial Bridge".
3 The department of transportation shall erect and maintain appropriate signs designating
4 such highway. The costs of such designation shall be paid for by private donations.

2 227.402. The Highway 17 bridge crossing over the Gasconade River in Pulaski
2 County shall be designated the "WWII Okinawa Veterans Memorial Bridge". The
3 department of transportation shall erect and maintain appropriate signs designating such
4 highway, with the costs to be paid for by private donations.

2 227.407. Interstate 435 from mile marker 63.4 to mile marker 54.2 shall be
2 designated the "Lamar Hunt Memorial Highway". The department of transportation shall
3 erect and maintain appropriate signs designating such highway, with the costs to be paid
4 for by private donations.

✓