

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1406

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DEEKEN (Sponsor), DAY AND McGHEE (Co-sponsors).

Pre-filed December 12, 2007 and copies ordered printed.

Read 1st time January 9, 2008.

Read 2nd time January 10, 2008 and referred to the Committee on Transportation January 17, 2008.

Reported from the Committee on Transportation February 5, 2008 with recommendation that the bill Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules February 11, 2008 with recommendation that the bill Do Pass by Consent with no time limit for debate.

Perfected by Consent February 19, 2008.

D. ADAM CRUMBLISS, Chief Clerk

3162L.01P

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## 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.

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*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  
2 known as section 227.295, to read as follows:

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

**6 2. The department shall adopt, by rules and regulations, program guidelines for  
7 the application for and placement of signs authorized by this section, including, but not**

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.

8 limited to, the sign application and qualification process, the procedure for the dedication  
9 of signs, and procedures for the replacement or restoration of any signs that are damaged  
10 or stolen. The department shall also establish by rule, application procedures and methods  
11 for proving eligibility for the program.

12       3. Any person may apply to the department of transportation to sponsor a drunk  
13 driving victim memorial sign in memory of an immediate family member who died as a  
14 result of a motor vehicle accident caused by a person who was shown to have been  
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 "Who's Next?". 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. All roadside memorials or markers commemorating the death of a drunk driving  
34 victim not meeting the provisions of this section are prohibited. No person, other than a  
35 department of transportation employee or the department's designee, may erect a drunk  
36 driving victim memorial sign.

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

40       7. The department shall adopt rules and regulations to implement and administer  
41 the provisions of this section. Any rule or portion of a rule, as that term is defined in  
42 section 536.010, RSMo, that is created under the authority delegated in this section shall  
43 become effective only if it complies with and is subject to all of the provisions of chapter

44 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**  
45 **RSMo, are nonseverable and if any of the powers vested with the general assembly**  
46 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**  
47 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**  
48 **authority and any rule proposed or adopted after August 28, 2008, shall be invalid and**  
49 **void.**

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