

## PROPOSED SUBSTITUTE BILL NO.

AN ACT concerning memorial signs; relating to a DUI memorial signage program, duties of the secretary of transportation.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) The secretary of transportation shall establish and implement a DUI memorial signage program for highways under the secretary's jurisdiction, not including highways designated as city-connecting links. As part of such program, the secretary or the secretary's designee shall:

(1) Design a memorial sign that indicates the names and ages of victims killed in an accident where the driver of the other vehicle was under the influence of drugs or alcohol, the date of the accident and any other information as determined by the secretary; and

(2) design a logo, to be copyrighted, for use by organizations for public service announcements or other programs to increase awareness of the dangers of driving under the influence of drugs or alcohol.

(b) Upon the filing of an application for a DUI memorial sign, the secretary may cause such application to be examined for conformity with this section. Such application shall include the date of the accident, the names and ages of the victims which are to be placed upon the memorial sign and all other information required by the secretary. Upon confirmation by examination of the official accident report that the fatalities were the result of an accident with a driver who was under the influence of drugs or alcohol, in violation of the laws of Kansas, that the accident occurred on a highway that is under the jurisdiction of the secretary, not including city-connecting links, and that the driver of the vehicle the victim was in was not in violation of any Kansas law that was a cause of the accident, the secretary shall place a memorial sign along

the highway right-of-way reasonably near the location of the accident, subject to the discretion of the secretary. Such signs shall not be placed until the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs.

(c) An application for a memorial sign as provided by this section may be filed by an immediate family member of a victim killed in the accident. If a request is received from an immediate family member to deny the application or remove the sign, then the application shall be denied or the sign removed.

As used in this section, "immediate family member" means father, mother, child, sibling, grandparent, grandchild or spouse.

(d) In addition to any fees required under subsection (b), the secretary may require a maintenance and renewal fee for such sign every 10 years after the year in which such sign was first placed. The secretary may remove any sign for which a maintenance and renewal fee has been charged but remains unpaid after 90 days.

(e) The secretary of transportation may adopt rules and regulations for the purpose of implementing the provisions of this section.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.