

AMENDED IN ASSEMBLY MAY 4, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 882**

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**Introduced by Assembly Member Fuller**

February 26, 2009

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An act to amend Section 101.10 of the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL’S DIGEST

AB 882, as amended, Fuller. Highways: victim memorial signs.

Existing law requires the Department of Transportation to design, construct, place, and maintain, or cause to be designed, constructed, placed, and maintained, “Please Don’t Drink and Drive” signs on state highways in memory of accident victims killed in accidents involving another party who was convicted of drunk driving or various other alcohol-related offenses, as specified, if the sign is requested or consented to by an immediate family member of the accident victim and the requester pays a fee to cover the department’s costs, as specified.

This bill would expand these provisions to also include “Please Drive Safely” signs in memory of victims killed in vehicular accidents unrelated to drugs or alcohol. *The bill would limit to 20 the number of signs that may be placed each calendar year under these new provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 101.10 of the Streets and Highways Code
- 2 is amended to read:

1 101.10. (a) (1) The department shall design, construct, place,  
2 and maintain, or cause to be designed, constructed, placed, and  
3 maintained, along state highways, signs that read as follows:  
4 “Please Don’t Drink and Drive,” followed by: “In Memory of  
5 (victim’s name).” These signs shall be placed upon the state  
6 highways in accordance with this section, placement guidelines  
7 adopted by the department, and any applicable federal limitations  
8 or conditions on highway signage, including location and spacing.  
9 Signs may memorialize more than one victim. “Victim” for  
10 purposes of this section means a person who was killed in a  
11 vehicular accident, but does not include a party described in  
12 paragraph (2) of subdivision (c).

13 (2) The department shall also design, construct, place, and  
14 maintain, or cause to be designed, constructed, placed, and  
15 maintained, along state highways, signs that read as follows:  
16 “Please Drive Safely” followed by: “In Memory of (victim’s  
17 name).” These signs shall be placed upon the state highways in  
18 accordance with this section, placement guidelines adopted by the  
19 department, and any applicable federal limitations or conditions  
20 on highway signage, including location and spacing. Signs may  
21 memorialize more than one victim. “Victim” for purposes of this  
22 section also means a person who was killed in a vehicular accident  
23 unrelated to drugs or alcohol. *No more than 20 signs may be placed*  
24 *throughout the state each calendar year pursuant to this*  
25 *paragraph, notwithstanding any other provision of this section.*

26 (3) The department shall adopt program guidelines for the  
27 application for and placement of signs authorized by this section,  
28 including, but not limited to, the sign application and qualification  
29 process, the procedure for the dedication of signs, and procedures  
30 for the replacement or restoration of any signs that are damaged  
31 or stolen.

32 (b) (1) If the placement at the location of a vehicular accident  
33 is safe and practical and the conditions of subdivisions (c) and (d)  
34 are met, the department shall place a sign described in paragraph  
35 (1) of subdivision (a) in close proximity to the location where the  
36 vehicular accident occurred.

37 (2) If the placement at the location of a vehicular accident is  
38 safe and practical and the condition of subdivision (d) is met, the  
39 department shall place a sign described in paragraph (2) of

1 subdivision (a) in close proximity to the location where the  
2 vehicular accident occurred.

3 (c) (1) A party to that accident was convicted of any of the  
4 following:

5 (A) Murder of the second degree under Section 187, and the  
6 violation was a direct result of driving a vehicle while in violation  
7 of Section 23152 or 23153 of the Vehicle Code.

8 (B) Gross vehicular manslaughter while intoxicated under  
9 subdivision (a) of Section 191.5 of the Penal Code.

10 (C) Vehicular manslaughter under subdivision (b) of Section  
11 191.5 of the Penal Code.

12 (2) A party to that accident operated a vehicle involved in the  
13 vehicular accident in violation of Section 23152 or 23153 of the  
14 Vehicle Code, but died in the accident or was not prosecuted  
15 because he or she is found mentally incompetent pursuant to  
16 Section 1367 of the Penal Code.

17 (d) (1) Upon the request of an immediate family member of  
18 the deceased victim involved in an accident occurring on and after  
19 January 1, 1991, and described in subdivision (b), the department  
20 shall place a sign in accordance with this section. A person who  
21 is not a member of the immediate family may also submit a request  
22 to have a sign placed under this section if that person also submits  
23 the written consent of an immediate family member. The  
24 department shall charge the requesting party a fee to cover the  
25 department's cost in designing, constructing, placing, and  
26 maintaining that sign, and the department's costs in administering  
27 this section. The sign shall be posted for seven years from the date  
28 of initial placement, or until the date the department determines  
29 that the condition of the sign has deteriorated to the point that it  
30 is no longer serviceable, whichever date is first.

31 (2) "Immediate family" means spouse, child, stepchild, brother,  
32 stepbrother, sister, stepsister, mother, stepmother, father, or  
33 stepfather.

34 (3) If there is any opposition to the placement of the memorial  
35 sign by a member of the immediate family, no sign shall be placed  
36 pursuant to this section.