



State of Tennessee

PUBLIC CHAPTER NO. 1039

SENATE BILL NO. 1730

By Roberts, Yarbro

Substituted for: House Bill No. 1514

By Pitts, Kumar, Rogers, Kevin Brooks, Parkinson, Powell, Dunlap, Johnson, McManus, Byrd, Littleton, Akbari

AN ACT to amend Tennessee Code Annotated, Title 39; Title 54 and Title 55, relative to memorial signs for victims of accidents involving driving under the influence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Tyler Head Law".

SECTION 2. Tennessee Code Annotated, Title 54, Chapter 5, Part 10, is amended by adding the following as a new section:

54-5-1003.

(a) As used in this section:

(1) "Conventional state highway" means a highway on the state highway system that is characterized by at-grade intersections and a lack of control of access;

(2) "Immediate family member" means a spouse, child, parent, or sibling of the deceased victim, whether by marriage, blood, or adoption; and

(3) "Resident" has the same meaning as defined in § 55-50-102.

(b) The department of transportation shall establish a Driving Under the Influence (DUI) memorial signing program for the erection and maintenance of memorial signs within the rights-of-way of conventional state highways commemorating persons who have died as a result of a vehicular accident caused by a driver under the influence of alcohol, a controlled substance, or other intoxicant.

(c) The purposes of the program are to combat driving under the influence, increase public awareness of highway safety, and recognize the needs of grieving families who have lost a relative in an accident caused by a driver under the influence of an intoxicant.

(d) A memorial sign shall only be erected to memorialize a victim of a vehicular accident in which the driver of one (1) of the vehicles was driving under the influence of an intoxicant in violation of § 55-10-401, § 39-13-106, § 39-13-213(a)(2), or § 39-13-218, and the driver's driving under the influence of an intoxicant was a cause in fact and proximate cause of both the accident and the victim's death resulting from the accident; provided, further, that a memorial sign shall only be erected for a victim who, at the time of the accident, was a resident of this state.

(e) Within one (1) year from the date of conviction of the driver for a violation of § 55-10-401, § 39-13-106, § 39-13-213(a)(2), or § 39-13-218, an immediate family member of a deceased victim may request that a memorial sign be displayed at or near the location of the accident by making an application to the department on a form prescribed by the department, which shall contain the following information:

(1) Name of each victim for whom the sign is requested;

(2) Location of the accident;

(3) Date of the accident;

(4) Name and contact information of the applicant; and

(5) Name of the driver convicted for a violation of § 55-10-401, § 39-13-106, § 39-13-213(a)(2), or § 39-13-218.

(f) The application shall be accompanied by a copy of the accident report required to be submitted to the department of safety by the investigating law enforcement officer pursuant to § 55-10-108(b) and a copy of the report of the conviction of the driver for a violation of § 55-10-401, § 39-13-106, § 39-13-213(a)(2), or § 39-13-218, required to be submitted to the department of safety by the court of record pursuant to § 55-10-306. The applicant may provide to the department additional documentation relating to the accident or the driver's conviction if necessary to establish that the driver was under the influence.

(g) No memorial sign shall be erected for a victim who, at the time of the accident, was driving under the influence of an intoxicant in violation of § 55-10-401, § 39-13-106, § 39-13-213(a)(2), or § 39-13-218; engaging in reckless driving in violation of § 55-10-205; or committing a felony or other criminal offense other than a traffic violation under title 55, chapter 8.

(h)(1) The erection of the memorial signs shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices and within the state supplemental guidelines, as applicable.

(2) A memorial sign erected pursuant to this section shall be of an appropriate size, color, and shape as determined by the department; provided, that the sign shall consist of a panel with the language "Impaired Driving Costs Innocent Lives".

(3) An additional memorial plaque shall be mounted below the panel required by subdivision (h)(2). The plaque shall consist of the language "In Memory Of" followed by the name of the victim; provided, that the immediate family member may request the name of the victim remain anonymous.

(i) A memorial plaque may memorialize more than one (1) victim who died as a result of the same accident. If one (1) or more additional deaths subsequently occur in close proximity to an existing memorial sign, the department may use the same memorial plaque to memorialize the subsequent death or deaths, by adding the names of the additional persons.

(j) One (1) memorial sign shall be placed at the location of the accident; except, that the sign may be placed near or adjacent to the location of the accident or at an alternate location due to any restrictions, including available space, property owner complaints, interference with traffic control devices, or safety concerns. The sign shall be erected on the right-hand side of the right-of-way in the direction of travel of the victim's vehicle at the time of the accident.

(k) A memorial sign or plaque that is damaged shall be removed, replaced, or modified by the department. The department may remove, relocate, or dismantle any memorial sign, without notice, upon the determination by the department that the removal, relocation, or dismantling is necessary for construction, maintenance, safety, or other highway-related purpose.

(l) An immediate family member requesting a memorial sign under this section shall not place or encourage the placement of decorations, flowers, flags, or other memorial ornaments or tributes at or near the location of the accident.

(m) The cost of the signage shall be funded in accordance with § 54-1-133(b).

(n) The department is authorized to promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to implement this section.

SECTION 3. Tennessee Code Annotated, Section 54-1-133, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b) The department of transportation, subject to appropriation by the general assembly, shall fund from resources in the highway fund the cost of signage and markers installed on a conventional state highway under the DUI memorial signing program pursuant to § 54-5-1003.

SECTION 4. The department of transportation is urged to install as soon as reasonably practicable a memorial sign pursuant to this act to honor the memory of Tyler Head, the namesake of this act and twenty-year old college student, who tragically passed away at the scene of a violent head-on collision on February 3, 2012, in which the other driver had been under the influence of alcohol; provided, that all of the requirements of this act have been met.

SECTION 5. This act shall take effect July 1, 2016, the public welfare requiring it.

SENATE BILL NO. 1730

PASSED: April 20, 2016



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of April 2016



BILL HASLAM, GOVERNOR