

HOUSE BILL 3362

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 54,  
Chapter 5, relative to roadside memorials.

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

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 5, Part 1, is amended by adding a new section thereto, as follows:

Section 54-5-144.

(a) The department may erect uniform roadside memorials within the rights-of-way alongside the state highway system to:

- (1) Commemorate the victims of vehicular traffic accidents;
- (2) Serve as a reminder to others of the duty to drive in a safe manner;

and

(3) Honor public safety workers killed in the line of duty on the state highway system.

(b) A request to remove or prevent placement of a uniform roadside memorial must be made by a member of the decedent's immediate family.

(c) The department may promulgate rules and regulations pursuant to title 4, chapter 5, for the size, design, construction, and placement, including length of time for display, of uniform roadside memorials, with regard to the safety of vehicle operators, pedestrians, and employees and contractors of the department.

(d) Pursuant to Section 54-5-136, the department shall remove roadside memorials that are not erected by the department.

(e) The department may accept grants or gifts made to carry out the purpose of this section.

(f) The manufacture and installation of roadside memorials pursuant to this act shall be paid to the department of transportation from non-state funds. Provided, that roadside memorials for public safety workers may be paid from state funds. Such payment shall be made prior to any expenditure by the state for the manufacture or installation of such memorials. The department shall return any unused portion of the estimated cost to the person or entity paying for such memorials within thirty (30) days of the erection of such memorials. If the actual cost exceeds the estimated cost, an amount equal to the difference in such costs shall be remitted to the department in non-state funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.