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H.525

Introduced by Representative McCormack of Burlington

Referred to Committee on

Date:

Subject: Roadside memorials; highways; Agency of Transportation

Statement of purpose of bill as introduced: This bill proposes to create official roadside memorials that can be requested for an individual who passed away as the result of certain fatal traffic crashes.

An act relating to roadside memorials

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 19 V.S.A. § 1113 is added to read:

§ 1113. ROADSIDE MEMORIALS

(a) Definitions. As used in this section:

(1) “Immediate family member” means a child; stepchild; foster child; spouse; domestic partner, as defined in 17 V.S.A. § 2414; civil union partner; parent; or parent of a spouse, domestic partner, or civil union partner.

(2) “Vehicle” has the same meaning as in 23 V.S.A. § 1200.

(3) “Victim” means someone who was killed in a fatal vehicular crash.

(b) Roadside memorials. The Agency shall design, construct, place, and maintain, or cause to be designed, constructed, placed, and maintained, along

1 State highways, signs with one of the following messages, followed by “In  
2 Memory of (victim’s name or victims’ names)”: “Please Don’t Drink and  
3 Drive”; “Please Don’t Text and Drive”; “Please Buckle Up”; “Please Watch  
4 for Bicyclists”; or “Please Drive Safely.” These signs shall be placed within  
5 the State highway right-of-way in accordance with this section, guidelines  
6 adopted by the Agency, and any applicable federal limitations or conditions on  
7 highway signage, including on location and spacing.

8 (c) Sign placement. If the conditions of subsections (d) and (e) of this  
9 section are met, then the Agency shall place a sign described in subsection (b)  
10 of this section in as close proximity to the location of the fatal crash as is safe  
11 and practical.

12 (d) Cause of crash.

13 (1) In order for a sign to be erected in memorial of the victim or victims,  
14 the victim or victims must not have been found comparatively negligent or  
15 convicted of a traffic violation or crime in conjunction with the fatal crash.

16 (2) In order for the “Please Don’t Drink and Drive” sign to be erected in  
17 memorial of the victim or victims, an individual involved in the fatal crash  
18 must have been convicted of a violation under 23 V.S.A. § 1201 with death  
19 resulting or manslaughter due to the operation of a vehicle under the influence  
20 of alcohol or other substance, or both.

1       (e) Request; fee.

2           (1) In order for a sign to be erected in memorial of the victim or victims,  
3       an immediate family member of each victim involved in the fatal crash to be  
4       included on the sign must submit a written request to the Agency of  
5       Transportation and pay a \$400.00 fee. An individual who is not an immediate  
6       family member may also submit a request to have a sign erected under  
7       subsection (b) of this section if that individual also submits the written consent  
8       of an immediate family member of each victim to be included on the sign.

9           (2) If there is any opposition to the placement of the memorial sign by a  
10       member of a victim's immediate family, no sign shall be placed in memorial of  
11       that victim pursuant to this section.

12       (f) Length of display; replacements; renewals.

13           (1) The sign shall be posted until the earlier of:

14               (A) seven years from the date of initial placement; or

15               (B) the date the Agency determines, in its sole discretion, that the  
16       condition of the sign has deteriorated to the point that it is no longer  
17       serviceable or it is detrimental to the State or traveling public for the sign to  
18       remain, or both.

19           (2) The Agency shall automatically replace each sign once, free of  
20       charge, if it is stolen, vandalized, or otherwise badly damaged. Subsequent

1 replacements shall only be made in accordance with subdivision (4) of this  
2 subsection.

3 (3) Upon removal, the sign shall be provided to the first listed individual  
4 on the initial application submitted in accordance with subdivision (e)(1) of  
5 this section.

6 (4) Upon removal and at the request of an individual or individuals  
7 described in subdivision (e)(1) of this section, provided that there is no  
8 objection by a victim's immediate family member, the sign may be replaced  
9 and renewed for a fee of \$200.00 unless the Agency determines, in its sole  
10 discretion, that the installation of a new sign is detrimental to the State or  
11 traveling public.

12 (g) Installation. Individuals who request the placement of a sign must  
13 agree not to visit the site of the sign and will not be allowed at the installation.  
14 The Agency shall provide photographs documenting the installation to the first  
15 listed individual on the initial application submitted in accordance with  
16 subdivision (e)(1) of this section.

17 (h) Guidelines. The Agency shall adopt program guidelines for the  
18 application for and placement of signs authorized by this section.

19 Sec. 2. DEVELOPMENT OF A ROADSIDE MEMORIAL POLICY

20 (a) The Agency of Transportation shall develop a roadside memorial policy  
21 that is consistent with 19 V.S.A. § 1113 as added by Sec. 1 of this act,

1 including policies on the sign application and qualification process, the  
2 procedure for the dedication of signs, the location of the sign, and procedures  
3 for the replacement or restoration of any signs that are damaged or stolen.

4 (b) The Agency of Transportation shall file a copy of the policy required  
5 under subsection (a) of this section with the House and Senate Committees on  
6 Transportation on or before December 15, 2022.

7 Sec. 3. EFFECTIVE DATES

8 (a) This section and Sec. 2 (development of guidelines) shall take effect on  
9 passage.

10 (b) Sec. 1 (roadside memorials) shall take effect on July 1, 2023.