

House Bill 719

By: Representative Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 17-15-8 of the Official Code of Georgia Annotated, relating to
2 required findings, amount of award, rejection of claim, reductions, exemptions, effective date
3 for awards, psychological counseling for relatives of deceased, and memorials for victims
4 of DUI homicide, so as to authorize the placement of memorials for victims of DUI homicide
5 on city and county rights of way by the Department of Transportation; to provide for
6 coordination between the Department of Transportation and local government; to authorize
7 local government to relocate such memorial signs due to maintenance or expansion; to
8 provide for related matters; to repeal conflicting laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 Code Section 17-15-8 of the Official Code of Georgia Annotated, relating to required
12 findings, amount of award, rejection of claim, reductions, exemptions, effective date for
13 awards, psychological counseling for relatives of deceased, and memorials for victims of
14 DUI homicide, is amended by revising subsection (k) as follows:

15 "(k)(1) In addition to any other award authorized by this Code section, in any case where
16 a deceased was a victim of homicide by vehicle caused by a violation of Code

17 Section 40-6-391 on any road which is part of the state highway system, or any county
18 road system, or a municipal street system, as such terms are defined in Code Section
19 32-4-1, upon request of the next of kin of the deceased, an award of compensation in the
20 form of a memorial sign erected by the Department of Transportation as provided by this
21 subsection shall be paid to an eligible claimant.

22 (2) The provisions of paragraph (4) of subsection (a) of this Code section shall not apply
23 for purposes of eligibility for awards made under this subsection, and the value of any
24 award paid to a claimant under this subsection shall not apply toward or be subject to any
25 limitation on award amounts paid to any claimant under other provisions of this Code
26 section.

27 (3) The Department of Transportation, upon receiving payment for the cost of materials
28 and labor from the board, shall upon request of the next of kin of the deceased erect a
29 sign memorializing the deceased on the right of way of such public highway, road, or
30 street at the location of the accident or as near thereto as safely and reasonably possible
31 and shall maintain such sign for a period of five years from the date the sign is erected
32 unless its earlier removal is requested in writing by the next of kin. Such sign shall be 24
33 inches wide by 36 inches high and depict a map of the State of Georgia, with a dark blue
34 background and a black outline of the state boundaries. A border of white stars shall be
35 placed on the inside of the state boundaries, and the sign shall contain the words 'In
36 Memory of (name), DUI Victim (date of accident).'

37 (4) In the event of multiple such claims arising out of a single motor vehicle accident,
38 the names of all deceased victims for whom such claims are made and for whom a
39 request has been made by the next of kin of the deceased may be placed on one such sign
40 or, if necessary, on one such sign and a plaque beneath of the same color as the sign. In
41 the event of multiple claims relating to the same deceased victim, no more than one such
42 sign shall be paid for and erected for such victim.

43 (5)(A) The Department of Transportation shall coordinate the placement of such
44 memorial signs in county or city rights of way with the local government that owns or
45 maintains such rights of way.

46 (B) During the five-year period provided for in paragraph (3) of this subsection, a
47 county or city that maintains a right of way where such a sign has been placed shall be
48 authorized to relocate any such sign to a location as near to the location of the accident
49 as safely and reasonably possible to allow for maintenance or expansion of such right
50 of way."

51 **SECTION 2.**

52 All laws and parts of laws in conflict with this Act are repealed.