

SENATE CS FOR CS FOR HOUSE BILL NO. 127(STA) am S

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Amended: 5/5/03

Offered: 5/2/03

Sponsor(s): REPRESENTATIVES WHITAKER, Holm, Lynn, Chenault, Meyer, Fate, Morgan, Ogg, Gatto, Samuels, Foster, Wolf, Gruenberg, Stoltze, Dahlstrom

SENATOR Lincoln

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to roadside memorials within the right-of-way of a state highway."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 19.25 is amended by adding new sections to read:

4 **Article 4. Roadside Memorials.**

5 **Sec. 19.25.260. Roadside memorials permitted.** (a) Notwithstanding
6 AS 19.25.090, 19.25.105, and 19.25.200, a person may, for a period of not more than
7 two years, place in the right-of-way but outside of the traveled way of a state highway
8 a temporary memorial for a decedent who died as a result of a traffic accident, or other
9 incident in the right-of-way, at or reasonably near the site where the memorial is
10 located.

11 (b) A memorial must not interfere with the use of the highway, with other uses
12 of the right-of-way, with the visibility of directional and other official signs and
13 notices, or with highway safety, construction, or maintenance.

14 (c) The person who places a memorial in the right-of-way of a state highway
15 shall

1 (1) post the person's contact information on the memorial;
 2 (2) inform the department of the location within seven days of
 3 placement of the memorial; and

4 (3) provide the person's contact information to the department.

5 (d) A person may not place a political or commercial message on a memorial.

6 (e) A person may not place reflective material or another item on a memorial
 7 if that material or item would be distracting to drivers and other users of the right-of-
 8 way.

9 (f) The state is not liable for damage to, or damage or injury resulting from the
 10 presence of, a memorial in the right-of-way of a state highway.

11 (g) In this section, "memorial" means decorations, flags, flowers, and other
 12 lightweight objects or ornamentation commonly used at funerals or at gravesides as a
 13 tribute to a decedent.

14 **Sec. 19.25.270. Relocation or removal of memorial.** (a) If, incidental to the
 15 construction or maintenance of a state highway, the department determines that a
 16 memorial authorized by AS 19.25.260 must be changed, relocated, or removed, the
 17 person who placed the memorial within the right-of-way shall change, relocate, or
 18 remove the memorial at no expense to the state within a reasonable time set by the
 19 department. If the owner does not change, relocate, or remove a memorial within the
 20 time set by the department, the memorial is an unauthorized encroachment and subject
 21 to the provisions of AS 19.25.230 - 19.25.250.

22 (b) If a memorial in the right-of-way of a state highway does not comply with
 23 the requirements of AS 19.25.260, the memorial is an unauthorized encroachment.
 24 The department may require removal of the encroachment in the manner provided in
 25 AS 19.25.230 - 19.25.250.