

By: Hinojosa

S.B. No. 1311

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of an all-terrain vehicle trail and recreational area program; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 3, Parks and Wildlife Code, is amended by adding Chapter 29 to read as follows:

CHAPTER 29. ALL-TERRAIN VEHICLE TRAIL AND RECREATIONAL AREA PROGRAM

Sec. 29.001. DEFINITION. In this chapter, "all-terrain vehicle" has the meaning assigned by Section 663.001, Transportation Code.

Sec. 29.002. ESTABLISHMENT AND OPERATION. (a) The all-terrain vehicle trail and recreational area program is established under the administration of the department. The purposes of the program are to establish and maintain a public system of trails and other recreational areas for use by owners and riders of all-terrain vehicles, to improve existing trails and other recreational areas open to the public for use by owners and riders of all-terrain vehicles, and to foster the responsible use of all-terrain vehicles.

(b) The department may establish trails and recreation areas for use by owners and riders of all-terrain vehicles on public land over which the department has authority or on land purchased by the department for the purpose of establishing and maintaining

1 trails and other recreational areas for use by owners and riders of
2 all-terrain vehicles.

3 (c) The department shall coordinate the implementation and
4 operation of the program established by this chapter with the
5 implementation and operation of the program established under
6 Section 90.009.

7 Sec. 29.003. ALL-TERRAIN VEHICLE DECAL REQUIRED; FEE. (a)
8 A person may not operate an all-terrain vehicle on a trail or in a
9 recreation area established or maintained by the department under
10 this chapter or on other public land without having obtained an
11 all-terrain vehicle decal.

12 (b) The fee for an all-terrain vehicle decal, including a
13 collector's edition decal, is \$8 or an amount set by the commission,
14 whichever amount is more.

15 Sec. 29.004. ISSUANCE, DISPLAY, AND EXPIRATION OF DECAL.

16 (a) The department may issue an all-terrain vehicle decal to any
17 person whose all-terrain vehicle is registered under Section
18 502.006, Transportation Code, on the payment of the fee under
19 Section 29.003(b). The department may also issue collector's
20 editions of the decal that do not entitle a person to operate an
21 all-terrain vehicle on a trail or in a recreation area established
22 or maintained by the department under this chapter or on other
23 public land.

24 (b) The department shall prescribe the form and manner in
25 which the decal must be issued to a person and displayed for use by
26 the person.

27 (c) A decal issued under this section is valid only during

1 the yearly period for which the decal is issued without regard to
2 the date on which the decal is acquired. A yearly period begins on
3 September 1 or another date set by the commission and extends
4 through August 31 of the next year or another date set by the
5 commission.

6 Sec. 29.005. DISPOSITION OF DECAL FEES. The department
7 shall deposit all revenue, less allowable costs, collected under
8 Section 29.004 to the credit of the all-terrain vehicle trail and
9 recreational area account under Section 11.046.

10 Sec. 29.006. OTHER REVENUE. The department shall seek and
11 use funding from the federal government and other sources outside
12 the general revenue fund to identify and facilitate the development
13 of all-terrain vehicle trails and recreation areas under this
14 chapter.

15 Sec. 29.007. GRANTS. The department may make grants to
16 political subdivisions and nonprofit organizations for the purpose
17 of acquiring, developing, and maintaining public trails or
18 recreation areas under this chapter.

19 Sec. 29.008. PENALTY. A person who violates Section 29.003
20 commits an offense that is a Class C Parks and Wildlife misdemeanor.

21 Sec. 29.009. RULES. The commission shall adopt rules
22 necessary to implement this chapter.

23 SECTION 2. Chapter 11, Parks and Wildlife Code, is amended
24 by adding Sections 11.046 and 11.047 to read as follows:

25 Sec. 11.046. ALL-TERRAIN VEHICLE TRAIL AND RECREATIONAL
26 AREA ACCOUNT. (a) The all-terrain vehicle trail and recreational
27 area account is a separate account in the general revenue fund.

1 (b) The department shall deposit to the credit of the
2 all-terrain vehicle trail and recreational area account all
3 revenue, less allowable costs, from the following sources:

4 (1) decal fees collected under Chapter 29;

5 (2) fines assessed against persons operating
6 all-terrain vehicles in violation of Chapter 29 or any other law
7 relating to the operation of all-terrain vehicles;

8 (3) all funding outside the general revenue fund
9 received by the department under Section 29.006; and

10 (4) all interest that accrues to the account.

11 Sec. 11.047. USE OF ALL-TERRAIN VEHICLE TRAIL AND
12 RECREATIONAL AREA ACCOUNT. Money in the all-terrain vehicle trail
13 and recreational area account may be used only for expenditures
14 necessary under Chapter 29.

15 SECTION 3. The Parks and Wildlife Commission shall design
16 and make available the decal required under Section 29.003, Parks
17 and Wildlife Code, as added by this Act, not later than December 1,
18 2005.

19 SECTION 4. Section 29.008, Parks and Wildlife Code, as
20 added by this Act, takes effect January 1, 2006.

21 SECTION 5. Except as provided by Section 4 of this Act, this
22 Act takes effect September 1, 2005.