

1-1 By: Hinojosa S.B. No. 1311
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 22, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 11, Nays 0; April 22, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1311 By: Hinojosa

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the establishment of an off-highway vehicle trail and
1-11 recreational area program; providing a penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Title 3, Parks and Wildlife Code, is amended by
1-14 adding Chapter 29 to read as follows:

1-15 CHAPTER 29. OFF-HIGHWAY VEHICLE TRAIL AND RECREATIONAL AREA
1-16 PROGRAM

1-17 Sec. 29.001. DEFINITION. In this chapter, "off-highway
1-18 vehicle" means:

1-19 (1) an all-terrain vehicle, as defined by Section
1-20 663.001, Transportation Code;

1-21 (2) an off-highway motorcycle; and

1-22 (3) any other four-wheel drive vehicle not registered
1-23 to be driven on a highway.

1-24 Sec. 29.002. ESTABLISHMENT AND OPERATION. (a) The
1-25 off-highway vehicle trail and recreational area program is
1-26 established under the administration of the department. The
1-27 purposes of the program are to:

1-28 (1) further the establishment of motor vehicle
1-29 recreation sites under Section 90.009;

1-30 (2) establish and maintain a public system of trails
1-31 and other recreational areas for use by owners and riders of
1-32 off-highway vehicles;

1-33 (3) improve existing trails and other recreational
1-34 areas open to the public for use by owners and riders of off-highway
1-35 vehicles; and

1-36 (4) foster the responsible use of off-highway
1-37 vehicles.

1-38 (b) The department shall establish trails and recreational
1-39 areas for use by owners and riders of off-highway vehicles on public
1-40 land over which the department has authority or on land purchased or
1-41 leased by the department for the purpose of establishing and
1-42 maintaining trails and other recreational areas for use by owners
1-43 and riders of off-highway vehicles.

1-44 (c) The department shall coordinate the implementation and
1-45 operation of the program established under this chapter with the
1-46 implementation and operation of the program established under
1-47 Section 90.009.

1-48 Sec. 29.003. OFF-HIGHWAY VEHICLE DECAL REQUIRED; FEE.

1-49 (a) Except as provided by Section 29.004, a person may not operate
1-50 an off-highway vehicle on a trail or in a recreational area
1-51 established or maintained by the department under this chapter or
1-52 on other public land without having obtained an off-highway vehicle
1-53 decal.

1-54 (b) The fee for an off-highway vehicle decal is \$8 or an
1-55 amount set by the commission, whichever amount is more.

1-56 Sec. 29.004. EXEMPTIONS. Section 29.003 does not apply to a
1-57 person that is:

1-58 (1) acting on behalf of the United States, any state,
1-59 or a political subdivision of the United States or any state;

1-60 (2) participating in a search and rescue operation
1-61 under the authority or direction of a search and rescue or law
1-62 enforcement agency; or

1-63 (3) exempt under a rule adopted by the commission.

2-1 Sec. 29.005. ISSUANCE, DISPLAY, AND EXPIRATION OF DECAL.
2-2 (a) The department shall issue an off-highway vehicle decal to any
2-3 person whose off-highway vehicle is registered under Section
2-4 502.006, Transportation Code, on the payment of the fee under
2-5 Section 29.003(b).

2-6 (b) The department shall prescribe the form and manner in
2-7 which the decal must be issued to a person and displayed for use by
2-8 the person.

2-9 (c) A decal issued under this section is valid only during
2-10 the yearly period for which the decal is issued without regard to
2-11 the date on which the decal is acquired. A yearly period begins on
2-12 September 1 or another date set by the commission and extends
2-13 through August 31 of the next year or another date set by the
2-14 commission.

2-15 Sec. 29.006. DISPOSITION OF DECAL FEES. The department
2-16 shall deposit all revenue, less allowable costs, collected under
2-17 Section 29.005 to the credit of the off-highway vehicle trail and
2-18 recreational area account under Section 11.046.

2-19 Sec. 29.007. OTHER REVENUE. The department shall seek and
2-20 use funding from the federal government, including the Recreational
2-21 Trails Program administered by the United States Department of
2-22 Transportation, and other sources outside the general revenue fund
2-23 to identify and facilitate the development of off-highway vehicle
2-24 trails and recreational areas under this chapter.

2-25 Sec. 29.008. GRANTS. The department may make grants to
2-26 federal agencies, political subdivisions of this state, and
2-27 nonprofit organizations for the purpose of acquiring, developing,
2-28 and maintaining public trails or recreational areas under this
2-29 chapter.

2-30 Sec. 29.009. PENALTY. A person who violates Section 29.003
2-31 commits an offense that is a Class C Parks and Wildlife misdemeanor.

2-32 Sec. 29.010. RULES. The commission:
2-33 (1) shall adopt rules necessary to implement this
2-34 chapter; and
2-35 (2) may adopt rules exempting certain classes of
2-36 persons from the requirements of Section 29.003.

2-37 SECTION 2. Subchapter C, Chapter 11, Parks and Wildlife
2-38 Code, is amended by adding Sections 11.046 and 11.047 to read as
2-39 follows:

2-40 Sec. 11.046. OFF-HIGHWAY VEHICLE TRAIL AND RECREATIONAL
2-41 AREA ACCOUNT. (a) The off-highway vehicle trail and recreational
2-42 area account is a separate account in the general revenue fund.

2-43 (b) The department shall deposit to the credit of the
2-44 off-highway vehicle trail and recreational area account all
2-45 revenue, less allowable costs, from the following sources:

- 2-46 (1) decal fees collected under Chapter 29;
- 2-47 (2) fines assessed against persons operating
2-48 off-highway vehicles in violation of Chapter 29 or any other law
2-49 relating to the operation of off-highway vehicles;
- 2-50 (3) all funding outside the general revenue fund
2-51 received by the department under Section 29.007; and
- 2-52 (4) all interest that accrues to the account.

2-53 Sec. 11.047. USE OF OFF-HIGHWAY VEHICLE TRAIL AND
2-54 RECREATIONAL AREA ACCOUNT. Money in the off-highway vehicle trail
2-55 and recreational area account may be used only for expenditures
2-56 necessary under Chapter 29 to:

- 2-57 (1) acquire, construct, develop, and maintain trails
2-58 and other recreational areas for use by owners and riders of
2-59 off-highway vehicles as defined by Section 29.001;
- 2-60 (2) provide access to those trails and recreational
2-61 areas;
- 2-62 (3) make grants under Section 29.008; and
- 2-63 (4) enforce and administer the off-highway vehicle
2-64 trail and recreational area program.

2-65 SECTION 3. The Parks and Wildlife Commission shall design
2-66 and make available the decal required under Section 29.003, Parks
2-67 and Wildlife Code, as added by this Act, not later than December 1,
2-68 2005.

2-69 SECTION 4. Section 29.009, Parks and Wildlife Code, as

3-1 added by this Act, takes effect January 1, 2006.

3-2 SECTION 5. Except as provided by Section 4 of this Act, this

3-3 Act takes effect September 1, 2005.

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