

BILL ANALYSIS

H.B. 3849
By: Hilderbran
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

SB1311, passed in the 79th legislative session, created duplication in the decals necessary for all-terrain vehicles. Currently the Texas Department Of Transportation (TXDOT) has a voluntary decal that is available on a county to county basis. Many counties not aware of this program. HB 3849 allows for the consolidation of all-terrain vehicle decals by requiring the Texas Parks and Wildlife Department (TPWD) only administer the decals. TXDOT and Texas Department of Public Safety support this bill, as it releases them from administering a program that is not cost effective.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Section 502.001(1) of the Transportation Code is amended to make the definition of "all-terrain vehicle" consistent with the Parks and Wildlife Code by providing that a passenger may be carried if the vehicle is so designed by the manufacturer.

The bill repeals Section 502.006 (c) and (d) of the Transportation Code that provides for the issuance by the department of an off-highway vehicle registration certificate and decal, upon application by the owner, thereby relieving TXDOT of the administrative and cost burden of issuing a vehicle decal that is duplicative of that now issued by TPWD. The current TXDOT registration program, by its voluntary nature is revenue negative and should be eliminated. Section 502.169 that specifies all-terrain vehicle registration and safety fees is also repealed due to the voluntary nature of registration and that safety education and training delivery is conducted without state funding. Section 502.205, providing that all-terrain vehicles owned by state, county and municipal entities be exempt from paying a registration fee, is repealed as there will be no TXDOT registration. Similarly, Section 502.406 that makes it an offense to operate an all-terrain vehicle on public property without a registration decal is also repealed, as there will be no TXDOT registration.

Section 29.005(a) of the Parks and Wildlife Code is amended to provide for the department to issue an off-highway vehicle decal upon payment of a fee.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.