

BILL ANALYSIS

S.B. 1559
By: Hinojosa
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, both the Texas Department of Transportation (TxDOT) and the Texas Parks and Wildlife Department issue vehicle decals for all-terrain vehicles. The voluntary nature of TxDOT's registration program, as well as the costs of safety education and training delivery without state funding, has led to a potentially unsustainable situation. Additionally, the concurrent issuance has led to confusion in some cases and to duplicative efforts between state agencies. The elimination of TxDOT's registration program for all-terrain vehicles may solve these problems.

S.B. 1559 repeals certain statutes that provide for the issuance of an off-highway vehicle registration certificate and decal by TxDOT. This bill provides that decals noting registration of an off-highway vehicle from other states are acceptable in this state. This bill requires that all persons in an all-terrain vehicle wear protective gear and requires a decal to be affixed to an all-terrain vehicle used for recreation on public lands.

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 1. Amends Section 502.001(1), Transportation Code, to redefine "all-terrain vehicle."

SECTION 2. Amends Section 29.001, Parks and Wildlife Code, to redefine "off-highway vehicle."

SECTION 3. Amends Section 29.003(a), Parks and Wildlife Code, to prohibit a person from operating an off-highway vehicle on public land over which the Texas Parks and Wildlife Department (TPWD) has authority or on land purchased or leased by TPWD, rather than on a trail or in a recreational area established or maintained by TPWD, on which off-highway vehicle recreation is legal, without having obtained and properly mounted an off-highway vehicle decal.

SECTION 4. Amends Section 29.004, Parks and Wildlife Code, to provide that Section 29.003 does not apply to a person who is a nonresident and the off-highway vehicle is registered under the laws of the owner's home state. Makes a conforming change.

SECTION 5. Amends Section 29.005(a), Parks and Wildlife Code, to delete existing text providing that a person whose off-highway vehicle is registered under Section 502.006 (All-Terrain Vehicles), Transportation Code, is a person for whom the Texas Department of Transportation is required to issue a decal upon payment of a certain fee.

SECTION 6. Amends Chapter 29, Parks and Wildlife Code, by adding Section 29.011, as follows:

Sec. 29.011. SAFETY APPAREL REQUIRED. Prohibits a person from operating, riding, or being carried on an off-highway vehicle on public property unless the person wears a safety helmet that complies with United States Department of Transportation standards and eye protection.

SECTION 7. Repealer: (1) Sections 502.006(c) and (d) (regarding registration of all-terrain vehicles for off-highway use); (2) Section 502.169 (Fee: All-Terrain Vehicle); (3) Section 502.205 (All-Terrain Vehicles); and (4) Section 502.406 (Operation of All-Terrain Vehicle Without Sticker), Transportation Code.

SECTION 8. Effective date: upon passage or September 1, 2007.

EFFECTIVE DATE

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