

AN ACT

relating to the registration of all-terrain vehicles by the Texas Department of Transportation; creating an offense.

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

SECTION 1. Section 502.001(1), Transportation Code, is amended to read as follows:

(1) "All-terrain vehicle" means a motor vehicle that is ~~[not a golf cart and is]~~:

(A) equipped with a saddle, ~~[or]~~ bench, or bucket seats for the use of:

(i) the rider; and

(ii) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;

(B) designed to propel itself with three or more tires in contact with the ground;

(C) designed by the manufacturer for off-highway use ~~[by the operator only]~~; and

(D) not designed by the manufacturer primarily for farming or lawn care.

SECTION 2. Section 29.001, Parks and Wildlife Code, is amended to read as follows:

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

(1) an all-terrain vehicle, as defined by Section

1 663.001, Transportation Code;

2 (2) an off-highway motorcycle; and

3 (3) any other motorized vehicle used for off-highway
4 recreation on:

5 (A) public land over which the department has
6 authority or on land purchased or leased by the department; or

7 (B) land acquired or developed under a grant made
8 under Section 29.008 or any other grant program operated or
9 administered by the department [~~four-wheel drive vehicle not~~
10 ~~registered to be driven on a highway~~].

11 SECTION 3. Section 29.003(a), Parks and Wildlife Code, is
12 amended to read as follows:

13 (a) Except as provided by Section 29.004, a person may not
14 operate an off-highway vehicle on public land over which the
15 department has authority, on land purchased or leased by the
16 department, [~~a trail or in a recreational area established or~~
17 ~~maintained by the department under this chapter,~~] on other public
18 land, or on land purchased or developed under a grant made under
19 Section 29.008 or any other grant program operated or administered
20 by the department on which off-highway vehicle recreation is legal
21 without having obtained and properly mounted an off-highway vehicle
22 decal.

23 SECTION 4. Section 29.005(a), Parks and Wildlife Code, is
24 amended to read as follows:

25 (a) The department shall issue an off-highway vehicle decal
26 [~~to any person whose off-highway vehicle is registered under~~
27 ~~Section 502.006, Transportation Code,~~] on the payment of the fee

1 under Section 29.003(b).

2 SECTION 5. Chapter 29, Parks and Wildlife Code, is amended
3 by adding Section 29.011 to read as follows:

4 Sec. 29.011. SAFETY APPAREL REQUIRED. (a) A person may not
5 operate, ride, or be carried on an off-highway vehicle on public
6 property unless the person wears:

7 (1) a safety helmet that complies with United States
8 Department of Transportation standards; and

9 (2) eye protection.

10 (b) An offense under this section is a Class C Parks and
11 Wildlife Code misdemeanor.

12 SECTION 6. Sections 502.006(c) and (d), 502.169, 502.205,
13 and 502.406, Transportation Code, are repealed.

14 SECTION 7. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 3849 was passed by the House on May 9, 2007, by the following vote: Yeas 144, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3849 on May 23, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3849 on May 26, 2007, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.B. No. 3849

I certify that H.B. No. 3849 was passed by the Senate, with amendments, on May 21, 2007, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3849 on May 26, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor