

1-1 By: Hilderbran (Senate Sponsor - Hinojosa) H.B. No. 3849  
1-2 (In the Senate - Received from the House May 10, 2007;  
1-3 May 14, 2007, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 17, 2007, reported  
1-5 adversely, with favorable Committee Substitute by the following  
1-6 vote: Yeas 8, Nays 0; May 17, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3849 By: Watson

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

1-10 relating to the registration of all-terrain vehicles by the Texas  
1-11 Department of Transportation.

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

1-13 SECTION 1. Section 502.001(1), Transportation Code, is  
1-14 amended to read as follows:

1-15 (1) "All-terrain vehicle" means a motor vehicle that  
1-16 is ~~[not a golf cart and is]~~:

1-17 (A) equipped with a saddle, ~~[or]~~ bench, or bucket  
1-18 seats for the use of:

1-19 (i) the rider; and

1-20 (ii) a passenger, if the motor vehicle is  
1-21 designed by the manufacturer to transport a passenger;

1-22 (B) designed to propel itself with three or more  
1-23 tires in contact with the ground;

1-24 (C) designed by the manufacturer for off-highway  
1-25 use ~~[by the operator only]~~; and

1-26 (D) not designed by the manufacturer primarily  
1-27 for farming or lawn care.

1-28 SECTION 2. Section 29.001, Parks and Wildlife Code, is  
1-29 amended to read as follows:

1-30 Sec. 29.001. DEFINITION. In this chapter, "off-highway  
1-31 vehicle" means:

1-32 (1) an all-terrain vehicle, as defined by Section  
1-33 663.001, Transportation Code;

1-34 (2) an off-highway motorcycle; and

1-35 (3) any other motorized vehicle used for off-highway  
1-36 recreation on:

1-37 (A) public land over which the department has  
1-38 authority or on land purchased or leased by the department; or

1-39 (B) land acquired or developed under a grant made  
1-40 under Section 29.008 or any other grant program operated or  
1-41 administered by the department ~~[four-wheel drive vehicle not~~  
1-42 ~~registered to be driven on a highway]~~.

1-43 SECTION 3. Section 29.003(a), Parks and Wildlife Code, is  
1-44 amended to read as follows:

1-45 (a) Except as provided by Section 29.004, a person may not  
1-46 operate an off-highway vehicle on public land over which the  
1-47 department has authority, on land purchased or leased by the  
1-48 department, [a trail or in a recreational area established or  
1-49 maintained by the department under this chapter, on other public  
1-50 land,] or on land purchased or developed under a grant made under  
1-51 Section 29.008 or any other grant program operated or administered  
1-52 by the department on which off-highway vehicle recreation is legal  
1-53 without having obtained and properly mounted an off-highway vehicle  
1-54 decal.

1-55 SECTION 4. Section 29.004, Parks and Wildlife Code, is  
1-56 amended to read as follows:

1-57 Sec. 29.004. EXEMPTIONS. Section 29.003 does not apply to  
1-58 a person that is:

1-59 (1) acting on behalf of the United States, any state,  
1-60 or a political subdivision of the United States or any state;

1-61 (2) participating in a search and rescue operation  
1-62 under the authority or direction of a search and rescue or law  
1-63 enforcement agency;

2-1 (3) a nonresident and the off-highway vehicle is  
2-2 registered under the laws of the owner's home state; or

2-3 (4) [(3)] exempt under a rule adopted by the  
2-4 commission.

2-5 SECTION 5. Section 29.005(a), Parks and Wildlife Code, is  
2-6 amended to read as follows:

2-7 (a) The department shall issue an off-highway vehicle decal  
2-8 [~~to any person whose off-highway vehicle is registered under~~  
2-9 ~~Section 502.006, Transportation Code,~~] on the payment of the fee  
2-10 under Section 29.003(b).

2-11 SECTION 6. Chapter 29, Parks and Wildlife Code, is amended  
2-12 by adding Section 29.011 to read as follows:

2-13 Sec. 29.011. SAFETY APPAREL REQUIRED. A person may not  
2-14 operate, ride, or be carried on an off-highway vehicle on public  
2-15 property unless the person wears:

2-16 (1) a safety helmet that complies with United States  
2-17 Department of Transportation standards; and

2-18 (2) eye protection.

2-19 SECTION 7. Sections 502.006(c) and (d), 502.169, 502.205,  
2-20 and 502.406, Transportation Code, are repealed.

2-21 SECTION 8. This Act takes effect immediately if it receives  
2-22 a vote of two-thirds of all the members elected to each house, as  
2-23 provided by Section 39, Article III, Texas Constitution. If this  
2-24 Act does not receive the vote necessary for immediate effect, this  
2-25 Act takes effect September 1, 2007.

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