

By: Hinojosa

S.B. No. 1559

A BILL TO BE ENTITLED

AN ACT

relating to the registration and operation of certain off-highway vehicles.

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

SECTION 1. Subdivision (1), Section 502.001, 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 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. Subsection (a), Section 29.003, Parks and
12 Wildlife Code, is 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 29.004, Parks and Wildlife Code, is
24 amended to read as follows:

25 Sec. 29.004. EXEMPTIONS. Section 29.003 does not apply to a
26 person that is:

27 (1) acting on behalf of the United States, any state,

1 or a political subdivision of the United States or any state;

2 (2) participating in a search and rescue operation
3 under the authority or direction of a search and rescue or law
4 enforcement agency; [~~or~~]

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

7 (4) exempt under a rule adopted by the commission.

8 SECTION 5. Subsection (a), Section 29.005, Parks and
9 Wildlife Code, is amended to read as follows:

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

14 SECTION 6. Chapter 29, Parks and Wildlife Code, is amended
15 by adding Section 29.011 to read as follows:

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

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

21 (2) eye protection.

22 SECTION 7. Subsections (c) and (d), Section 502.006, and
23 Sections 502.169, 502.205, and 502.406, Transportation Code, are
24 repealed.

25 SECTION 8. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.