

1-1 By: Hinojosa S.B. No. 1559
1-2 (In the Senate - Filed March 8, 2007; March 20, 2007, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; May 3, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 3, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1559 By: Ellis

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

1-10 relating to the registration and operation of certain off-highway
1-11 vehicles.

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

1-13 SECTION 1. Subdivision (1), Section 502.001,
1-14 Transportation Code, is 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 for the use
1-18 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. Subsection (a), Section 29.003, Parks and
1-44 Wildlife Code, is 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 a
1-58 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; [~~or~~]

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) exempt under a rule adopted by the commission.

2-4 SECTION 5. Subsection (a), Section 29.005, Parks and
2-5 Wildlife Code, is amended to read as follows:

2-6 (a) The department shall issue an off-highway vehicle decal
2-7 [~~to any person whose off-highway vehicle is registered under~~
2-8 ~~Section 502.006, Transportation Code,~~] on the payment of the fee
2-9 under Section 29.003(b).

2-10 SECTION 6. Chapter 29, Parks and Wildlife Code, is amended
2-11 by adding Section 29.011 to read as follows:

2-12 Sec. 29.011. SAFETY APPAREL REQUIRED. A person may not
2-13 operate, ride, or be carried on an off-highway vehicle on public
2-14 property unless the person wears:

2-15 (1) a safety helmet that complies with United States
2-16 Department of Transportation standards; and

2-17 (2) eye protection.

2-18 SECTION 7. Subsections (c) and (d), Section 502.006, and
2-19 Sections 502.169, 502.205, and 502.406, Transportation Code, are
2-20 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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