

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Hilderbran

H.B. No. 3849

A BILL TO BE ENTITLED

AN ACT

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

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]~~ 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 four ~~[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 29.005(a), Parks and Wildlife Code, is amended to read as follows:

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

1 under Section 29.003(b).

2 SECTION 3. Sections 502.006(c) and (d), 502.169, 502.205,  
3 and 502.406, Transportation Code, are repealed.

4 SECTION 4. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2007.

ADOPTED

MAY 21 2007

*Atty. Gen.*  
Secretary of the Senate

By: Hilderbran/Hinojosa

H.B. No. 3849

Substitute the following for H.B. No. 3849:

By: Watson

C.S. H.B. No. 3849

A BILL TO BE ENTITLED

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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 29.004, Parks and Wildlife Code, is  
24 amended to read as follows:

25 Sec. 29.004. EXEMPTIONS. Section 29.003 does not apply to  
26 a 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;

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

7 (4) [~~3~~] exempt under a rule adopted by the  
8 commission.

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

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

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

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

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

22 (2) eye protection.

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

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

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 16, 2007**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3849** by Hilderbran (Relating to the registration of all-terrain vehicles by the Texas Department of Transportation.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3849, Committee Report 2nd House, Substituted: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Revenue (Loss) from STATE HIGHWAY FUND 6</b>
2008	(\$43,000)
2009	(\$43,000)
2010	(\$43,000)
2011	(\$43,000)
2012	(\$43,000)

**Fiscal Analysis**

The bill would amend the Transportation Code by modifying the definition of "all-terrain vehicle" and repealing provisions requiring registration with the Texas Department of Transportation (TxDOT) of all-terrain vehicles for certain off-highway use and the associated annual registration and all-terrain vehicle safety fees. The bill would take effect immediately upon receiving a vote of two-thirds of all members elected to each house or otherwise on September 1, 2007.

**Methodology**

Under the provisions of the bill, TxDOT would no longer register all-terrain vehicles (ATV) for off-highway use; and the \$6 registration fee and \$6 ATV safety fee would no longer be collected and deposited to the State Highway Fund. According to the Comptroller, approximately \$23,000 in ATV





registration fees and \$20,000 in ATV safety fees were collected in fiscal year 2006. Therefore, it is assumed the provisions of the bill would result in an annual revenue loss to the State Highway Fund of approximately \$43,000 each year.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 802 Parks and Wildlife Department

**LBB Staff:** JOB, KJG, MW, TG



**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 14, 2007**

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB3849** by Hilderbran (Relating to the registration of all-terrain vehicles by the Texas Department of Transportation.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB3849, As Engrossed: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
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**LBB Staff:** JOB, KJG, MW, TG



LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 16, 2007

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3849** by Hilderbran (Relating to the registration of all-terrain vehicles by the Texas Department of Transportation.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3849, As Introduced: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
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