

**House Bill 3849**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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.

No equivalent provision.

SENATE VERSION

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 ~~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 29.001, 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 663.001, Transportation Code;

(2) an off-highway motorcycle; and

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

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

(B) land acquired or developed under a grant made under Section 29.008 or any other grant program

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~~operated or administered by the department [four-wheel drive vehicle not registered to be driven on a highway].~~

No equivalent provision.

SECTION 3. Section 29.003(a), Parks and Wildlife Code, is amended to read as follows:  
(a) Except as provided by Section 29.004, a person may not operate an off-highway vehicle on public land over which the department has authority, on land purchased or leased by the department, [a trail or in a recreational area established or maintained by the department under this chapter, on other public land,] or on land purchased or developed under a grant made under Section 29.008 or any other grant program operated or administered by the department on which off-highway vehicle recreation is legal without having obtained and properly mounted an off-highway vehicle decal.

No equivalent provision.

SECTION 4. Section 29.004, Parks and Wildlife Code, is amended to read as follows:  
Sec. 29.004. EXEMPTIONS. Section 29.003 does not apply to a person that is:  
(1) acting on behalf of the United States, any state, or a political subdivision of the United States or any state;  
(2) participating in a search and rescue operation under the authority or direction of a search and rescue or law enforcement agency;  
(3) a nonresident and the off-highway vehicle is registered under the laws of the owner's home state; or

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

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 under Section 29.003(b).

No equivalent provision.

SECTION 5. Same as House version.

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

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

- (1) a safety helmet that complies with United States Department of Transportation standards; and
- (2) eye protection.

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

SECTION 7. Same as House version.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected

SECTION 8. Same as House version.

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to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

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