

BILL ANALYSIS

C.S.H.B. 3846
By: Swinford
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a person may not operate, ride or be carried on an off-highway vehicle on public property unless the person wears eye protection and a helmet. Certain off-highway vehicles provide more protection than others but are subject to the same provisions.

C.S.H.B. 3846 adds seat belts to the required safety apparel for operation of an off-highway vehicle and makes those requirements inapplicable to certain vehicles, including vehicles that are equipped to reduce the risk of injury to an occupant in case of the vehicle's rollover.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3846 amends the Parks and Wildlife Code to expand the definition of "off-highway vehicle" for purposes of the off-highway vehicle trail and recreational area program administered by the Parks and Wildlife Department to include a recreational vehicle that: is equipped with a non-straddle seat for the use of the rider and a passenger, if the vehicle is designed to transport a passenger; is designed to propel itself with four or more tires in contact with the ground; is designed by the manufacturer to be operated for off-highway use only; and is not designed by the manufacturer primarily for farming or lawn care.

C.S.H.B. 3846 adds seat belts, if the vehicle is equipped with seat belts, to the safety apparel a person must wear to be exempt from the prohibition against operating, riding, or being carried on an off-highway vehicle on public property. The bill makes provisions relating to required safety apparel and seat belts inapplicable to a motor vehicle that: has at least four wheels and is registered by the Texas Department of Transportation for use on a public highway, unless the vehicle is an all-terrain vehicle as defined by provisions relating to the registration of vehicles; has four wheels and is equipped with bench or bucket seats and seat belts and includes a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover; or is in the process of being loaded into or unloaded from a trailer or another vehicle used to transport the motor vehicle.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3846 adds a provision not in the original to expand the definition of "off-highway vehicle." The substitute exempts from the prohibition against operating an off-highway vehicle

on public property without wearing certain safety apparel a vehicle that has four wheels and is equipped with bench or bucket seats and seat belts and includes a roll bar or roll cage construction, rather than for a vehicle that has four wheels and is operated at 15 miles per hour or less as in the original.