

By: Hilderbran

H.B. No. 2553

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. 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) a recreational off-highway vehicle, as defined by Section 502.001, Transportation Code; and

(4) 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 operated or administered by the department.

SECTION 2. Section 501.002(14), Transportation Code, is amended to read as follows:

(14) "Motor vehicle" means:

(A) any motor driven or propelled vehicle

1 required to be registered under the laws of this state;

2 (B) a trailer or semitrailer, other than
3 manufactured housing, that has a gross vehicle weight that exceeds
4 4,000 pounds;

5 (C) a house trailer;

6 (D) an all-terrain vehicle or a recreational
7 off-highway vehicle, as those terms are defined by Section 502.001,
8 designed by the manufacturer for off-highway use that is not
9 required to be registered under the laws of this state; or

10 (E) a motorcycle, motor-driven cycle, or moped
11 that is not required to be registered under the laws of this state,
12 other than a motorcycle, motor-driven cycle, or moped designed for
13 and used exclusively on a golf course.

14 SECTION 3. Section 502.001, Transportation Code, is amended
15 by amending Subdivision (1) and adding Subdivision (19-a) to read
16 as follows:

17 (1) "All-terrain vehicle" means a motor vehicle that
18 is:

19 (A) equipped with a saddle[~~, bench, or bucket~~
20 ~~seats~~] for the use of:

21 (i) the rider; and

22 (ii) a passenger, if the motor vehicle is
23 designed by the manufacturer to transport a passenger;

24 (B) designed to propel itself with three or more
25 tires in contact with the ground;

26 (C) designed by the manufacturer for off-highway
27 use; and

1 (D) not designed by the manufacturer primarily
2 for farming or lawn care.

3 (19-a) "Recreational off-highway vehicle" means a motor
4 vehicle that is:

5 (A) equipped with a non-straddle seat for the use
6 of:

7 (i) the rider; and

8 (ii) a passenger, if the vehicle is
9 designed by the manufacturer to transport a passenger;

10 (B) designed to propel itself with four or more
11 tires in contact with the ground;

12 (C) designed by the manufacturer for off-highway
13 use by the operator only; and

14 (D) not designed by the manufacturer primarily
15 for farming or lawn care.

16 SECTION 4. Section 502.006, Transportation Code, is amended
17 to read as follows:

18 Sec. 502.006. CERTAIN OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLES.

19 (a) Except as provided by Subsection (b), a person may not register
20 an all-terrain vehicle or a recreational off-highway vehicle, with
21 or without design alterations, for operation on a public highway.

22 (b) The state, a county, or a municipality may register an
23 all-terrain vehicle or a recreational off-highway vehicle for
24 operation on a public beach or highway to maintain public safety and
25 welfare.

26 (c) [~~e~~] Section 502.172 does not apply to an all-terrain
27 vehicle or a recreational off-highway vehicle.

1 SECTION 5. The heading to Subtitle G, Title 7,
2 Transportation Code, is amended to read as follows:

3 SUBTITLE G. MOTORCYCLES AND OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLES

4 SECTION 6. The heading to Chapter 663, Transportation Code,
5 is amended to read as follows:

6 CHAPTER 663. CERTAIN OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLES

7 SECTION 7. Section 663.001, Transportation Code, is amended
8 by adding Subdivision (3) to read as follows:

9 (3) "Recreational off-highway vehicle" has the
10 meaning assigned by Section 502.001.

11 SECTION 8. Subchapter A, Chapter 663, Transportation Code,
12 is amended by adding Section 663.003 to read as follows:

13 Sec. 663.003. RECREATIONAL OFF-HIGHWAY VEHICLES. This
14 chapter applies to the operator and operation of a recreational
15 off-highway vehicle in the same manner as if the recreational
16 off-highway vehicle were an all-terrain vehicle.

17 SECTION 9. This Act takes effect September 1, 2009.