

By: Swinford

H.B. No. 3846

Substitute the following for H.B. No. 3846:

By: McCall

C.S.H.B. No. 3846

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the requirement to wear safety apparel and seat belts
3 while operating certain off-highway vehicles; changing the
4 elements of an offense.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 29.001, Parks and Wildlife Code, is
7 amended to read as follows:

8 Sec. 29.001. DEFINITION. In this chapter, "off-highway
9 vehicle" means:

10 (1) an all-terrain vehicle, as defined by Section
11 663.001, Transportation Code;

12 (2) an off-highway motorcycle; ~~and~~

13 (3) a recreational vehicle that:

14 (A) is equipped with a non-straddle seat for the
15 use of:

16 (i) the rider; and

17 (ii) a passenger, if the vehicle is
18 designed to transport a passenger;

19 (B) is designed to propel itself with four or
20 more tires in contact with the ground;

21 (C) is designed by the manufacturer to be
22 operated for off-highway use only; and

23 (D) is not designed by the manufacturer primarily
24 for farming or lawn care; and

1 (4) any other motorized vehicle used for off-highway
2 recreation on:

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

5 (B) land acquired or developed under a grant made
6 under Section 29.008 or any other grant program operated or
7 administered by the department.

8 SECTION 2. The heading to Section 29.011, Parks and
9 Wildlife Code, is amended to read as follows:

10 Sec. 29.011. SAFETY APPAREL REQUIRED; SEAT BELTS.

11 SECTION 3. Section 29.011, Parks and Wildlife Code, is
12 amended by amending Subsection (a) and adding Subsection (c) to
13 read as follows:

14 (a) A person may not operate, ride, or be carried on an
15 off-highway vehicle on public property unless the person wears:

16 (1) a safety helmet that complies with United States
17 Department of Transportation standards; ~~and~~

18 (2) eye protection; and

19 (3) seat belts, if the vehicle is equipped with seat
20 belts.

21 (c) This section does not apply to a motor vehicle that:

22 (1) has at least four wheels and is registered by the
23 Texas Department of Transportation for use on a public highway,
24 unless the vehicle is an all-terrain vehicle as defined by Section
25 502.001, Transportation Code;

26 (2) has four wheels and is equipped with bench or
27 bucket seats and seat belts and includes a roll bar or roll cage

1 construction to reduce the risk of injury to an occupant of the
2 vehicle in case of the vehicle's rollover; or

3 (3) is in the process of being loaded into or unloaded
4 from a trailer or another vehicle used to transport the motor
5 vehicle.

6 SECTION 4. The change in law made by this Act to Section
7 29.011, Parks and Wildlife Code, applies to an offense committed on
8 or after the effective date of this Act. An offense committed
9 before the effective date of this Act is covered by the law in
10 effect when the offense was committed, and the former law is
11 continued in effect for that purpose. For purposes of this section,
12 an offense was committed before the effective date of this Act if
13 any element of the offense was committed before that date.

14 SECTION 5. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.