

By: Homer

H.B. No. 4516

Substitute the following for H.B. No. 4516:

By: Oliveira

C.S.H.B. No. 4516

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the taxation and titling of off-road vehicles.

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

4 SECTION 1. Section 152.001, Tax Code, is amended by
5 amending Subdivision (3) and adding Subdivisions (20) and (21) to
6 read as follows:

7 (3) "Motor vehicle [~~Vehicle~~]" includes:

8 (A) a self-propelled vehicle designed to
9 transport persons or property on a public highway;

10 (B) a trailer and semitrailer, including a van,
11 flatbed, tank, dumpster, dolly, jeep, stinger, auxiliary axle, or
12 converter gear; [~~and~~]

13 (C) a house trailer as defined by Chapter 501,
14 Transportation Code; and

15 (D) an off-road vehicle that is not required to
16 be registered under Chapter 502, Transportation Code.

17 (20) "Off-road vehicle" means:

18 (A) an all-terrain vehicle, as defined by Section
19 502.001, Transportation Code;

20 (B) a recreational off-highway vehicle; or

21 (C) a motorcycle designed by the manufacturer for
22 off-highway use.

23 (21) "Recreational off-highway vehicle" means a
24 vehicle that is:

1 (A) equipped with a non-straddle seat for the use
2 of:

3 (i) the operator; and

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

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

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

10 (D) not designed by the manufacturer primarily
11 for farming or lawn care.

12 SECTION 2. Subchapter B, Chapter 501, Transportation Code,
13 is amended by adding Section 501.0225 to read as follows:

14 Sec. 501.0225. CERTIFICATE OF TITLE REQUIRED FOR OFF-ROAD
15 VEHICLE. A person who purchases, imports, or otherwise acquires an
16 off-road vehicle, as defined by Section 152.001, Tax Code, that is
17 not required to be registered under Chapter 502 may not operate or
18 permit the operation of the vehicle in this state, or sell or
19 dispose of the vehicle in this state, until the person obtains a
20 certificate of title for the vehicle.

21 SECTION 3. Section 501.0225, Transportation Code, as added
22 by this Act, applies only to a person who purchases, imports, or
23 otherwise acquires an off-road vehicle on or after the effective
24 date of this Act. A person who purchases, imports, or otherwise
25 acquires an off-road vehicle before the effective date of this Act
26 is governed by the law in effect immediately before the effective
27 date of this Act, and the former law is continued in effect for that

1 purpose.

2 SECTION 4. The change in law made by this Act does not
3 affect tax liability accruing before the effective date of this
4 Act. That liability continues in effect as if this Act had not been
5 enacted, and the former law is continued in effect for the
6 collection of taxes due and for civil and criminal enforcement of
7 the liability for those taxes.

8 SECTION 5. This Act takes effect September 1, 2009.