

BILL ANALYSIS

Senate Research Center
83R2865 JXC-F

H.B. 1044
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Transportation
5/8/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties observe that there has been controversy over whether the operation of all-terrain vehicles and recreational off-highway vehicles is permissible on public beaches. A recent attorney general opinion on this subject has been interpreted by one county to authorize the use of such vehicles on public beaches, but not on public roads, pedestrian-only beaches, or dunes. H.B. 1044 seeks to clearly provide for the operation of such vehicles on a beach, with certain limitations.

H.B. 1044 amends current law relating to the operation of all-terrain vehicles and recreational off-highway vehicles, and creates an offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 63.002, Natural Resources Code, by amending Subdivision (4) to redefine "recreational vehicle" and adding Subdivisions (4-a) and (4-b) to define "all-terrain vehicle" and "recreational off-highway vehicle."

SECTION 2. Amends Section 29.001, Parks and Wildlife Code, to redefine "off-highway vehicle" to include an all-terrain vehicle, as defined by Section 502.001 (Definitions), Transportation Code, rather than as defined by Section 663.001 (Definitions), Transportation Code.

SECTION 3. Amends Sections 502.140(b) and (e), Transportation Code, as follows:

(b) Authorizes the state, a county, or a municipality to register an all-terrain vehicle or a recreational off-highway vehicle that is owned by the state, county, or municipality for operation on a public beach or highway to maintain public safety and welfare.

(e) Provides that an all-terrain vehicle or recreational off-highway vehicle that is owned by the state, a county, or a municipality and operated in compliance, rather than operation of an all-terrain vehicle or recreational off-highway vehicle in compliance, with Section 663.037 (Operation on Public Roadway Prohibited) does not require registration under Subsection (b).

SECTION 4. Amends Section 663.001, Transportation Code, by amending Subdivision (1) to redefine "all-terrain vehicle" and adding Subdivision (1-a) to define "beach."

SECTION 5. Amends Section 663.002(a), Transportation Code, to provide that, except as provided by Sections 663.037 and 663.0371, Chapter 521 (Driver's Licenses and Certificates) does not apply to the operation or ownership of an all-terrain vehicle registered for off-highway operation and to make nonsubstantive changes.

SECTION 6. Amends Section 663.031, Transportation Code, as follows:

Sec. 663.031. SAFETY CERTIFICATE REQUIRED. (a) Prohibits a person from operating an all-terrain vehicle on public property or a beach unless the person holds or is under the direct supervision of certain persons who hold a safety certificate or certification.

(b) Requires a person to whom a safety certificate required by Subsection (a) has been issued to carry the certificate when the person operates an all-terrain vehicle on public property or a beach, and display the certificate at the request of any law enforcement officer.

SECTION 7. Amends Sections 663.033(a), (b), and (c), Transportation Code, as follows:

(a) Requires an all-terrain vehicle that is operated on public property or a beach to be equipped with certain systems or parts that are qualified and in good condition.

(b) Requires an all-terrain vehicle that is operated on public property or a beach to display a lighted headlight and taillight at certain times.

(c) Prohibits a person from operating an all-terrain vehicle on public property or a beach if certain systems or parts of the vehicle are modified or removed.

SECTION 8. Amends Section 663.034, Transportation Code, to prohibit a person from operating, riding, or being carried on an all-terrain vehicle on public property or a beach unless the person wears a certain helmet and eye protection.

SECTION 9. Amends Section 663.035, Transportation Code, to prohibit a person from operating an all-terrain vehicle on public property or a beach in a careless or reckless manner that endangers, injures, or damages any person or property.

SECTION 10. Amends Section 663.036, Transportation Code, to prohibit a person from carrying a passenger on an all-terrain vehicle operated on public property or a beach unless the all-terrain vehicle is designed by the manufacturer to transport a passenger.

SECTION 11. Subchapter C, Chapter 663, Transportation Code, by adding Section 663.0371, as follows:

Sec. 663.0371. OPERATION ON BEACH. (a) Prohibits a person from operating an all-terrain vehicle on a beach except as provided by this section.

(b) Requires a person operating an all-terrain vehicle on a beach to hold and have in the person's possession a driver's license issued under Chapter 521 or a commercial driver's license issued under Chapter 522 (Commercial Driver's Licenses).

(c) Authorizes an operator of an all-terrain vehicle, except as provided by Chapters 61 (Use and Maintenance of Public Beaches) and 63 (Dunes), Natural Resources Code, to drive the vehicle on a beach that is open to motor vehicle traffic.

(d) Authorizes a person who is authorized to operate an all-terrain vehicle that is owned by the state, a county, or a municipality, except as provided by Chapters 61 and 63, Natural Resources Code, to drive the all-terrain vehicle on any beach if the vehicle is registered under Section 502.140(b).

(e) Authorizes the Texas Department of Transportation (TxDOT) or a county or municipality to prohibit the operation of an all-terrain vehicle on a beach if TxDOT or the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

SECTION 12. Repealer: Section 502.140(c) (relating to authorizing a recreational off-highway vehicle registered as provided by Subsection (b) to be operated on a public or private beach in the same manner as a golf cart may be operated on a public or private beach under a certain section), Transportation Code.

SECTION 13. Effective date: September 1, 2013.