

BILL ANALYSIS

H.B. 1044
By: Eiland
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

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

H.B. 1044 amends the Transportation Code to clarify that the authorization for the state, a county, or a municipality to register an all-terrain vehicle or a recreational off-highway vehicle for operation on a public beach or highway to maintain public safety and welfare applies to such a vehicle owned by the state, county, or municipality. The bill clarifies that the registration exemption for such vehicles operated in compliance with state law governing operation on a public roadway applies to a vehicle owned by the state, county, or municipality.

H.B. 1044 makes the following statutory provisions relating to the operation of an all-terrain vehicle on public property applicable to the operation of such a vehicle on a beach:

- prohibiting the operation of such a vehicle unless the operator holds a safety certificate or meets other related requirements
- requiring the operator to carry the certificate and display it at the request of a law enforcement officer and to wear specified safety apparel
- requiring the vehicle to be specifically equipped and to display a lighted headlight and taillight during specified times
- prohibiting a person from operating the vehicle if the required equipment has been expressly modified or removed
- prohibiting a person from operating an all-terrain vehicle in a careless or reckless manner
- prohibiting a person from carrying a passenger on such a vehicle unless the vehicle is designed by the manufacturer to transport a passenger

H.B. 1044 prohibits a person from operating an all-terrain vehicle on a beach except as provided by the bill's provisions. The bill requires such a person to hold and have in the person's possession a driver's license or a commercial driver's license. The bill authorizes an operator of an all-terrain vehicle, except as provided by statutory provisions governing public beaches and dunes, to drive the vehicle on a beach that is open to motor vehicle traffic. The bill authorizes a

person who is authorized to operate an all-terrain vehicle owned by the state, a county, or a municipality, except as provided by those same statutory provisions, to drive the all-terrain vehicle on any beach if the vehicle is registered as provided by the bill's provisions. The bill 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 determines that the prohibition is necessary in the interest of safety.

H.B. 1044 amends the Natural Resources Code and the Parks and Wildlife Code to make conforming changes.

H.B. 1044 repeals Section 502.140(c), Transportation Code, relating to the authorization of a specified recreational off-highway vehicle to be operated on a public or private beach in the same manner a golf cart may be operated on a public or private beach.

EFFECTIVE DATE

September 1, 2013.