

BILL ANALYSIS

C.S.H.B. 2742
By: Phillips
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the Texas Department of Motor Vehicles is authorized to issue specialty license plates for a golf cart only if the owner of the golf cart resides on real property that is owned or under the control of the United States Corps of Engineers and is required by that agency to register the golf cart. Interested parties contend that the authority to issue specialty license plates to golf carts and the area in which golf carts are allowed to be operated should be expanded. C.S.H.B. 2742 seeks to address this issue.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Motor Vehicles in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2742 amends the Transportation Code to require the Texas Department of Motor Vehicles (TxDMV), not later than December 31, 2013, by rule to establish a procedure to issue license plates for a golf cart to be used for operation on a public highway.

C.S.H.B. 2742 authorizes the commissioners court of a county that has a population of less than 30,000, that contains a part of a barrier island that borders the Gulf of Mexico, and that is adjacent to a county that borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico to allow an operator to operate a golf cart or utility vehicle on all or part of a public highway that has a speed limit of not more than 35 miles per hour and is located in the unincorporated area of the county.

C.S.H.B. 2742 repeals provisions relating to requiring TxDMV to issue specialty license plates for a golf cart owned by an individual who resides on real property that is owned or under the control of the United States Corps of Engineers and is required by that agency to register the owner's golf cart under applicable state law.

C.S.H.B. 2742 repeals Section 504.510, Transportation Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2742 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 551.402, Transportation Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The department may issue license plates for a golf cart ~~[only]~~ as authorized by a procedure established under Subsection (c) ~~or Section 504.510.~~

(c) In addition to the license plates authorized under Section 504.510, the department shall by rule establish a procedure to issue license plates for a golf cart to be used for operation on a public highway.

SECTION 2. The heading to Section 551.404, Transportation Code, is amended to read as follows:

Sec. 551.404. OPERATION AUTHORIZED BY ~~[IN]~~ MUNICIPALITIES AND ~~[CERTAIN]~~ COUNTIES.

SECTION 3. Section 551.404(a-1), Transportation Code, is amended to read as follows:

(a-1) In addition to the operation authorized by Section 551.403, the commissioners court of a county ~~[that borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico]~~ may allow an operator to operate a golf cart or utility vehicle on all or part of a public highway that:

- (1) is located in the unincorporated area of the county; and
- (2) has a speed limit of not more than 35 miles per hour.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 551.402, Transportation Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The department may issue license plates for a golf cart ~~[only]~~ as authorized by a procedure established under Subsection (c) ~~[Section 504.510].~~

(c) The department shall by rule establish a procedure to issue license plates for a golf cart to be used for operation on a public highway.

No equivalent provision.

SECTION 2. Section 551.404, Transportation Code, is amended by amending Subsection (a-1) and adding Subsection (a-2) to read as follows:

(a-1) In addition to the operation authorized by Section 551.403, the commissioners court of a county described by Subsection (a-2) ~~[that borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico]~~ may allow an operator to operate a golf cart or utility vehicle on all or part of a public highway that:

- (1) is located in the unincorporated area of the county; and
- (2) has a speed limit of not more than 35 miles per hour.

(a-2) Subsection (a-1) applies only to a county that:

(1) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or

(2) is adjacent to a county described by Subdivision (1) and:

(A) has a population of less than 30,000; and

(B) contains a part of a barrier island that borders the Gulf of Mexico.

No equivalent provision.

SECTION 3. Section 504.510, Transportation Code, is repealed.

SECTION 4. Not later than December 31, 2013, the Texas Department of Motor Vehicles shall establish a procedure for the issuance of license plates for golf carts to be used for operation on a public highway, as required by Section 551.402(c), Transportation Code, as added by this Act.

SECTION 4. Same as introduced version.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 5. Same as introduced version.