

By: Eiland

H.B. No. 1044

A BILL TO BE ENTITLED

AN ACT

relating to the operation of all-terrain vehicles and recreational off-highway vehicles; creating an offense.

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

SECTION 1. Section 63.002, Natural Resources Code, is amended by amending Subdivision (4) and adding Subdivisions (4-a) and (4-b) to read as follows:

(4) "Recreational vehicle" means a dune buggy, marsh buggy, minibike, trail bike, jeep, all-terrain vehicle, recreational off-highway vehicle, or any other mechanized vehicle that is being used for recreational purposes, but does not include a ~~any~~ vehicle that is not being used for recreational purposes.

(4-a) "All-terrain vehicle" has the meaning assigned by Section 502.001, Transportation Code.

(4-b) "Recreational off-highway vehicle" has the meaning assigned by Section 502.001, Transportation Code.

SECTION 2. Section 29.001, Parks and Wildlife Code, is amended to read as follows:

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

(1) an all-terrain vehicle, as defined by Section 502.001 ~~[663.001]~~, Transportation Code;

(2) an off-highway motorcycle;

(3) a recreational off-highway vehicle, as defined by

1 Section 502.001, Transportation Code; and

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

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

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

9 SECTION 3. Sections 502.140(b) and (e), Transportation
10 Code, are amended to read as follows:

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

15 (e) An [~~Operation of an~~] all-terrain vehicle or
16 recreational off-highway vehicle that is owned by the state, a
17 county, or a municipality and operated in compliance with Section
18 663.037 does not require registration under Subsection (b).

19 SECTION 4. Section 663.001, Transportation Code, is amended
20 by amending Subdivision (1) and adding Subdivision (1-a) to read as
21 follows:

22 (1) "All-terrain vehicle" has the meaning assigned by
23 Section 502.001 [~~means a motor vehicle that is:~~

24 [~~(A) equipped with a saddle for the use of:~~

25 [~~(i) the rider, and~~

26 [~~(ii) a passenger, if the motor vehicle is~~

27 ~~designed by the manufacturer to transport a passenger,~~

1 [~~(B) designed to propel itself with three or four~~
2 ~~tires in contact with the ground;~~

3 [~~(C) designed by the manufacturer for~~
4 ~~off-highway use by the operator only; and~~

5 [~~(D) not designed by the manufacturer for farming~~
6 ~~or lawn care].~~

7 (1-a) "Beach" means a beach area, publicly or
8 privately owned, that borders the seaward shore of the Gulf of
9 Mexico.

10 SECTION 5. Section 663.002(a), Transportation Code, is
11 amended to read as follows:

12 (a) Except as provided by Sections [~~Section~~] 663.037 and
13 663.0371, Chapter 521 does not apply to the operation or ownership
14 of an all-terrain vehicle registered for off-highway operation.

15 SECTION 6. Section 663.031, Transportation Code, is amended
16 to read as follows:

17 Sec. 663.031. SAFETY CERTIFICATE REQUIRED. (a) A person
18 may not operate an all-terrain vehicle on public property or a beach
19 unless the person:

20 (1) holds a safety certificate issued under this
21 chapter or under the authority of another state;

22 (2) is taking a safety training course under the
23 direct supervision of a certified all-terrain vehicle safety
24 instructor; or

25 (3) is under the direct supervision of an adult who
26 holds a safety certificate issued under this chapter or under the
27 authority of another state.

1 (b) A person to whom a safety certificate required by
2 Subsection (a) has been issued shall:

3 (1) carry the certificate when the person operates an
4 all-terrain vehicle on public property or a beach; and

5 (2) display the certificate at the request of any law
6 enforcement officer.

7 SECTION 7. Sections 663.033(a), (b), and (c),
8 Transportation Code, are amended to read as follows:

9 (a) An all-terrain vehicle that is operated on public
10 property or a beach must be equipped with:

11 (1) a brake system maintained in good operating
12 condition;

13 (2) an adequate muffler system in good working
14 condition; and

15 (3) a United States Forest Service qualified spark
16 arrester.

17 (b) An all-terrain vehicle that is operated on public
18 property or a beach must display a lighted headlight and taillight:

19 (1) during the period from one-half hour after sunset
20 to one-half hour before sunrise; and

21 (2) at any time when visibility is reduced because of
22 insufficient light or atmospheric conditions.

23 (c) A person may not operate an all-terrain vehicle on
24 public property or a beach if:

25 (1) the vehicle has an exhaust system that has been
26 modified with a cutout, bypass, or similar device; or

27 (2) the spark arrester has been removed or modified,

1 unless the vehicle is being operated in a closed-course competition
2 event.

3 SECTION 8. Section 663.034, Transportation Code, is amended
4 to read as follows:

5 Sec. 663.034. SAFETY APPAREL REQUIRED. A person may not
6 operate, ride, or be carried on an all-terrain vehicle on public
7 property or a beach unless the person wears:

8 (1) a safety helmet that complies with United States
9 Department of Transportation standards; and

10 (2) eye protection.

11 SECTION 9. Section 663.035, Transportation Code, is amended
12 to read as follows:

13 Sec. 663.035. RECKLESS OR CARELESS OPERATION PROHIBITED. A
14 person may not operate an all-terrain vehicle on public property or
15 a beach in a careless or reckless manner that endangers, injures, or
16 damages any person or property.

17 SECTION 10. Section 663.036, Transportation Code, is
18 amended to read as follows:

19 Sec. 663.036. CARRYING PASSENGERS. A person may not carry a
20 passenger on an all-terrain vehicle operated on public property or
21 a beach unless the all-terrain vehicle is designed by the
22 manufacturer to transport a passenger.

23 SECTION 11. Subchapter C, Chapter 663, Transportation Code,
24 is amended by adding Section 663.0371 to read as follows:

25 Sec. 663.0371. OPERATION ON BEACH. (a) A person may not
26 operate an all-terrain vehicle on a beach except as provided by this
27 section.

1 (b) A person operating an all-terrain vehicle on a beach
2 must hold and have in the person's possession a driver's license
3 issued under Chapter 521 or a commercial driver's license issued
4 under Chapter 522.

5 (c) Except as provided by Chapters 61 and 63, Natural
6 Resources Code, an operator of an all-terrain vehicle may drive the
7 vehicle on a beach that is open to motor vehicle traffic.

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

13 (e) The Texas Department of Transportation or a county or
14 municipality may prohibit the operation of an all-terrain vehicle
15 on a beach if the department or the governing body of the county or
16 municipality determines that the prohibition is necessary in the
17 interest of safety.

18 SECTION 12. Section 502.140(c), Transportation Code, is
19 repealed.

20 SECTION 13. This Act takes effect September 1, 2013.