

1-1 By: Eiland (Senate Sponsor - Williams) H.B. No. 1044  
1-2 (In the Senate - Received from the House May 3, 2013;  
1-3 May 6, 2013, read first time and referred to Committee on  
1-4 Transportation; May 17, 2013, reported favorably by the following  
1-5 vote: Yeas 8, Nays 0; May 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9			X	
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the operation of all-terrain vehicles and recreational  
1-20 off-highway vehicles; creating an offense.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 63.002, Natural Resources Code, is  
1-23 amended by amending Subdivision (4) and adding Subdivisions (4-a)  
1-24 and (4-b) to read as follows:

1-25 (4) "Recreational vehicle" means a dune buggy, marsh  
1-26 buggy, minibike, trail bike, jeep, all-terrain vehicle,  
1-27 recreational off-highway vehicle, or any other mechanized vehicle  
1-28 that is being used for recreational purposes, but does not include a  
1-29 [any] vehicle that is not being used for recreational purposes.

1-30 (4-a) "All-terrain vehicle" has the meaning assigned  
1-31 by Section 502.001, Transportation Code.

1-32 (4-b) "Recreational off-highway vehicle" has the  
1-33 meaning assigned by Section 502.001, Transportation Code.

1-34 SECTION 2. Section 29.001, Parks and Wildlife Code, is  
1-35 amended to read as follows:

1-36 Sec. 29.001. DEFINITION. In this chapter, "off-highway  
1-37 vehicle" means:

1-38 (1) an all-terrain vehicle, as defined by Section  
1-39 502.001 [~~663.001~~], Transportation Code;

1-40 (2) an off-highway motorcycle;

1-41 (3) a recreational off-highway vehicle, as defined by  
1-42 Section 502.001, Transportation Code; and

1-43 (4) any other motorized vehicle used for off-highway  
1-44 recreation on:

1-45 (A) public land over which the department has  
1-46 authority or on land purchased or leased by the department; or

1-47 (B) land acquired or developed under a grant made  
1-48 under Section 29.008 or any other grant program operated or  
1-49 administered by the department.

1-50 SECTION 3. Sections 502.140(b) and (e), Transportation  
1-51 Code, are amended to read as follows:

1-52 (b) The state, a county, or a municipality may register an  
1-53 all-terrain vehicle or a recreational off-highway vehicle that is  
1-54 owned by the state, county, or municipality for operation on a  
1-55 public beach or highway to maintain public safety and welfare.

1-56 (e) An [~~Operation of an~~] all-terrain vehicle or  
1-57 recreational off-highway vehicle that is owned by the state, a  
1-58 county, or a municipality and operated in compliance with Section  
1-59 663.037 does not require registration under Subsection (b).

1-60 SECTION 4. Section 663.001, Transportation Code, is amended  
1-61 by amending Subdivision (1) and adding Subdivision (1-a) to read as

2-1 follows:

2-2 (1) "All-terrain vehicle" has the meaning assigned by  
 2-3 Section 502.001 ~~[means a motor vehicle that is:~~  
 2-4 ~~[(A) equipped with a saddle for the use of:~~  
 2-5 ~~[(i) the rider; and~~  
 2-6 ~~[(ii) a passenger, if the motor vehicle is~~  
 2-7 ~~designed by the manufacturer to transport a passenger;~~  
 2-8 ~~[(B) designed to propel itself with three or four~~  
 2-9 ~~tires in contact with the ground;~~  
 2-10 ~~[(C) designed by the manufacturer for~~  
 2-11 ~~off-highway use by the operator only; and~~  
 2-12 ~~[(D) not designed by the manufacturer for farming~~  
 2-13 ~~or lawn care].~~

2-14 (1-a) "Beach" means a beach area, publicly or  
 2-15 privately owned, that borders the seaward shore of the Gulf of  
 2-16 Mexico.

2-17 SECTION 5. Section 663.002(a), Transportation Code, is  
 2-18 amended to read as follows:

2-19 (a) Except as provided by Sections ~~[Section]~~ 663.037 and  
 2-20 663.0371, Chapter 521 does not apply to the operation or ownership  
 2-21 of an all-terrain vehicle registered for off-highway operation.

2-22 SECTION 6. Section 663.031, Transportation Code, is amended  
 2-23 to read as follows:

2-24 Sec. 663.031. SAFETY CERTIFICATE REQUIRED. (a) A person  
 2-25 may not operate an all-terrain vehicle on public property or a beach  
 2-26 unless the person:

2-27 (1) holds a safety certificate issued under this  
 2-28 chapter or under the authority of another state;

2-29 (2) is taking a safety training course under the  
 2-30 direct supervision of a certified all-terrain vehicle safety  
 2-31 instructor; or

2-32 (3) is under the direct supervision of an adult who  
 2-33 holds a safety certificate issued under this chapter or under the  
 2-34 authority of another state.

2-35 (b) A person to whom a safety certificate required by  
 2-36 Subsection (a) has been issued shall:

2-37 (1) carry the certificate when the person operates an  
 2-38 all-terrain vehicle on public property or a beach; and

2-39 (2) display the certificate at the request of any law  
 2-40 enforcement officer.

2-41 SECTION 7. Sections 663.033(a), (b), and (c),  
 2-42 Transportation Code, are amended to read as follows:

2-43 (a) An all-terrain vehicle that is operated on public  
 2-44 property or a beach must be equipped with:

2-45 (1) a brake system maintained in good operating  
 2-46 condition;

2-47 (2) an adequate muffler system in good working  
 2-48 condition; and

2-49 (3) a United States Forest Service qualified spark  
 2-50 arrester.

2-51 (b) An all-terrain vehicle that is operated on public  
 2-52 property or a beach must display a lighted headlight and taillight:

2-53 (1) during the period from one-half hour after sunset  
 2-54 to one-half hour before sunrise; and

2-55 (2) at any time when visibility is reduced because of  
 2-56 insufficient light or atmospheric conditions.

2-57 (c) A person may not operate an all-terrain vehicle on  
 2-58 public property or a beach if:

2-59 (1) the vehicle has an exhaust system that has been  
 2-60 modified with a cutout, bypass, or similar device; or

2-61 (2) the spark arrester has been removed or modified,  
 2-62 unless the vehicle is being operated in a closed-course competition  
 2-63 event.

2-64 SECTION 8. Section 663.034, Transportation Code, is amended  
 2-65 to read as follows:

2-66 Sec. 663.034. SAFETY APPAREL REQUIRED. A person may not  
 2-67 operate, ride, or be carried on an all-terrain vehicle on public  
 2-68 property or a beach unless the person wears:

2-69 (1) a safety helmet that complies with United States

3-1 Department of Transportation standards; and  
3-2 (2) eye protection.

3-3 SECTION 9. Section 663.035, Transportation Code, is amended  
3-4 to read as follows:

3-5 Sec. 663.035. RECKLESS OR CARELESS OPERATION PROHIBITED. A  
3-6 person may not operate an all-terrain vehicle on public property or  
3-7 a beach in a careless or reckless manner that endangers, injures, or  
3-8 damages any person or property.

3-9 SECTION 10. Section 663.036, Transportation Code, is  
3-10 amended to read as follows:

3-11 Sec. 663.036. CARRYING PASSENGERS. A person may not carry a  
3-12 passenger on an all-terrain vehicle operated on public property or  
3-13 a beach unless the all-terrain vehicle is designed by the  
3-14 manufacturer to transport a passenger.

3-15 SECTION 11. Subchapter C, Chapter 663, Transportation Code,  
3-16 is amended by adding Section 663.0371 to read as follows:

3-17 Sec. 663.0371. OPERATION ON BEACH. (a) A person may not  
3-18 operate an all-terrain vehicle on a beach except as provided by this  
3-19 section.

3-20 (b) A person operating an all-terrain vehicle on a beach  
3-21 must hold and have in the person's possession a driver's license  
3-22 issued under Chapter 521 or a commercial driver's license issued  
3-23 under Chapter 522.

3-24 (c) Except as provided by Chapters 61 and 63, Natural  
3-25 Resources Code, an operator of an all-terrain vehicle may drive the  
3-26 vehicle on a beach that is open to motor vehicle traffic.

3-27 (d) Except as provided by Chapters 61 and 63, Natural  
3-28 Resources Code, a person who is authorized to operate an  
3-29 all-terrain vehicle that is owned by the state, a county, or a  
3-30 municipality may drive the all-terrain vehicle on any beach if the  
3-31 vehicle is registered under Section 502.140(b).

3-32 (e) The Texas Department of Transportation or a county or  
3-33 municipality may prohibit the operation of an all-terrain vehicle  
3-34 on a beach if the department or the governing body of the county or  
3-35 municipality determines that the prohibition is necessary in the  
3-36 interest of safety.

3-37 SECTION 12. Section 502.140(c), Transportation Code, is  
3-38 repealed.

3-39 SECTION 13. This Act takes effect September 1, 2013.

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