

BILL ANALYSIS

C.S.H.B. 384
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Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that recently enacted legislation inadvertently removed the authorization for certain counties to regulate the operation of utility vehicles. C.S.H.B. 384 seeks to address this issue by reinstating this authorization.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 384 amends the Transportation Code, as effective September 1, 2017, to authorize the commissioners court of the following counties to allow an operator to operate a utility vehicle on all or part of a public highway that is located in the unincorporated area of the applicable county and has a speed limit of not more than 35 miles per hour: a county that borders or contains a portion of the Red River; 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; and a county that is adjacent to such a county, as immediately aforementioned, that has a population of less than 37,000 and contains a part of a barrier island or peninsula that borders the Gulf of Mexico. The bill requires such a utility vehicle to be equipped with headlamps, taillamps, reflectors, a parking brake, and mirrors. The bill removes utility vehicles from the types of vehicles that are subject to statutory provisions relating to the operation of certain off-highway vehicles.

EFFECTIVE DATE

September 1, 2017, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 384 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. The heading to Subchapter F, Chapter 551, Transportation Code, as effective September 1, 2017, is amended.

SECTION 2. Sections 551.404(a-1) and (b), Transportation Code, as effective September 1, 2017, are amended.

SECTION 3. Section 663.001(1-b), Transportation Code, as effective September 1, 2017, is amended.

No equivalent provision.

SECTION 4. Section 663.001(4), Transportation Code, as effective September 1, 2017, is repealed.

SECTION 5. Section 22(1), Chapter 1052 (H.B. 1956), Acts of the 85th Legislature, Regular Session, 2017, which repealed Section 551.401(2), Transportation Code, is repealed.

SECTION 6. 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 on the 91st day after the last day of the legislative session.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Same as introduced version.

SECTION 3. Substantially the same as introduced version.

SECTION 4. Section 663.001(4), Transportation Code, as effective September 1, 2017, is transferred to Section 551.401, Transportation Code, redesignated as Section 551.401(3), Transportation Code, and amended to read as follows:
(3) [(4)] "Utility vehicle" means a motor vehicle that is not a golf cart[, as defined by Section 502.001,] or lawn mower and is:
(A) equipped with side-by-side seating for the use of the operator and a passenger;
(B) designed to propel itself with at least four tires in contact with the ground;
(C) designed by the manufacturer for off-highway use only; and
(D) designed by the manufacturer primarily for utility work and not for recreational purposes.

No equivalent provision.

No equivalent provision.

SECTION 5. This Act takes effect September 1, 2017, 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 effect on that date, this Act takes effect on the 91st day after the last day of the legislative session.