

BILL ANALYSIS

Senate Research Center
85R5310 JRR-F

H.B. 920
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Transportation
5/8/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 920 allows individuals who provide law enforcement, firefighting, ambulance, medical, or other emergency services, including a volunteer firefighter, to be able to use all-terrain vehicles (ATVs) on public roads other than an interstate or limited-access highway. H.B. 920 also lowers the flag height requirement to six feet and removes the distance restriction for the emergency responders.

Currently, the Transportation Code allows peace officers, agriculture producers, and utility workers to use ATVs on public roads in their official capacity. For many rural areas of the state, emergency services, including emergency medical services (EMS) and volunteer firefighters, would benefit from the flexibility to use ATVs in responding to their official duties. Firefighters battling brush fires are especially prone to needing the ability to move over tough terrain and travel down certain roads without having to change vehicles or risk larger pieces of equipment.

It is our belief that the height of the flag presents an unnecessary burden. While thought was more than likely that the flag should be about eight feet in air for easy visibility, a flag attached to an ATV that already stands two to three feet tall creates a ten foot tall object that can be easily caught in brush or tree tops. H.B. 920 sets the flag height at a much more reasonable six feet for the ranchers, farmers, and emergency responders who need to travel through brush. In addition, H.B. 920 removes the distance requirement for emergency responders so as not to be a burden for these individuals who would be in the act of trying to protect life and property.

Key Points:

- Emergency responders would be allowed to use ATVs in responding to their official duties.
- The flag height will be lowered to the more reasonable six feet.
- The distance restriction will be removed for emergency responders.

H.B. 920 amends current law relating to the operation of all-terrain vehicles and recreational off-highway vehicles.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 633.037(d) and (g), Transportation Code, as follows:

(d) Authorizes the operator of an all-terrain vehicle to drive the vehicle on a public street, road, or highway that is not an interstate or limited-access highway if certain criteria are met, including if the operator attaches to the back of the vehicle a triangular orange flag that is at least six feet above ground level, rather than if the operator attaches to the back of the vehicle on top of an eight-foot-long-pole a triangular orange flag.

(g) Authorizes a peace officer or other person who provides law enforcement, firefighting, ambulance, medical, or other emergency services, including a volunteer firefighter, rather than a peace officer, to operate an all-terrain vehicle on a public street, road, or highway that is not an interstate or limited-access highway only if:

(1) the transportation is in connection with the performance of the operator's, rather than officer's, official duty;

(2) the operator attaches to the back of the vehicle a triangular orange flag that is at least six feet above ground level, rather than the officer attaches to the back of the vehicle on top of an eight-foot-long-pole a triangular orange flag;

(3) makes a nonsubstantive change;

(4) makes a conforming and a nonsubstantive change;

(5) deletes existing Subdivision (5) and text requiring that the operation of the all-terrain vehicle not exceed a distance of 25 miles from the point of origin to the destination.

SECTION 2. Effective date: September 1, 2017.