

BILL ANALYSIS

H.B. 1548
By: Springer
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding recent efforts to clarify state law governing the operation of off-highway vehicles. It has been suggested that these updates did not completely clarify the existing issues and inadvertently took away the authority of local governmental entities to allow ATVs and golf carts on their local roads. H.B. 1548 seeks to address this issue by clarifying the operation of off-highway vehicles and returning to local governmental entities the authority to allow these vehicles on their roads.

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 rulemaking authority is expressly granted to the Texas Department of Motor Vehicles in SECTIONS 10 and 34 of this bill.

ANALYSIS

H.B. 1548 amends the Transportation Code to reclassify an all-terrain vehicle, recreational off-highway vehicle, and utility vehicle as an off-highway vehicle and to subject such a vehicle to statutory provisions applicable to a motor vehicle under the Certificate of Title Act. The bill revises the vehicle registration process for an off-highway vehicle, neighborhood electric vehicle, and golf cart by:

- prohibiting the Texas Department of Motor Vehicles (TxDMV) from registering such a vehicle for operation on a highway regardless of whether any alteration has been made to the vehicle; and
- requiring TxDMV to establish by rule a procedure to issue license plates for such vehicles.

H.B. 1548 restricts the authorized operation of an unregistered off-highway vehicle, neighborhood electric vehicle, or golf cart on a highway as provided by the bill to a vehicle that displays a license plate and authorizes TxDMV to charge a maximum fee of \$10 for the cost of the license plate for the vehicle to be deposited to the credit of the TxDMV fund. Such a license plate does not expire, and its use does not transfer to a subsequent vehicle owner. The bill authorizes TxDMV to charge an administrative fee in an amount established by TxDMV rule for the issuance of a license plate for such a vehicle if necessary to cover the costs of issuing license plates for those vehicles.

H.B. 1548 exempts a golf cart, neighborhood electric vehicle, and off-highway vehicle from the applicability of vehicle equipment requirements and rules adopted by the Department of Public

Safety relating to those requirements and requires those vehicles to display a slow-moving-vehicle emblem when operated on a highway at a speed of not more than 25 miles per hour. The bill removes certain restrictions on the operation of a neighborhood electric vehicle and golf cart and sets out provisions relating to the operation of the vehicles instead on a highway as authorized by a municipality or county, at an intersection, in the interest of safety, in a master planned community, on a public or private beach that is open to vehicular traffic, and on certain highways.

H.B. 1548 prohibits a person from operating an off-highway vehicle on land owned or leased by the state or a political subdivision of the state that is not open to vehicular traffic unless the land is public off-highway vehicle land and the operation is in compliance with provisions governing off-highway vehicles and the off-highway vehicle trail and recreational area program. The bill defines "public off-highway vehicle land" as land on which off-highway recreation is authorized under that program. The bill specifies that the requirement for a person younger than 14 years of age who is operating an off-highway vehicle to be accompanied by and be under the direct supervision of an applicable adult is for operation on public off-highway vehicle land.

H.B. 1548 authorizes the operation of an unregistered off-highway vehicle in certain master planned communities or on a highway for which the posted speed limit is not more than 35 miles per hour if the off-highway vehicle is operated:

- during the daytime;
- not more than two miles from the location where the off-highway vehicle is usually parked; and
- for transportation to or from a golf course.

H.B. 1548 authorizes a county, municipality, or the Texas Department of Transportation (TxDOT) to prohibit such operation on a highway if the governing body of the county or municipality or TxDOT determines, as applicable, that the prohibition is necessary in the interest of safety.

H.B. 1548 authorizes the additional operation of an unregistered off-highway vehicle on all or part of a highway that has a posted speed limit of not more than 35 miles per hour under the following circumstances:

- if the governing body of a municipality authorizes such operation in the corporate boundaries of the municipality; or
- if the commissioners court of a county authorizes such operation in the unincorporated area of the county.

H.B. 1548 authorizes an unregistered off-highway vehicle to cross a highway at an intersection, including an intersection with a highway that has a posted speed limit of more than 35 miles per hour.

H.B. 1548 exempts an off-highway vehicle registered by TxDMV and owned by the state, a county, or a municipality for operation on a public beach or highway to maintain public safety and welfare from provisions relating to operation on a highway and to equipment and safety requirements as amended by the bill and revises the registration process for such a vehicle.

H.B. 1548 establishes that an unregistered off-highway vehicle operated for certain agricultural, utility, or law enforcement purposes is not required to display a license plate and removes as a condition under which such operation may occur the operator holding a driver's license.

H.B. 1548 revises provisions relating to the required equipment, lights, and safety apparel for the

operation of an off-highway vehicle on public off-highway vehicle land, a beach, or a highway and provides exemptions from certain requirements.

H.B. 1548 specifies that the Class C misdemeanor offense for a person who violates Transportation Code provisions relating to the operation of certain off-highway vehicles is for a violation committed on public off-highway vehicle land or a beach. The bill exempts an off-highway vehicle that is operated only as authorized by applicable bill and statutory provisions from the financial responsibility requirement under the Texas Motor Vehicle Safety Responsibility Act.

H.B. 1548 amends the Business & Commerce Code, Civil Practice and Remedies Code, Government Code, Health and Safety Code, Natural Resources Code, and Parks and Wildlife Code to make conforming changes.

H.B. 1548 repeals the following provisions:

- Sections 63.002(4-a) and (4-b), Natural Resources Code
- Section 29.011, Parks and Wildlife Code
- Sections 502.001(1), (18), and (37), Transportation Code
- Sections 551.451(1), (6), and (7), Transportation Code
- the heading to Chapter 663, Transportation Code

EFFECTIVE DATE

September 1, 2019.