

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1548
By: Springer; Middleton (Kolkhorst)
Transportation
5/18/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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.

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 the Texas Department of Motor Vehicles (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 of the State of Texas 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, as applicable, determines 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. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 1548 amends current law relating to the operation of golf carts, neighborhood electric vehicles, and off-highway vehicles, and authorizes fees.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas General Land Office is modified in SECTION 5 (Section 61.011, Natural Resources Code) of this bill.

Rulemaking authority previously granted to the Texas Department of Motor Vehicles (TxDMV) is modified in SECTION 17 (Section 551.402, Transportation Code) of this bill.

Rulemaking authority is expressly granted to TxDMV in SECTION 10 (Section 504.002, Transportation Code) and SECTION 31 (Section 551A.052, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 57.002(7), Business & Commerce Code, to redefine "equipment" by removing existing text providing that it does not mean off-highway vehicles, utility task vehicles, or recreational off-highway vehicles.

SECTION 2. Amends Section 75.001(3), Civil Practice and Remedies Code, to redefine "recreation" to mean certain activities, including pleasure driving, including off-road motorcycling and off-road automobile driving and the use of off-highway vehicles, rather than pleasure driving, including off-road motorcycling and off-road automobile driving and the use of all-terrain vehicles and recreational off-highway vehicles.

SECTION 3. Amends Section 2158.001(2), Government Code, to provide that "golf cart" has the meaning assigned by Section 551.401 (Definitions), rather than Section 502.001 (Definitions), Transportation Code.

SECTION 4. Amends Section 392.001(3), Health and Safety Code, to provide that "golf cart" has the meaning assigned by Section 551.401, Transportation Code, rather than Section 502.001, Transportation Code

SECTION 5. Amends Section 61.011(d), Natural Resources Code, as follows:

- (d) Requires the Texas General Land Office to promulgate rules, consistent with the policies established in this section (Policy and Rules), on the following matters only:

(1)–(2) makes no changes to these subdivisions;

(3) local government prohibitions of vehicular traffic on public beaches, provision of off-beach parking, the use on a public beach of a golf cart, as defined by Section 551.401, rather than Section 502.001, Transportation Code, for the transportation of a person with a physical disability, and other minimum measures needed to mitigate for any adverse effect on public access and dune areas; and

(4)–(12) makes no changes to these subdivisions.

SECTION 6. Amends Section 63.002(4), Natural Resources Code, to redefine "recreational vehicle" to mean a dune buggy, marsh buggy, minibike, trail bike, jeep, off-highway vehicle, as defined by Section 551A.001, Transportation Code, or any other mechanized vehicle that is being used for recreational purposes, rather than to mean 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 provides that the term does not include a vehicle that is not being used for recreational purposes

SECTION 7. Amends Section 29.001, Parks and Wildlife Code, as follows:

Sec. 29.001. DEFINITION. Defines, for purposes of this chapter (Off-Highway Vehicle Trail and Recreational Area Program), "off-highway vehicle" to mean:

(1) an off-highway vehicle, as defined by Section 551A.001, Transportation Code, rather than an all-terrain vehicle, as defined by Section 502.001, Transportation Code;

(2) makes a nonsubstantive change to this subdivision; or

(3) deletes existing text referring to a recreational off-highway vehicle, as defined by Section 502.001, Transportation Code. Redesignates Subdivision (4) as this subdivision and makes no further changes.

SECTION 8. Amends Section 501.002(17), Transportation Code, to redefine "motor vehicle" to include an off-highway vehicle, as defined by Section 551A.001, rather than all-terrain vehicle or a recreational off-highway vehicle, as those terms are defined by Section 502.001, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state. Makes no further changes to this section.

SECTION 9. Amends Section 502.140, Transportation Code, as follows:

Sec. 502.140. CERTAIN OFF-HIGHWAY VEHICLES. (a) Defines "off-highway vehicle" for purposes of this section.

(b) Creates this subsection from existing text. Prohibits the Texas Department of Motor Vehicles (TxDMV), except as provided by Subsection (c), from registering an off-highway vehicle, with or without design alterations, for operation on a public highway, rather than prohibiting a person, except as provided by Subsection (b), from registering an all-terrain vehicle or a recreational off-highway vehicle, with or without design alterations, for operation on a public highway.

(c) Redesignates existing Subsection (b) as this subsection. Authorizes TxDMV to register an off-highway vehicle that is owned by the state, county, or municipality for operation on a public beach or highway to maintain public safety and welfare, rather than authorizing the state, a county, or a municipality to register an all-terrain vehicle or a recreational off-highway vehicle that is owned by the state, county, or municipality for operation on a public beach or highway to maintain public safety and welfare.

(d) Provides that Section 504.401 does not apply to an off-highway vehicle, rather than providing that Section 504.401 does not apply to an all-terrain vehicle or a recreational off-highway vehicle.

(e) Provides that an off-highway vehicle that is registered under this section, rather than providing that an all-terrain vehicle or recreational off-highway vehicle that is owned by the state, a county, or a municipality and operated in compliance with Section 663.037 (Operation on Public Roadway Prohibited) does not require registration under Subsection (b):

(1) is not subject to the requirements of Subchapter D, Chapter 551A; and

(2) is subject to the requirements of Subchapter E, Chapter 551A.

SECTION 10. Amends Section 504.002, Transportation Code, as follows:

Sec. 504.002. GENERAL PROVISIONS. (a) Creates this subsection from existing text and makes no further changes.

(b) Authorizes TxDMV, if necessary to cover the costs of issuing license plates for golf carts under Section 551.402 or off-highway vehicles under Section 551A.052, to charge an administrative fee, in an amount established by TxDMV by rule, for the issuance of a golf cart or off-highway vehicle license plate.

SECTION 11. Amends Section 547.001, Transportation Code, by amending Subdivision (2-a) and adding Subdivisions (11) and (12), as follows:

(2-a) Redefines "golf cart " to have the meaning assigned by Section 551.401, rather than Section 502.001.

(11) Defines "neighborhood electric vehicle."

(12) Defines "off-highway vehicle."

SECTION 12. Amends Section 547.002, Transportation Code, as follows:

Sec. 547.002. APPLICABILITY. Provides that, unless a provision is specifically made applicable, this chapter (Vehicle Equipment) and the rules of TxDMV adopted under this chapter do not apply to:

(1)–(5) makes no changes to these subdivisions;

(6)–(7) makes nonsubstantive changes to these subdivisions;

(8) a neighborhood electric vehicle; or

(9) an off-highway vehicle. Deletes existing text referring to a golf cart that is operated only as authorized by Section 551.403 (Limited Operation).

SECTION 13. Amends Section 547.703(d), Transportation Code, as follows:

(d) Provides that a golf cart, neighborhood electric vehicle, or off-highway vehicle that is operated at a speed of not more than 25 miles per hour is required to display a slow-moving-vehicle emblem when it is operated on a highway, rather than providing that a golf cart that is operated at a speed of not more than 25 miles per hour is required to display a slow-moving-vehicle emblem when it is operated on a public highway, as defined by Section 502.001, under Section 551.403 or 551.404 (Operation in Municipalities and Certain Counties).

SECTION 14. Amends Section 548.052, Transportation Code, as follows:

Sec. 548.052. **VEHICLE NOT SUBJECT TO INSPECTION.** Provides that this chapter (Compulsory Inspection of Vehicles) does not apply to:

(1)–(6) makes no changes to these subdivisions; or

(7) a vehicle for which a certificate of title has been issued but that is not required to be registered, including an off-highway vehicle registered under Section 502.140(c).

SECTION 15. Amends the heading to Chapter 551, Transportation Code, to read as follows:

**CHAPTER 551. OPERATION OF BICYCLES AND MOPEDS, GOLF CARTS, AND OTHER
LOW-POWERED VEHICLES**

SECTION 16. Amends Section 551.401, Transportation Code, as follows:

Sec. 551.401. New heading: **DEFINITION.** Redefines "golf cart" and deletes definition of "public highway" for purposes of this subchapter (Golf Carts).

SECTION 17. Amends Section 551.402, Transportation Code, as follows:

Sec. 551.402. New heading: **REGISTRATION NOT AUTHORIZED; LICENSE PLATES.** (a) Prohibits TxDMV from registering a golf cart for operation on a highway, rather than on a public highway, regardless of whether any alteration has been made to the golf cart.

(b) Authorizes a person to operate a golf cart on a highway in a manner authorized by this subchapter only if the vehicle displays a license plate issued under this section.

(c) Creates this subsection from existing text and makes nonsubstantive changes. Deletes existing text requiring TxDMV to by rule establish a procedure to issue the license plates to be used for operation in accordance with Sections 551.403 and 551.404. Deletes existing Subsection (c) and the designation of Subsection (d). Provides that TxDMV:

(1) is required to by rule establish a procedure to issue license plates for golf carts, rather than is authorized to issue license plates for a golf cart as authorized by Subsection (c);

(2) is authorized to charge a fee not to exceed \$10 for the cost of the license plate, to be deposited to the credit of the TxDMV fund.

(d) Provides that a golf cart license plate does not expire. Prohibits a person who becomes the owner of a golf cart for which the previous owner obtained a license plate from using the previous owner's license plate.

SECTION 18. Amends Subchapter F, Chapter 551, Transportation Code, by amending Section 551.403 and adding Section 551.4031, as follows:

Sec. 551.403. New heading: **OPERATION AUTHORIZED IN CERTAIN AREAS.** Deletes the designation of Subsection (a). Authorizes an operator to operate a golf cart:

(1) makes no changes to this subdivision;

(2) on a public or private beach that is open to vehicular traffic, rather than on a public or private beach; or

(3) on a highway, rather than on a public highway, for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated under certain conditions.

Sec. 551.4031. PROHIBITION OF OPERATION ON HIGHWAY BY MUNICIPALITY, COUNTY, OR DEPARTMENT. (a) Authorizes a county or municipality to prohibit the operation of a golf cart on a highway under Section 551.404 if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(b) Creates this subsection from existing text of Section 551.403(b). Authorizes TxDOT to prohibit the operation of a golf cart on a highway under Section 551.404 if TxDOT determines that the prohibition is necessary in the interest of safety, rather than authorizing TxDOT or a county or municipality to prohibit the operation of a golf cart on a public highway if TxDOT or the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

SECTION 19. Amends Subchapter F, Chapter 551, Transportation Code, by amending Section 551.404 and adding Section 551.4041, as follows:

Sec. 551.404. New heading: OPERATION ON HIGHWAY AUTHORIZED BY MUNICIPALITY OR CERTAIN COUNTY. (a) Authorizes the governing body of a municipality, in addition to the operation authorized by Section 551.403, to allow an operator to operate a golf cart on all or part of a highway, rather than a public highway, that meets certain criteria.

(b) Redesignates existing Subsection (a-1) as this subsection. Authorizes the commissioners court of a county described by Subsection (c), in addition to the operation authorized by Section 551.403, to allow an operator to operate a golf cart on all or part of a highway that meets certain criteria, rather than authorizing the commissioners court of a county described by Subsection (a-2) (relating to providing that Subsection (a-1) applies only to a fitting county with certain barriers), in addition to the operation authorized by Section 551.403, to allow an operator to operate a golf cart on all or part of a public highway that meets certain criteria.

(c) Provides that Subsection (b), rather than Subsection (a-1), applies only to a county that borders certain specified geographical areas.

Deletes the designation of existing Subsection (a-2). Deletes existing text providing that Subsection (a-1) applies only to a county that borders or contains a portion of the Red River, borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico, or is adjacent to a county described by Subdivision (2) and has a population of less than 37,000 and contains a part of a barrier island or peninsula that borders the Gulf of Mexico.

Sec. 551.4041. New heading: EQUIPMENT. Creates this section from existing Section 551.404(b). Requires a golf cart operated under Section 551.404 to have certain equipment, rather than requiring a golf cart operated under this section to have certain equipment.

SECTION 20. Amends Section 551.405, Transportation Code, as follows:

Sec. 551.405. New heading: CROSSING INTERSECTIONS. Authorizes a golf cart 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, rather than authorizing a golf cart to cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour.

SECTION 21. Amends Section 551.451, Transportation Code, by amending Subdivision (2) and adding Subdivision (4-a), as follows:

(2) Redefines "golf cart" to have the meaning assigned by Section 551.401, rather than Section 502.001.

(4-a) Defines "off-highway vehicle."

SECTION 22. Amends Section 551.452(a), Transportation Code, as follows:

(a) Makes nonsubstantive changes and deletes paragraph designations of Subdivision (1). Authorizes TxDMV to issue distinguishing license plates for a vehicle operated by a motor carrier for the purpose of picking up and delivering mail, parcels, and packages if the vehicle:

(1) is a golf cart, a neighborhood electric vehicle, or an off-highway vehicle, rather than an all terrain vehicle a golf cart, a neighborhood electric vehicle, a recycled off-highway vehicle, or a utility vehicle, rather than a golf cart, a neighborhood electric vehicle, or certain other vehicles; and

(2) makes no changes to this subdivision.

SECTION 23. Amends Section 551.457, Transportation Code, as follows:

Sec. 551.457. CONFLICTS. Provides that, in the case of a conflict between this subchapter and other law, including Chapters 502 (Registration of Vehicles) and 551A, rather than Chapters 502 and 663 (Certain Off-Highway Vehicles), this subchapter (Package Delivery Vehicles) controls.

SECTION 24. Amends Subtitle C, Title 7, Transportation Code, by adding Chapter 551A and adding a heading to that chapter to read as follows:

CHAPTER 551A. OFF-HIGHWAY VEHICLES

SECTION 25. Transfers Subchapters A and B, Chapter 663, Transportation Code, to Chapter 551A, Transportation Code, as added by this Act, redesignates them as Subchapters A and B, Chapter 551A, Transportation Code, and amends them, as follows:

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 551A.001. DEFINITIONS.

(1) Defines "all-terrain vehicle."

(2) Redesignates existing Subsection (1-a) as this subsection and defines "beach."

(3) Makes a nonsubstantive change and redesignates existing Subdivision (1-b) as this subdivision. Redefines "off-highway vehicle" to mean an all-terrain vehicle, recreational off-highway vehicle, or a utility vehicle, rather than an all-terrain vehicle, or recreational off-highway vehicle, as those terms are defined by Section 502.001; or a utility vehicle.

(4) Defines "public off-highway vehicle land" to mean land on which off-highway recreation is authorized under Chapter 29, Parks and Wildlife Code, rather than defining "public property" to mean property owned or leased by the state or a political subdivision of the state.

(5) Defines "recreational off-highway vehicle."

(6) Redesignates existing Subdivision (4) as this subdivision. Redefines "utility vehicle" to mean a motor vehicle that is not a golf cart, as defined by Section 551.401, rather than Section 502.001, or lawn mower, with certain design specifics.

Sec. 551A.002. NONAPPLICABILITY OF CERTAIN OTHER LAW. (a) Provides that Chapter 521 (Driver's License and Certificates) does not apply to the operation or ownership of an off-highway vehicle on public off-highway vehicle land, rather than providing that, except as provided by Sections 663.037 (Operation on Public Roadway Prohibited) and 663.0371 (Operation on Beach), Chapter 521 does not apply to the operation or ownership of an off-highway vehicle registered for off-highway operation.

(b) Makes no further changes to this subsection.

SUBCHAPTER B. New heading: OFF-HIGHWAY VEHICLE OPERATOR EDUCATION AND CERTIFICATION FOR OPERATION ON PUBLIC LAND OR BEACH

Sec. 551A.011–551A.018. Makes no further changes to these sections.

Sec. 554.019. EXEMPTIONS. Makes conforming changes to this section.

SECTION 26. Transfers the heading to Subchapter C, Chapter 663, Transportation Code, to Chapter 551A, Transportation Code, as added by this Act, redesignates it as Subchapter C, Chapter 551A, Transportation Code, and amends it to read as follows:

SUBCHAPTER C. OFF-HIGHWAY OPERATION OF OFF-HIGHWAY VEHICLES

SECTION 27. Transfers Sections 663.031, 663.032, and 663.0371, Transportation Code, to Subchapter C, Chapter 551A, Transportation Code, as transferred and redesignated by this Act, redesignates them as Sections 551A.031, 551A.032, and 551A.033, Transportation Code, and amends them as follows:

Sec. 551A.031. OPERATION ON PUBLIC LAND OR BEACH; SAFETY CERTIFICATE REQUIRED. (a) 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:

(1) the land is public off-highway vehicle land; and

(2) the operation is in compliance with:

(A) this chapter; and

(B) Chapter 29, Parks and Wildlife Code.

(b) Creates this subsection from existing text. Prohibits a person from operating an off-highway vehicle on public off-highway vehicle land or a beach, rather than on public property or a beach, unless the person has taken certain safety measures.

(c) Redesignates existing Subsection (b) as this section. Requires a person to whom a safety certificate required by Subsection (b), rather than Subsection (a), has been issued to:

(1) carry the certificate when the person operates an off-highway vehicle on public off-highway vehicle land or a beach, rather than on public property or a beach; and

(2) makes no changes to this subdivision.

Sec. 551A.032. New heading: OPERATION ON PUBLIC OFF-HIGHWAY VEHICLE LAND BY PERSON YOUNGER THAN 14. Requires a person younger than 14 years of age who is operating an off-highway vehicle on public off-highway vehicle land, rather than who is operating an off-highway vehicle, to be accompanied by and be under the direct supervision of a certain adult.

Sec. 551A.033. OPERATION ON BEACH. (a) Authorizes a person to operate an off-highway vehicle on a beach only as provided by this section, rather than prohibiting a person from operating an off-highway vehicle on a beach except as provided by this section.

(b) Requires a person operating an off-highway vehicle on a beach to hold and have in the person's possession a driver's license, rather than driver's license issued under Chapter 521 or a commercial driver's license issued under Chapter 522 (Commercial Driver's License).

(c) Makes no further changes to this subsection.

(d) Makes a conforming change to this subsection.

(e) Makes no further changes to this subsection.

SECTION 28. Transfers Sections 663.037(b) and (c), Transportation Code, to Subchapter C, Chapter 551A, Transportation Code, as transferred and redesignated by this Act, redesignates them as Section 551A.034, Transportation Code, and amends that section as follows:

Sec. 551A.034. New heading: CROSSING HIGHWAY AT POINT OTHER THAN INTERSECTION. (a) Authorizes the operator of an off-highway vehicle to drive the vehicle across a highway that is not an interstate or limited-access highway at a point other than an intersection, rather than authorizing the operator of an off-highway vehicle to drive the vehicle across a public street, road, or highway that is not an interstate or limited-access highway, if the operator drives in a certain manner.

(b) Makes a nonsubstantive change. Authorizes the operator of an off-highway vehicle, notwithstanding Subsection (a), to drive the vehicle across a divided highway other than an interstate or limited access highway only at an intersection of the highway with another highway, rather than authorizing the operator of an off-highway vehicle to drive the vehicle across a divided highway other than an interstate or limited access highway only at an intersection of the highway with another public street, road, or highway.

SECTION 29. Amends Chapter 551A, Transportation Code, as added by this Act, by adding Subchapter D and adding a heading to that subchapter to read as follows:

SUBCHAPTER D. OPERATION ON HIGHWAY

SECTION 30. Transfers Sections 663.037(a) and (f), Transportation Code, to Subchapter D, Chapter 551A, Transportation Code, as added by this Act, redesignates them as Section 551A.051, Transportation Code, and amends that section as follows:

Sec. 551A.051. APPLICABILITY. (a) Authorizes a person to operate an off-highway vehicle on a highway only as provided by this chapter, rather than prohibiting a person from operating an off-highway vehicle on a public street, road, or highway except as provided by this section.

(b) Redesignates Subsection (f) as this subsection. Provides that this subchapter does not apply to the operation of an off-highway vehicle that is owned and registered as authorized by Section 502.140(c) by the state, a county, or a municipality by a person who is an authorized operator of the vehicle, rather than providing that, except as provided by Subsection (g), this section does not apply

to the operation of an off-highway vehicle that is owned by the state, a county, or a municipality by a person who is an authorized operator of the vehicle.

SECTION 31. Amends Subchapter D, Chapter 551A, Transportation Code, as added by this Act, by adding Sections 551A.052, 551A.053, 551A.054, 551A.055, and 551A.056, as follows:

Sec. 551A.052. REGISTRATION; LICENSE PLATES. (a) Prohibits TxDMV, except as provided by Section 502.140(c), from registering an off-highway vehicle for operation on a highway regardless of whether any alteration has been made to the vehicle.

(b) Authorizes an operator to operate an unregistered off-highway vehicle on a highway in a manner authorized by this subchapter only if the vehicle displays a license plate issued under this section.

(c) Provides that TxDMV:

(1) is required to by rule establish a procedure to issue license plates for unregistered off-highway vehicles; and

(2) is authorized to charge a fee not to exceed \$10 for the cost of the license plate, to be deposited to the credit of the TxDMV fund.

(d) Provides that an off-highway vehicle license plate issued under Subsection (c) does not expire. Prohibits a person who becomes the owner of an off-highway vehicle for which the previous owner obtained a license plate from using the previous owner's license plate.

Sec. 551A.053. OPERATION ON HIGHWAY AUTHORIZED BY MUNICIPALITY OR COUNTY. (a) Authorizes the governing body of a municipality, in addition to the operation authorized by Section 551A.055, to allow an operator to operate an unregistered off-highway vehicle on all or part of a highway that:

(1) is in the corporate boundaries of the municipality; and

(2) has a posted speed limit of not more than 35 miles per hour.

(b) Authorizes the commissioners court of a county described by Subsection (c), in addition to the operation authorized by Section 551A.055, to allow an operator to operate an unregistered off-highway vehicle on all or part of a highway that:

(1) is located in the unincorporated area of the county; and

(2) has a posted speed limit of not more than 35 miles per hour.

(c) Provides that Subsection (b) applies only to a county that:

(1) borders or contains a portion of the Red River;

(2) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or

(3) is adjacent to a county described by Subdivision (2); and

(A) has a population of less than 37,000; and

(B) contains a part of a barrier island or peninsula that borders the Gulf of Mexico.

Sec. 551A.054. PROHIBITION OF OPERATION IN CERTAIN AREAS BY MUNICIPALITY, COUNTY, OR DEPARTMENT. (a) Authorizes a county or

municipality to prohibit the operation of an unregistered off-highway vehicle on a highway under Section 551A.055 if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(b) Authorizes TxDOT to prohibit the operation of an unregistered off-highway vehicle on a highway under Section 551A.055 if TxDOT determines that the prohibition is necessary in the interest of safety.

Sec. 551A.055. OPERATION AUTHORIZED IN CERTAIN AREAS. Authorizes an operator to operate an unregistered off-highway vehicle:

(1) in a master planned community:

(A) that has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved a plat; or

(2) on a highway for which the posted speed limit is not more than 35 miles per hour, if the off-highway vehicle is operated:

(A) during the daytime; and

(B) 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.

Sec. 551A.056. CROSSING INTERSECTIONS. 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.

SECTION 32. Transfers Sections 663.037(d) and (g), Transportation Code, as amended by Chapters 125 (H.B. 920) and 1052 (H.B. 1956), Acts of the 85th Legislature, Regular Session, 2017, to Subchapter D, Chapter 551A, Transportation Code, as added by this Act, redesignates them as Sections 551A.057 and 551A.058, Transportation Code, and amends these sections as follows:

Sec. 551A.057. New heading: AGRICULTURAL OR UTILITY OPERATION ON HIGHWAY. (a) Authorizes the operator of an unregistered off-highway vehicle to operate the vehicle on a highway that is not an interstate or limited-access highway, rather than authorizing the operator of an off-highway vehicle to drive the vehicle on a public street, road, or highway that is not an interstate or limited-access highway, if:

(1)–(3) makes no changes to these subdivisions;

(4) deletes existing text referring to the operator holding a driver's license, as defined by Section 521.001. Redesignates existing Subdivisions (5)–(6) as Subdivisions (4)–(5).

(b) Provides that, notwithstanding Section 551A.052, an off-highway vehicle operated under this section is not required to display a license plate.

Sec. 551A.058. LAW ENFORCEMENT OPERATION. Creates this section from existing text of Section 667.037(g). (a) Authorizes a peace officer or other person who provides law enforcement, firefighting, ambulance, medical, or other emergency services, including a volunteer firefighter, to operate an unregistered off-highway vehicle on a highway that is not an interstate or limited-access highway if, rather than authorizing a peace officer or other person who provides law enforcement, firefighting, ambulance, medical, or other emergency services, including a volunteer firefighter, to operate an off-highway vehicle on a public street, road, or highway that is not an interstate or limited-access highway only if:

(1)–(2) makes no further changes to these subdivisions;

(3) makes a nonsubstantive change to this subdivision; and

(4) deletes existing text referring to the operator holding a driver's license, as defined by Section 521.001. Redesignates existing Subdivision (5) as this subdivision and makes no further changes.

(b) Provides that, notwithstanding Section 551A.052, an off-highway vehicle operated under this section is not required to display a license plate.

SECTION 33. Transfers Section 663.037(d-1), Transportation Code, to Section 551A.057, Transportation Code, as added by this Act, redesignates it as Section 551A.057(c), Transportation Code, and amends it, as follows:

(c) Provides that provisions of this code regarding helmet and eye protection use, safety certification, and other vehicular restrictions do not apply to the operation of an off-highway vehicle under this section, rather than to Subsection (d).

SECTION 34. Transfers Section 663.037(e), Transportation Code, to Subchapter D, Chapter 551A, Transportation Code, as added by this Act, redesignates it as Section 551A.059, Transportation Code, and amends that section, as follows:

Sec. 551A.059. New heading: FLAG STANDARDS. Requires the director of the Department of Public Safety of the State of Texas (director; DPS) to adopt standards and specifications that apply to the color, size, and mounting position of the flags required under Sections 551A.057 and 551A.058, rather than requiring the director to adopt standards and specifications that apply to the color, size, and mounting position of the flag required under Subsections (d)(2) and (g)(2).

SECTION 35. Amends Chapter 551A, Transportation Code, as added by this Act, by adding Subchapter E, and adding a heading to that subchapter to read as follows:

SUBCHAPTER E. EQUIPMENT AND SAFETY REQUIREMENTS

SECTION 36. Transfers Sections 663.033, 663.034, 663.035, and 663.036, Transportation Code, to Subchapter E, Chapter 551A, Transportation Code, as added by this Act, redesignates them as Sections 551A.071, 551A.072, 551A.073, and 551A.074, Transportation Code, and amends them, as follows:

Sec. 551A.071. REQUIRED EQUIPMENT; DISPLAY OF LIGHTS. (a) Requires an off-highway vehicle that is operated on public off-highway vehicle land, a beach, or a highway, rather than requiring an off-highway vehicle that is operated on public property or a beach, to be equipped with certain parts.

(b)-(c) Makes conforming changes to these subsections.

(d) Makes no further changes to this subsection.

Sec. 551A.072. SAFETY APPAREL REQUIRED. (a) Creates this subsection from existing text. Prohibits a person from operating, riding, or being carried on an off-highway vehicle on public off-highway vehicle land, a beach, or a highway, rather than on public property or a beach, unless the person wears:

(1)–(2) makes nonsubstantive changes to these subdivisions; and

(3) seat belts, if the vehicle is equipped with seat belts.

(b) Provides that Subsections (a)(1) and (2) do not apply to a motor vehicle that has four wheels, is equipped with bench or bucket seats and seat belts, and

includes a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of vehicle rollover.

(c) Provides that this section does not apply to a motor vehicle that is in the process of being loaded into or unloaded from a trailer or another vehicle used to transport the vehicle.

Sec. 551A.073. RECKLESS OR CARELESS OPERATION PROHIBITED. Prohibits a person from operating an off-highway vehicle on public off-highway vehicle land or a beach, rather than on public property or a beach, in a careless or reckless manner that endangers, injures, or damages any person or property.

Sec. 551A.074. CARRYING PASSENGERS. Prohibits a person from carrying a passenger on an off-highway vehicle operated on public off-highway vehicle land, a beach, or a highway, rather than on public property or a beach, unless the vehicle is designed by the manufacturer to transport a passenger.

SECTION 37. Amends Chapter 551A, Transportation Code, as added by this Act, by adding Subchapter F, and adding a heading to that subchapter to read as follows:

SUBCHAPTER F. CERTAIN OFFENSES

SECTION 38. Transfers Section 663.038, Transportation Code, to Subchapter F, Chapter 551A, Transportation Code, as added by this Act, redesignates it as Section 551A.091, Transportation Code, and amends it, as follows:

Sec. 551A.091. New heading: VIOLATION OF CHAPTER ON PUBLIC OFF-HIGHWAY VEHICLE LAND OR BEACH. Deletes subsection designations and makes nonsubstantive changes. Deletes existing text providing that a person commits an offense if the person violates a provision of this chapter. Provides that an offense for a violation of this chapter committed on public off-highway vehicle land or a beach is a Class C misdemeanor, rather than providing that, except as otherwise provided by Title 6 (Roadways) or this title (Vehicles and Traffic), an offense under this section is a Class C misdemeanor.

SECTION 39. Amends Section 601.052(a), Transportation Code, as follows:

(a) Creates Subdivisions (2-a) and (2-b) from existing text and makes a nonsubstantive change. Provides that Section 601.051 does not apply to:

(1) makes no changes to this subdivision;

(2) a neighborhood electric vehicle that is operated only as authorized by Section 551.304, rather than the operation of a neighborhood electric vehicle;

(2-a) a golf cart that is operated only as authorized by Section 551.403, rather than or a golf cart that is operated only as authorized by Section 551.304 or 551.403;

(2-b) an off-highway vehicle that is operated only as authorized by Subchapter C, Chapter 551A, or Section 551A.055 of this code or Chapter 29, Parks and Wildlife Code; or

(3) makes no changes to this subdivision.

SECTION 40. Amends the heading to Subtitle G, Title 7, Transportation Code, to read as follows:

SUBTITLE G. MOTORCYCLES

SECTION 41. Repealer: Section 63.002(4-a) (defining "all-terrain vehicle"), Natural Resources Code.

Repealer: Section 63.002(4-b) (defining "recreational off-highway vehicle"), Natural Resources Code.

Repealer: Section 29.011 (Safety Apparel Required; Seat Belts), Parks and Wildlife Code.

Repealer: Sections 502.001(1) (defining "all-terrain vehicle"), Transportation Code.

Repealer: Section 502.001(18) (defining "golf cart"), Transportation Code.

Repealer: Section 502.001(37) (defining "recreational off-highway vehicle"), Transportation Code.

Repealer: Section 551.451(1) (defining "all-terrain vehicle"), Transportation Code.

Repealer: Section 551.451(6) (defining "recreational off-highway vehicle"), Transportation Code.

Repealer: Section 551.451(7) (defining "utility vehicle"), Transportation Code.

Repealer: the heading to Section 663.037 (Operation on Public Roadway Prohibited), Transportation Code.

Repealer: the heading to Chapter 663 (Certain Off-Highway Vehicles), Transportation Code.

SECTION 42. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 43. Effective date: upon passage or September 1, 2019.