86R13949 JXC-D

By:  Fallon S.B. No. 2359

A BILL TO BE ENTITLED

AN ACT

relating to the operation of off-highway vehicles on a public street, road, or highway.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 502.001, Transportation Code, is amended by adding Subdivision (44-a) to read as follows:

(44-a)  "Utility vehicle" has the meaning assigned by Section 663.001.

SECTION 2.  Section 502.140, Transportation Code, is amended to read as follows:

Sec. 502.140.  CERTAIN OFF-HIGHWAY VEHICLES. (a) Except as otherwise provided by Subsection (b), a person may not register an all-terrain vehicle, [~~or~~] a recreational off-highway vehicle, or a utility vehicle, with or without design alterations, for operation on a public highway.

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

(c) [~~(d)~~]  Section 504.401 does not apply to an all-terrain vehicle, [~~or~~] a recreational off-highway vehicle, or a utility vehicle.

[~~(e)  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 does not require registration under Subsection (b).~~]

SECTION 3.  The heading to Section 663.037, Transportation Code, is amended to read as follows:

Sec. 663.037.  OPERATION ON PUBLIC ROADWAY [~~PROHIBITED~~].

SECTION 4.  Sections 663.037(a) and (f), Transportation Code, are amended to read as follows:

(a)  A person may [~~not~~] operate an off-highway vehicle on a public street, road, or highway only [~~except~~] as provided by this section and Section 663.0372.

(f)  This [~~Except as provided by Subsection (g), this~~] section does not apply to the operation of an off-highway vehicle that is registered under Section 502.140(b) [~~owned by the state, a county, or a municipality by a person who is an authorized operator of the vehicle~~].

SECTION 5.  Subchapter C, Chapter 663, Transportation Code, is amended by adding Section 663.0372 to read as follows:

Sec. 663.0372.  OPERATION ON PUBLIC ROADWAY IN CERTAIN COUNTIES. (a) In addition to operation authorized by Sections 663.037 and 502.140(b), an off-highway vehicle may be operated on a public street, road, or highway in a county with a population of less than 150,000 in a manner authorized in that location for the operation of a neighborhood electric vehicle.

(b)  If the Texas Department of Motor Vehicles adopts rules relating to the registration of and issuance of license plates for neighborhood electric vehicles under Section 551.302, the department must adopt corresponding rules for off-highway vehicles operating under this section.

SECTION 6.  The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. 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 7.  This Act takes effect September 1, 2019.