

AN ACT

relating to the operation of golf carts, neighborhood electric vehicles, and off-highway vehicles; authorizing fees.

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

SECTION 1. Section 57.002(7), Business & Commerce Code, is amended to read as follows:

(7) "Equipment":

(A) means machinery, equipment, or implements or attachments to the machinery, equipment, or implements used for, or in connection with, any of the following purposes:

(i) lawn, garden, golf course, landscaping, or grounds maintenance;

(ii) planting, cultivating, irrigating, harvesting, or producing agricultural or forestry products;

(iii) raising, feeding, or tending to livestock, ~~or~~ harvesting products from livestock, or any other activity in connection with those activities; or

(iv) industrial, construction, maintenance, mining, or utility activities or applications; and

(B) does not mean:

(i) trailers or self-propelled vehicles designed primarily for the transportation of persons or property on a street or highway; or

(ii) ~~all-terrain vehicles, utility task~~

1 ~~vehicles, or recreational]~~ off-highway vehicles.

2 SECTION 2. Section 75.001(3), Civil Practice and Remedies
3 Code, is amended to read as follows:

4 (3) "Recreation" means an activity such as:

5 (A) hunting;

6 (B) fishing;

7 (C) swimming;

8 (D) boating;

9 (E) camping;

10 (F) picnicking;

11 (G) hiking;

12 (H) pleasure driving, including off-road
13 motorcycling and off-road automobile driving and the use of
14 ~~[all-terrain vehicles and recreational]~~ off-highway vehicles;

15 (I) nature study, including bird-watching;

16 (J) cave exploration;

17 (K) waterskiing and other water sports;

18 (L) any other activity associated with enjoying
19 nature or the outdoors;

20 (M) bicycling and mountain biking;

21 (N) disc golf;

22 (O) on-leash and off-leash walking of dogs; or

23 (P) radio control flying and related activities.

24 SECTION 3. Section 2158.001(2), Government Code, is amended
25 to read as follows:

26 (2) "Golf cart" has the meaning assigned by Section
27 551.401 ~~[502.001]~~, Transportation Code.

1 SECTION 4. Section 392.001(3), Health and Safety Code, is
2 amended to read as follows:

3 (3) "Golf cart" has the meaning assigned by Section
4 551.401 [~~502.001~~], Transportation Code.

5 SECTION 5. Section 61.011(d), Natural Resources Code, is
6 amended to read as follows:

7 (d) The commissioner shall promulgate rules, consistent
8 with the policies established in this section, on the following
9 matters only:

10 (1) acquisition by local governments or other
11 appropriate entities or public dedication of access ways sufficient
12 to provide adequate public ingress and egress to and from the beach
13 within the area described in Subdivision (6);

14 (2) protection of the public easement from erosion or
15 reduction caused by development or other activities on adjacent
16 land and beach cleanup and maintenance;

17 (3) local government prohibitions of vehicular
18 traffic on public beaches, provision of off-beach parking, the use
19 on a public beach of a golf cart, as defined by Section 551.401
20 [~~502.001~~], Transportation Code, for the transportation of a person
21 with a physical disability, and other minimum measures needed to
22 mitigate for any adverse effect on public access and dune areas;

23 (4) imposition of beach access, user, or parking fees
24 and reasonable exercises of the police power by local governments
25 with respect to public beaches;

26 (5) contents and certification of beach access and use
27 plans and standards for local government review of construction on

1 land adjacent to and landward of public beaches, including
2 procedures for expedited review of beach access and use plans under
3 Section [61.015](#);

4 (6) construction on land adjacent to and landward of
5 public beaches and lying in the area either up to the first public
6 road generally parallel to the beach or to any closer public road
7 not parallel to the beach, or to within 1,000 feet of mean high
8 tide, whichever is greater, that affects or may affect public
9 access to and use of public beaches;

10 (7) the temporary suspension under Section [61.0185](#) of
11 enforcement of the prohibition against encroachments on and
12 interferences with the public beach easement and the ability of a
13 property owner to make repairs to a house while a suspension is in
14 effect;

15 (8) the determination of the line of vegetation or
16 natural line of vegetation;

17 (9) the factors to be considered in determining
18 whether a structure, improvement, obstruction, barrier, or hazard
19 on the public beach:

20 (A) constitutes an imminent hazard to safety,
21 health, or public welfare; or

22 (B) substantially interferes with the free and
23 unrestricted right of the public to enter or leave the public beach
24 or traverse any part of the public beach;

25 (10) the procedures for determining whether a
26 structure is not insurable property for purposes of Section
27 [2210.004](#), Insurance Code, because of the factors listed in

1 Subsection (h) of that section;

2 (11) the closure of beaches for space flight
3 activities; and

4 (12) the temporary suspension under Section 61.0171 of
5 the determination of the "line of vegetation" or the "natural line
6 of vegetation."

7 SECTION 6. Section 63.002(4), Natural Resources Code, is
8 amended to read as follows:

9 (4) "Recreational vehicle" means a dune buggy, marsh
10 buggy, minibike, trail bike, jeep, [~~all-terrain vehicle,~~
11 ~~recreational~~] off-highway vehicle, as defined by Section 551A.001,
12 Transportation Code, or any other mechanized vehicle that is being
13 used for recreational purposes, but does not include a vehicle that
14 is not being used for recreational purposes.

15 SECTION 7. Section 29.001, Parks and Wildlife Code, is
16 amended to read as follows:

17 Sec. 29.001. DEFINITION. In this chapter, "off-highway
18 vehicle" means:

19 (1) an off-highway vehicle, as defined by Section
20 551A.001 [~~all-terrain vehicle, as defined by Section 502.001~~],
21 Transportation Code;

22 (2) an off-highway motorcycle; or

23 (3) [~~a recreational off-highway vehicle, as defined by~~
24 ~~Section 502.001, Transportation Code, and~~

25 [~~(4)~~] any other motorized vehicle used for off-highway
26 recreation on:

27 (A) public land over which the department has

1 authority or on land purchased or leased by the department; or

2 (B) land acquired or developed under a grant made
3 under Section 29.008 or any other grant program operated or
4 administered by the department.

5 SECTION 8. Section 501.002(17), Transportation Code, is
6 amended to read as follows:

7 (17) "Motor vehicle" means:

8 (A) any motor driven or propelled vehicle
9 required to be registered under the laws of this state;

10 (B) a trailer or semitrailer, other than
11 manufactured housing, that has a gross vehicle weight that exceeds
12 4,000 pounds;

13 (C) a travel trailer;

14 (D) an off-highway vehicle, as defined by Section
15 551A.001 [~~all-terrain vehicle or a recreational off-highway~~
16 ~~vehicle, as those terms are defined by Section 502.001, designed by~~
17 ~~the manufacturer for off-highway use that is not required to be~~
18 ~~registered under the laws of this state~~]; or

19 (E) a motorcycle, motor-driven cycle, or moped
20 that is not required to be registered under the laws of this state.

21 SECTION 9. Section 502.140, Transportation Code, is amended
22 to read as follows:

23 Sec. 502.140. CERTAIN OFF-HIGHWAY VEHICLES. (a) In this
24 section, "off-highway vehicle" has the meaning assigned by Section
25 551A.001.

26 (b) Except as provided by Subsection (c) [~~(b)~~], the
27 department [~~a person~~] may not register an [~~all-terrain vehicle or a~~

1 ~~recreational~~] off-highway vehicle, with or without design
2 alterations, for operation on a public highway.

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

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

10 (e) An [~~all-terrain vehicle or recreational~~] off-highway
11 vehicle that is registered under this section:

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

14 (2) is subject to the requirements of Subchapter E,
15 Chapter 551A [~~owned by the state, a county, or a municipality and~~
16 ~~operated in compliance with Section 663.037 does not require~~
17 ~~registration under Subsection (b)~~].

18 SECTION 10. Section 504.002, Transportation Code, is
19 amended to read as follows:

20 Sec. 504.002. GENERAL PROVISIONS. (a) Unless expressly
21 provided by this chapter or by department rule:

22 (1) except for license plates specified as exempt, the
23 fee for issuance of a license plate, including replacement plates,
24 is in addition to each other fee that is paid for at the time of the
25 registration of the motor vehicle and shall be deposited to the
26 credit of the Texas Department of Motor Vehicles fund;

27 (2) if the registration period is greater than 12

1 months, the expiration date of a specialty license plate, symbol,
2 tab, or other device shall be aligned with the registration period,
3 and the specialty plate fee shall be adjusted pro rata, except that
4 if the statutory annual fee for a specialty license plate is \$5 or
5 less, it may not be prorated;

6 (3) the department is the exclusive owner of the
7 design of each license plate;

8 (4) if a license plate is lost, stolen, or mutilated,
9 an application for a replacement plate must be accompanied by the
10 fee prescribed by Section 502.060; and

11 (5) the department shall prepare the designs and
12 specifications of license plates.

13 (b) If necessary to cover the costs of issuing license
14 plates for golf carts under Section 551.402 or off-highway vehicles
15 under Section 551A.052, the department may charge an administrative
16 fee, in an amount established by the department by rule, for the
17 issuance of a golf cart or off-highway vehicle license plate.

18 SECTION 11. Section 547.001, Transportation Code, is
19 amended by amending Subdivision (2-a) and adding Subdivisions (11)
20 and (12) to read as follows:

21 (2-a) "Golf cart" has the meaning assigned by Section
22 551.401 [~~502.001~~].

23 (11) "Neighborhood electric vehicle" has the meaning
24 assigned by Section 551.301.

25 (12) "Off-highway vehicle" has the meaning assigned by
26 Section 551A.001.

27 SECTION 12. Section 547.002, Transportation Code, is

1 amended to read as follows:

2 Sec. 547.002. APPLICABILITY. Unless a provision is
3 specifically made applicable, this chapter and the rules of the
4 department adopted under this chapter do not apply to:

- 5 (1) an implement of husbandry;
- 6 (2) road machinery;
- 7 (3) a road roller;
- 8 (4) a farm tractor;
- 9 (5) a bicycle, a bicyclist, or bicycle equipment;
- 10 (6) an electric bicycle, an electric bicyclist, or
11 electric bicycle equipment; ~~[or]~~
- 12 (7) a golf cart;
- 13 (8) a neighborhood electric vehicle; or
- 14 (9) an off-highway vehicle ~~[that is operated only as~~
15 ~~authorized by Section 551.403]~~.

16 SECTION 13. Section 547.703(d), Transportation Code, is
17 amended to read as follows:

18 (d) A golf cart, neighborhood electric vehicle, or
19 off-highway vehicle that is operated at a speed of not more than 25
20 miles per hour is required to display a slow-moving-vehicle emblem
21 when it is operated on a ~~[public]~~ highway ~~[, as defined by Section~~
22 ~~502.001, under Section 551.403 or 551.404]~~.

23 SECTION 14. Section 548.052, Transportation Code, is
24 amended to read as follows:

25 Sec. 548.052. VEHICLES NOT SUBJECT TO INSPECTION. This
26 chapter does not apply to:

- 27 (1) a trailer, semitrailer, pole trailer, or mobile

1 home moving under or bearing a current factory-delivery license
2 plate or current in-transit license plate;

3 (2) a vehicle moving under or bearing a paper dealer
4 in-transit tag, machinery license, disaster license, parade
5 license, prorated tab, one-trip permit, vehicle temporary transit
6 permit, antique license, custom vehicle license, street rod
7 license, temporary 24-hour permit, or permit license;

8 (3) a trailer, semitrailer, pole trailer, or mobile
9 home having an actual gross weight or registered gross weight of
10 7,500 pounds or less;

11 (4) farm machinery, road-building equipment, a farm
12 trailer, or a vehicle required to display a slow-moving-vehicle
13 emblem under Section 547.703;

14 (5) a former military vehicle, as defined by Section
15 504.502;

16 (6) a vehicle qualified for a tax exemption under
17 Section 152.092, Tax Code; or

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

21 SECTION 15. The heading to Chapter 551, Transportation
22 Code, is amended to read as follows:

23 CHAPTER 551. OPERATION OF BICYCLES AND ~~[7]~~ MOPEDS, GOLF CARTS, AND
24 OTHER LOW-POWERED ~~[PLAY]~~ VEHICLES

25 SECTION 16. Section 551.401, Transportation Code, is
26 amended to read as follows:

27 Sec. 551.401. DEFINITION ~~[DEFINITIONS]~~. In this

1 subchapter, "golf cart" means a motor vehicle designed by the
2 manufacturer primarily for use on a golf course[+]

3 ~~[(1) "Golf cart" and "public highway" have the~~
4 ~~meanings assigned by Section 502.001].~~

5 SECTION 17. Section 551.402, Transportation Code, is
6 amended to read as follows:

7 Sec. 551.402. REGISTRATION NOT AUTHORIZED; LICENSE PLATES.

8 (a) The Texas Department of Motor Vehicles may not register a golf
9 cart for operation on a [public] highway regardless of whether any
10 alteration has been made to the golf cart.

11 (b) A person may operate a golf cart on a highway in a manner
12 authorized by this subchapter only if the vehicle displays a
13 license plate issued under this section.

14 (c) [(b)] The Texas Department of Motor Vehicles:

15 (1) shall by rule establish a procedure to [may] issue
16 license plates for golf carts; and

17 (2) [a golf cart as authorized by Subsection (c)].

18 ~~[(c) The Texas Department of Motor Vehicles shall by rule~~
19 ~~establish a procedure to issue the license plates to be used for~~
20 ~~operation in accordance with Sections 551.403 and 551.404.~~

21 ~~[(d) The Texas Department of Motor Vehicles]~~ may charge a
22 fee not to exceed \$10 for the cost of the license plate, to be
23 deposited to the credit of the Texas Department of Motor Vehicles
24 fund.

25 (d) A golf cart license plate does not expire. A person who
26 becomes the owner of a golf cart for which the previous owner
27 obtained a license plate may not use the previous owner's license

1 plate.

2 SECTION 18. Subchapter F, Chapter 551, Transportation Code,
3 is amended by amending Section 551.403 and adding Section 551.4031
4 to read as follows:

5 Sec. 551.403. [~~LIMITED~~] OPERATION AUTHORIZED IN CERTAIN
6 AREAS. [~~(a)~~] An operator may operate a golf cart:

7 (1) in a master planned community:

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

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

12 (2) on a public or private beach that is open to
13 vehicular traffic; or

14 (3) on a [~~public~~] highway for which the posted speed
15 limit is not more than 35 miles per hour, if the golf cart is
16 operated:

17 (A) during the daytime; and

18 (B) not more than two miles from the location
19 where the golf cart is usually parked and for transportation to or
20 from a golf course.

21 Sec. 551.4031. PROHIBITION OF OPERATION ON HIGHWAY BY
22 MUNICIPALITY, COUNTY, OR DEPARTMENT. (a) A county or municipality
23 may prohibit the operation of a golf cart on a highway under Section
24 551.404 if the governing body of the county or municipality
25 determines that the prohibition is necessary in the interest of
26 safety.

27 (b) The Texas Department of Transportation [~~or a county or~~

1 ~~municipality~~] may prohibit the operation of a golf cart on a
2 [public] highway under Section 551.404 if the department [~~or the~~
3 ~~governing body of the county or municipality~~] determines that the
4 prohibition is necessary in the interest of safety.

5 SECTION 19. Subchapter F, Chapter 551, Transportation Code,
6 is amended by amending Section 551.404 and adding Section 551.4041
7 to read as follows:

8 Sec. 551.404. OPERATION ON HIGHWAY AUTHORIZED BY
9 MUNICIPALITY OR [~~IN MUNICIPALITIES AND~~] CERTAIN COUNTIES. (a) In
10 addition to the operation authorized by Section 551.403, the
11 governing body of a municipality may allow an operator to operate a
12 golf cart on all or part of a [public] highway that:

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

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

17 (b) [~~(a-1)~~] In addition to the operation authorized by
18 Section 551.403, the commissioners court of a county described by
19 Subsection (c) [~~(a-2)~~] may allow an operator to operate a golf cart
20 on all or part of a [public] highway that:

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

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

25 (c) Subsection (b) [~~(a-2) Subsection (a-1)~~] applies only to
26 a county that:

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

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

4 (3) is adjacent to a county described by Subdivision
5 (2) and:

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

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

9 Sec. 551.4041. EQUIPMENT. [~~(b)~~] A golf cart operated under
10 Section 551.404 [~~this section~~] must have the following equipment:

- 11 (1) headlamps;
- 12 (2) taillamps;
- 13 (3) reflectors;
- 14 (4) parking brake; and
- 15 (5) mirrors.

16 SECTION 20. Section 551.405, Transportation Code, is
17 amended to read as follows:

18 Sec. 551.405. CROSSING INTERSECTIONS [~~CERTAIN ROADWAYS~~]. A
19 golf cart may cross a highway at an intersection [~~intersections~~],
20 including an intersection with a highway [~~road or street~~] that has a
21 posted speed limit of more than 35 miles per hour.

22 SECTION 21. Section 551.451, Transportation Code, is
23 amended by amending Subdivision (2) and adding Subdivision (4-a) to
24 read as follows:

25 (2) "Golf cart" has the meaning assigned by Section
26 551.401 [~~502.001~~].

27 (4-a) "Off-highway vehicle" has the meaning assigned by

1 Section 551A.001.

2 SECTION 22. Section 551.452(a), Transportation Code, is
3 amended to read as follows:

4 (a) The Texas Department of Motor Vehicles may issue
5 distinguishing license plates for a vehicle operated by a motor
6 carrier for the purpose of picking up and delivering mail, parcels,
7 and packages if the vehicle:

- 8 (1) is ~~[~~
9 ~~[(A) an all-terrain vehicle;~~
10 ~~[(B) a golf cart,~~ ~~[~~
11 ~~[(C) a neighborhood electric vehicle, or an~~
12 off-highway vehicle ~~[~~
13 ~~[(D) a recreational off-highway vehicle; or~~
14 ~~[(E) a utility vehicle]; and~~

15 (2) is equipped with headlamps, taillamps,
16 reflectors, a parking brake, and mirrors, in addition to any other
17 equipment required by law.

18 SECTION 23. Section 551.457, Transportation Code, is
19 amended to read as follows:

20 Sec. 551.457. CONFLICTS. In the case of a conflict between
21 this subchapter and other law, including Chapters 502 and 551A
22 ~~[663]~~, this subchapter controls.

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

26 CHAPTER 551A. OFF-HIGHWAY VEHICLES

27 SECTION 25. Subchapters A and B, Chapter 663,

1 Transportation Code, are transferred to Chapter 551A,
2 Transportation Code, as added by this Act, redesignated as
3 Subchapters A and B, Chapter 551A, Transportation Code, and amended
4 to read as follows:

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Sec. 551A.001 [~~663.001~~]. DEFINITIONS. In this chapter:

7 (1) "All-terrain vehicle" means a motor vehicle that
8 is:

9 (A) equipped with a seat or seats for the use of:

10 (i) the rider; and

11 (ii) a passenger, if the motor vehicle is

12 designed by the manufacturer to transport a passenger;

13 (B) designed to propel itself with three or more
14 tires in contact with the ground;

15 (C) designed by the manufacturer for off-highway
16 use;

17 (D) not designed by the manufacturer primarily
18 for farming or lawn care; and

19 (E) not more than 50 inches wide.

20 (2) [~~(1-a)~~] "Beach" means a beach area, publicly or
21 privately owned, that borders the seaward shore of the Gulf of
22 Mexico.

23 (3) [~~(1-b)~~] "Off-highway vehicle" means[+]
24 [~~(A)~~] an all-terrain vehicle, [or] recreational
25 off-highway vehicle, [as those terms are defined by Section
26 502.001,] or

27 [~~(B)~~-a] utility vehicle.

1 (4) [~~2~~] "Public off-highway vehicle land
2 [property]" means land on which off-highway recreation is
3 authorized under Chapter 29, Parks and Wildlife Code [property
4 owned or leased by the state or a political subdivision of the
5 state].

6 (5) "Recreational off-highway vehicle" means a motor
7 vehicle that is:

8 (A) equipped with a seat or seats for the use of:

9 (i) the rider; and

10 (ii) a passenger or passengers, if the
11 vehicle is designed by the manufacturer to transport a passenger or
12 passengers;

13 (B) designed to propel itself with four or more
14 tires in contact with the ground;

15 (C) designed by the manufacturer for off-highway
16 use by the operator only; and

17 (D) not designed by the manufacturer primarily
18 for farming or lawn care.

19 (6) [~~4~~] "Utility vehicle" means a motor vehicle that
20 is not a golf cart, as defined by Section 551.401 [~~502.001~~], or lawn
21 mower and is:

22 (A) equipped with side-by-side seating for the
23 use of the operator and a passenger;

24 (B) designed to propel itself with at least four
25 tires in contact with the ground;

26 (C) designed by the manufacturer for off-highway
27 use only; and

1 (D) designed by the manufacturer primarily for
2 utility work and not for recreational purposes.

3 Sec. 551A.002 [~~663.002~~]. NONAPPLICABILITY OF CERTAIN OTHER
4 LAWS. (a) [~~Except as provided by Sections 663.037 and 663.0371,~~]
5 Chapter 521 does not apply to the operation or ownership of an
6 off-highway vehicle on public off-highway vehicle land [~~registered~~
7 ~~for off-highway operation~~].

8 (b) Chapter 1001, Education Code, does not apply to
9 instruction in the operation of an off-highway vehicle provided
10 under the operator education and certification program established
11 by this chapter.

12 SUBCHAPTER B. OFF-HIGHWAY VEHICLE OPERATOR EDUCATION AND
13 CERTIFICATION FOR OPERATION ON PUBLIC LAND OR BEACH

14 Sec. 551A.011 [~~663.011~~]. DESIGNATED DIVISION OR STATE
15 AGENCY. The governor shall designate a division of the governor's
16 office or a state agency to establish and administer an off-highway
17 vehicle operator education and certification program.

18 Sec. 551A.012 [~~663.012~~]. PURPOSE OF PROGRAM. The purpose
19 of the off-highway vehicle operator education and certification
20 program is to make available courses in basic training and safety
21 skills relating to the operation of off-highway vehicles and to
22 issue safety certificates to operators who successfully complete
23 the educational program requirements or pass a test established
24 under the program.

25 Sec. 551A.013 [~~663.013~~]. OFF-HIGHWAY VEHICLE SAFETY
26 COORDINATOR. (a) The designated division or state agency shall
27 employ an off-highway vehicle safety coordinator.

1 (b) The coordinator shall supervise the off-highway vehicle
2 operator education and certification program and shall determine:

- 3 (1) locations at which courses will be offered;
- 4 (2) fees for the courses;
- 5 (3) qualifications of instructors;
- 6 (4) course curriculum; and
- 7 (5) standards for operator safety certification.

8 (c) In establishing standards for instructors, curriculum,
9 and operator certification, the coordinator shall consult and be
10 guided by standards established by recognized off-highway vehicle
11 safety organizations.

12 Sec. 551A.014 [~~663.014~~]. CONTRACTS. To administer the
13 education program and certify off-highway vehicle operators, the
14 designated division or state agency may contract with nonprofit
15 safety organizations, nonprofit educational organizations, or
16 agencies of local governments.

17 Sec. 551A.015 [~~663.015~~]. TEACHING AND TESTING METHODS. (a)
18 If the off-highway vehicle safety coordinator determines that
19 vehicle operation is not feasible in a program component or at a
20 particular program location, the operator education and
21 certification program for persons who are at least 14 years of age
22 may use teaching or testing methods that do not involve the actual
23 operation of an off-highway vehicle.

24 (b) An operator safety certificate may not be issued to a
25 person younger than 14 years of age unless the person has
26 successfully completed a training course that involves the actual
27 operation of an off-highway vehicle.

1 Sec. 551A.016 [~~663.016~~]. FEE FOR COURSE. A person may
2 charge, for a course under the off-highway vehicle operator
3 education and certification program, a fee that is reasonably
4 related to the costs of administering the course.

5 Sec. 551A.017 [~~663.017~~]. DENIAL, SUSPENSION, OR
6 CANCELLATION OF APPROVAL. (a) The designated division or state
7 agency may deny, suspend, or cancel its approval for a program
8 sponsor to conduct or for an instructor to teach a course offered
9 under this chapter if the applicant, sponsor, or instructor:

10 (1) does not satisfy the requirements established
11 under this chapter to receive or retain approval;

12 (2) permits fraud or engages in fraudulent practices
13 with reference to an application to the division or agency;

14 (3) induces or countenances fraud or fraudulent
15 practices by a person applying for a driver's license or permit;

16 (4) permits or engages in a fraudulent practice in an
17 action between the applicant or license holder and the public; or

18 (5) fails to comply with rules of the division or
19 agency.

20 (b) Before the designated division or agency may deny,
21 suspend, or cancel the approval of a program sponsor or an
22 instructor, notice and opportunity for a hearing must be given as
23 provided by:

24 (1) Chapter 2001, Government Code; and

25 (2) Chapter 53, Occupations Code.

26 Sec. 551A.018 [~~663.018~~]. RULES. The designated division or
27 state agency may adopt rules to administer this chapter.

1 Sec. 551A.019 [~~663.019~~]. EXEMPTIONS. The designated
2 division or state agency by rule may temporarily exempt the
3 residents of any county from Section 551A.015 [~~663.015~~] or from
4 Section 551A.031(b)(1) [~~663.031(a)(1)~~] until the appropriate
5 education and certification program is established at a location
6 that is reasonably accessible to the residents of that county.

7 SECTION 26. The heading to Subchapter C, Chapter 663,
8 Transportation Code, is transferred to Chapter 551A,
9 Transportation Code, as added by this Act, redesignated as
10 Subchapter C, Chapter 551A, Transportation Code, and amended to
11 read as follows:

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

13 SECTION 27. Sections 663.031, 663.032, and 663.0371,
14 Transportation Code, are transferred to Subchapter C, Chapter 551A,
15 Transportation Code, as transferred and redesignated by this Act,
16 redesignated as Sections 551A.031, 551A.032, and 551A.033,
17 Transportation Code, and amended to read as follows:

18 Sec. 551A.031 [~~663.031~~]. OPERATION ON PUBLIC LAND OR BEACH;
19 SAFETY CERTIFICATE REQUIRED. (a) A person may not operate an
20 off-highway vehicle on land owned or leased by the state or a
21 political subdivision of the state that is not open to vehicular
22 traffic unless:

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

24 (2) the operation is in compliance with:

25 (A) this chapter; and

26 (B) Chapter 29, Parks and Wildlife Code.

27 (b) A person may not operate an off-highway vehicle on

1 public off-highway vehicle land [~~property~~] or a beach unless the
2 person:

3 (1) holds a safety certificate issued under this
4 chapter or under the authority of another state;

5 (2) is taking a safety training course under the
6 direct supervision of a certified off-highway vehicle safety
7 instructor; or

8 (3) is under the direct supervision of an adult who
9 holds a safety certificate issued under this chapter or under the
10 authority of another state.

11 (c) [~~(b)~~] A person to whom a safety certificate required by
12 Subsection (b) [~~(a)~~] has been issued shall:

13 (1) carry the certificate when the person operates an
14 off-highway vehicle on public off-highway vehicle land [~~property~~]
15 or a beach; and

16 (2) display the certificate at the request of any law
17 enforcement officer.

18 Sec. 551A.032 [~~663.032~~]. OPERATION ON PUBLIC OFF-HIGHWAY
19 VEHICLE LAND BY PERSON YOUNGER THAN 14. A person younger than 14
20 years of age who is operating an off-highway vehicle on public
21 off-highway vehicle land must be accompanied by and be under the
22 direct supervision of:

23 (1) the person's parent or guardian; or

24 (2) an adult who is authorized by the person's parent
25 or guardian.

26 Sec. 551A.033 [~~663.0371~~]. OPERATION ON BEACH. (a) A person
27 may [~~not~~] operate an off-highway vehicle on a beach only [~~except~~] as

1 provided by this section.

2 (b) A person operating an off-highway vehicle on a beach
3 must hold and have in the person's possession a driver's license
4 [~~issued under Chapter 521 or a commercial driver's license issued~~
5 ~~under Chapter 522~~].

6 (c) Except as provided by Chapters 61 and 63, Natural
7 Resources Code, an operator of an off-highway vehicle may drive the
8 vehicle on a beach that is open to motor vehicle traffic.

9 (d) Except as provided by Chapters 61 and 63, Natural
10 Resources Code, a person who is authorized to operate an
11 off-highway vehicle that is owned by the state, a county, or a
12 municipality may drive the vehicle on any beach if the vehicle is
13 registered under Section 502.140(c) [~~502.140(b)~~].

14 (e) The Texas Department of Transportation or a county or
15 municipality may prohibit the operation of an off-highway vehicle
16 on a beach if the department or the governing body of the county or
17 municipality determines that the prohibition is necessary in the
18 interest of safety.

19 SECTION 28. Sections 663.037(b) and (c), Transportation
20 Code, are transferred to Subchapter C, Chapter 551A, Transportation
21 Code, as transferred and redesignated by this Act, redesignated as
22 Section 551A.034, Transportation Code, and amended to read as
23 follows:

24 Sec. 551A.034. CROSSING HIGHWAY AT POINT OTHER THAN
25 INTERSECTION. (a) [~~(b)~~] The operator of an off-highway vehicle
26 may drive the vehicle across a [~~public street, road, or~~] highway
27 that is not an interstate or limited-access highway at a point other

1 than an intersection~~[7]~~ if the operator:

2 (1) brings the vehicle to a complete stop before
3 crossing the shoulder or main traveled way of the roadway;

4 (2) yields the right-of-way to oncoming traffic that
5 is an immediate hazard; and

6 (3) makes the crossing:

7 (A) at an angle of approximately 90 degrees to
8 the roadway;

9 (B) at a place where no obstruction prevents a
10 quick and safe crossing; and

11 (C) with the vehicle's headlights and taillights
12 lighted.

13 (b) Notwithstanding Subsection (a), the ~~[(c) The]~~ operator
14 of an off-highway vehicle may drive the vehicle across a divided
15 highway other than an interstate or limited access highway only at
16 an intersection of the highway with another ~~[public street, road,~~
17 ~~or]~~ highway.

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

21 SUBCHAPTER D. OPERATION ON HIGHWAY

22 SECTION 30. Sections 663.037(a) and (f), Transportation
23 Code, are transferred to Subchapter D, Chapter 551A, Transportation
24 Code, as added by this Act, redesignated as Section 551A.051,
25 Transportation Code, and amended to read as follows:

26 Sec. 551A.051. APPLICABILITY. (a) A person may ~~[not]~~
27 operate an off-highway vehicle on a ~~[public street, road, or]~~

1 highway only [~~except~~] as provided by this chapter [~~section~~].

2 (b) This subchapter [(f) Except as provided by Subsection
3 (g), this section] does not apply to the operation of an off-highway
4 vehicle that is owned and registered as authorized by Section
5 502.140(c) by the state, a county, or a municipality by a person who
6 is an authorized operator of the vehicle.

7 SECTION 31. Subchapter D, Chapter 551A, Transportation
8 Code, as added by this Act, is amended by adding Sections 551A.052,
9 551A.053, 551A.054, 551A.055, and 551A.056 to read as follows:

10 Sec. 551A.052. REGISTRATION; LICENSE PLATES. (a) Except as
11 provided by Section 502.140(c), the Texas Department of Motor
12 Vehicles may not register an off-highway vehicle for operation on a
13 highway regardless of whether any alteration has been made to the
14 vehicle.

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

18 (c) The Texas Department of Motor Vehicles:

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

21 (2) may charge a fee not to exceed \$10 for the cost of
22 the license plate, to be deposited to the credit of the Texas
23 Department of Motor Vehicles fund.

24 (d) An off-highway vehicle license plate issued under
25 Subsection (c) does not expire. A person who becomes the owner of an
26 off-highway vehicle for which the previous owner obtained a license
27 plate may not use the previous owner's license plate.

1 Sec. 551A.053. OPERATION ON HIGHWAY AUTHORIZED BY
2 MUNICIPALITY OR CERTAIN COUNTIES. (a) In addition to the operation
3 authorized by Section 551A.055, the governing body of a
4 municipality may allow an operator to operate an unregistered
5 off-highway vehicle on all or part of a highway that:

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

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

10 (b) In addition to the operation authorized by Section
11 551A.055, the commissioners court of a county described by
12 Subsection (c) may allow an operator to operate an unregistered
13 off-highway vehicle on all or part of a highway that:

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

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

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

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

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

23 (3) is adjacent to a county described by Subdivision
24 (2) and:

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

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

1 Sec. 551A.054. PROHIBITION OF OPERATION IN CERTAIN AREAS BY
2 MUNICIPALITY, COUNTY, OR DEPARTMENT. (a) A county or municipality
3 may prohibit the operation of an unregistered off-highway vehicle
4 on a highway under Section 551A.055 if the governing body of the
5 county or municipality determines that the prohibition is necessary
6 in the interest of safety.

7 (b) The Texas Department of Transportation may prohibit the
8 operation of an unregistered off-highway vehicle on a highway under
9 Section 551A.055 if that department determines that the prohibition
10 is necessary in the interest of safety.

11 Sec. 551A.055. OPERATION AUTHORIZED IN CERTAIN AREAS. An
12 operator may operate an unregistered off-highway vehicle:

13 (1) in a master planned community:

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

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

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

21 (A) during the daytime; and

22 (B) not more than two miles from the location
23 where the off-highway vehicle is usually parked and for
24 transportation to or from a golf course.

25 Sec. 551A.056. CROSSING INTERSECTIONS. An unregistered
26 off-highway vehicle may cross a highway at an intersection,
27 including an intersection with a highway that has a posted speed

1 limit of more than 35 miles per hour.

2 SECTION 32. Sections 663.037(d) and (g), Transportation
3 Code, as amended by Chapters 125 (H.B. 920) and 1052 (H.B. 1956),
4 Acts of the 85th Legislature, Regular Session, 2017, are
5 transferred to Subchapter D, Chapter 551A, Transportation Code, as
6 added by this Act, redesignated as Sections 551A.057 and 551A.058,
7 Transportation Code, and reenacted and amended to read as follows:

8 Sec. 551A.057. AGRICULTURAL OR UTILITY OPERATION ON

9 HIGHWAY. (a) [~~(d)~~] The operator of an unregistered off-highway
10 vehicle may operate [~~drive~~] the vehicle on a [~~public street, road,~~
11 ~~or~~] highway that is not an interstate or limited-access highway if:

12 (1) the transportation is in connection with:

13 (A) the production, cultivation, care,
14 harvesting, preserving, drying, processing, canning, storing,
15 handling, shipping, marketing, selling, or use of agricultural
16 products, as defined by Section 52.002, Agriculture Code; or

17 (B) utility work performed by a utility;

18 (2) the operator attaches to the back of the vehicle a
19 triangular orange flag that is at least six feet above ground level;

20 (3) the vehicle's headlights and taillights are
21 illuminated;

22 (4) [~~the operator holds a driver's license, as defined~~
23 ~~by Section 521.001,~~

24 [~~(5)~~] the operation of the vehicle occurs in the
25 daytime; and

26 (5) [~~(6)~~] the operation of the vehicle does not exceed
27 a distance of 25 miles from the point of origin to the destination.

1 (b) Notwithstanding Section 551A.052, an off-highway
2 vehicle operated under this section is not required to display a
3 license plate.

4 Sec. 551A.058. LAW ENFORCEMENT OPERATION. (a) [~~g~~] A
5 peace officer or other person who provides law enforcement,
6 firefighting, ambulance, medical, or other emergency services,
7 including a volunteer firefighter, may operate an unregistered
8 off-highway vehicle on a [~~public street, road, or~~] highway that is
9 not an interstate or limited-access highway [~~only~~] if:

10 (1) the transportation is in connection with the
11 performance of the operator's official duty;

12 (2) the operator attaches to the back of the vehicle a
13 triangular orange flag that is at least six feet above ground level;

14 (3) the vehicle's headlights and taillights are
15 illuminated; and

16 (4) [~~the operator holds a driver's license, as defined~~
17 ~~by Section 521.001, and~~

18 [~~5~~] the operation of the vehicle does not exceed a
19 distance of 10 miles from the point of origin to the destination.

20 (b) Notwithstanding Section 551A.052, an off-highway
21 vehicle operated under this section is not required to display a
22 license plate.

23 SECTION 33. Section 663.037(d-1), Transportation Code, is
24 transferred to Section 551A.057, Transportation Code, as added by
25 this Act, redesignated as Section 551A.057(c), Transportation
26 Code, and amended to read as follows:

27 (c) [~~d-1~~] Provisions of this code regarding helmet and

1 eye protection use, safety certification, and other vehicular
2 restrictions do not apply to the operation of an off-highway
3 vehicle under this section [~~Subsection (d)~~].

4 SECTION 34. Section 663.037(e), Transportation Code, is
5 transferred to Subchapter D, Chapter 551A, Transportation Code, as
6 added by this Act, redesignated as Section 551A.059, Transportation
7 Code, and amended to read as follows:

8 Sec. 551A.059. FLAG STANDARDS. [~~(e)~~] The director of the
9 Department of Public Safety shall adopt standards and
10 specifications that apply to the color, size, and mounting position
11 of the flags [~~flag~~] required under Sections 551A.057 and 551A.058
12 [~~Subsections (d)(2) and (g)(2)~~].

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

16 SUBCHAPTER E. EQUIPMENT AND SAFETY REQUIREMENTS

17 SECTION 36. Sections 663.033, 663.034, 663.035, and
18 663.036, Transportation Code, are transferred to Subchapter E,
19 Chapter 551A, Transportation Code, as added by this Act,
20 redesignated as Sections 551A.071, 551A.072, 551A.073, and
21 551A.074, Transportation Code, and amended to read as follows:

22 Sec. 551A.071 [~~663.033~~]. REQUIRED EQUIPMENT; DISPLAY OF
23 LIGHTS. (a) An off-highway vehicle that is operated on public
24 off-highway vehicle land, [~~property or~~] a beach, or a highway must
25 be equipped with:

26 (1) a brake system maintained in good operating
27 condition;

1 (2) an adequate muffler system in good working
2 condition; and

3 (3) a United States Forest Service qualified spark
4 arrester.

5 (b) An off-highway vehicle that is operated on public
6 off-highway vehicle land, [~~property or~~] a beach, or a highway must
7 display a lighted headlight and taillight:

8 (1) during the period from one-half hour after sunset
9 to one-half hour before sunrise; and

10 (2) at any time when visibility is reduced because of
11 insufficient light or atmospheric conditions.

12 (c) A person may not operate an off-highway vehicle on
13 public off-highway vehicle land, [~~property or~~] a beach, or a
14 highway if:

15 (1) the vehicle has an exhaust system that has been
16 modified with a cutout, bypass, or similar device; or

17 (2) the spark arrester has been removed or modified,
18 unless the vehicle is being operated in a closed-course competition
19 event.

20 (d) The coordinator may exempt off-highway vehicles that
21 are participating in certain competitive events from the
22 requirements of this section.

23 Sec. 551A.072 [~~663.034~~]. SAFETY APPAREL REQUIRED. (a) A
24 person may not operate, ride, or be carried on an off-highway
25 vehicle on public off-highway vehicle land, [~~property or~~] a beach,
26 or a highway unless the person wears:

27 (1) a safety helmet that complies with United States

1 Department of Transportation standards; ~~and~~

2 (2) eye protection; and

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

5 (b) Subsections (a)(1) and (2) do not apply to a motor
6 vehicle that has four wheels, is equipped with bench or bucket seats
7 and seat belts, and includes a roll bar or roll cage construction to
8 reduce the risk of injury to an occupant of the vehicle in case of
9 vehicle rollover.

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

13 Sec. 551A.073 [~~663.035~~]. RECKLESS OR CARELESS OPERATION
14 PROHIBITED. A person may not operate an off-highway vehicle on
15 public off-highway vehicle land [~~property~~] or a beach in a careless
16 or reckless manner that endangers, injures, or damages any person
17 or property.

18 Sec. 551A.074 [~~663.036~~]. CARRYING PASSENGERS. A person may
19 not carry a passenger on an off-highway vehicle operated on public
20 off-highway vehicle land, [property or] a beach, or a highway
21 unless the vehicle is designed by the manufacturer to transport a
22 passenger.

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

26 SUBCHAPTER F. CERTAIN OFFENSES

27 SECTION 38. Section 663.038, Transportation Code, is

1 transferred to Subchapter F, Chapter 551A, Transportation Code, as
2 added by this Act, redesignated as Section 551A.091, Transportation
3 Code, and amended to read as follows:

4 Sec. 551A.091 [~~663.038~~]. VIOLATION OF CHAPTER ON PUBLIC
5 OFF-HIGHWAY VEHICLE LAND OR BEACH [~~, OFFENSE~~]. An [~~(a) A person~~
6 ~~commits an offense if the person violates a provision of this~~
7 ~~chapter.~~

8 [~~(b) Except as otherwise provided by Title 6 or this title,~~
9 ~~an~~] offense for a violation of [~~under~~] this chapter committed on
10 public off-highway vehicle land or a beach [~~section~~] is a Class C
11 misdemeanor.

12 SECTION 39. Section 601.052(a), Transportation Code, is
13 amended to read as follows:

14 (a) Section 601.051 does not apply to:

15 (1) the operation of a motor vehicle that:

16 (A) is a former military vehicle or is at least 25
17 years old;

18 (B) is used only for exhibitions, club
19 activities, parades, and other functions of public interest and not
20 for regular transportation; and

21 (C) for which the owner files with the department
22 an affidavit, signed by the owner, stating that the vehicle is a
23 collector's item and used only as described by Paragraph (B);

24 (2) [~~the operation of~~] a neighborhood electric vehicle
25 that is operated only as authorized by Section 551.304;

26 (2-a) [~~or~~] a golf cart that is operated only as
27 authorized by Section [~~551.304 or~~] 551.403;

1 (2-b) an off-highway vehicle that is operated only as
2 authorized by Subchapter C, Chapter 551A, or Section 551A.055 of
3 this code or Chapter 29, Parks and Wildlife Code; or

4 (3) a volunteer fire department for the operation of a
5 motor vehicle the title of which is held in the name of a volunteer
6 fire department.

7 SECTION 40. The heading to Subtitle G, Title 7,
8 Transportation Code, is amended to read as follows:

9 SUBTITLE G. MOTORCYCLES [~~AND OFF-HIGHWAY VEHICLES~~]

10 SECTION 41. The following provisions are repealed:

11 (1) Sections 63.002(4-a) and (4-b), Natural Resources
12 Code;

13 (2) Section 29.011, Parks and Wildlife Code;

14 (3) Sections 502.001(1), (18), and (37), and
15 551.451(1), (6), and (7), Transportation Code;

16 (4) the heading to Section 663.037, Transportation
17 Code; and

18 (5) the heading to Chapter 663, Transportation Code.

19 SECTION 42. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 governed by the law in effect on the date the offense was committed,
23 and the former law is continued in effect for that purpose. For
24 purposes of this section, an offense was committed before the
25 effective date of this Act if any element of the offense occurred
26 before that date.

27 SECTION 43. This Act takes effect immediately if it

H.B. No. 1548

1 receives a vote of two-thirds of all the members elected to each
2 house, as provided by Section 39, Article III, Texas Constitution.
3 If this Act does not receive the vote necessary for immediate
4 effect, this Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 1548 was passed by the House on May 2, 2019, by the following vote: Yeas 142, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1548 on May 24, 2019, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1548 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor