

By: Springer, Middleton

H.B. No. 1548

A BILL TO BE ENTITLED

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 neighborhood electric vehicles under Section 551.302,  
15 golf carts under Section 551.402, or off-highway vehicles under  
16 Section 551A.052, the department may charge an administrative fee,  
17 in an amount established by the department by rule, for the issuance  
18 of a neighborhood electric vehicle, golf cart, or off-highway  
19 vehicle license plate.

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

23 (2-a) "Golf cart" has the meaning assigned by Section  
24 551.401 [~~502.001~~].

25 (11) "Neighborhood electric vehicle" has the meaning  
26 assigned by Section 551.301.

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



1 Section 551A.001.

2 SECTION 12. Section 547.002, Transportation Code, is  
3 amended to read as follows:

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

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

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

20 (d) A golf cart, neighborhood electric vehicle, or  
21 off-highway vehicle that is operated at a speed of not more than 25  
22 miles per hour is required to display a slow-moving-vehicle emblem  
23 when it is operated on a ~~[public]~~ highway ~~[, as defined by Section~~  
24 ~~502.001, under Section 551.403 or 551.404]~~.

25 SECTION 14. Section 548.052, Transportation Code, is  
26 amended to read as follows:

27 Sec. 548.052. VEHICLES NOT SUBJECT TO INSPECTION. This

1 chapter does not apply to:

2 (1) a trailer, semitrailer, pole trailer, or mobile  
3 home moving under or bearing a current factory-delivery license  
4 plate or current in-transit license plate;

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

10 (3) a trailer, semitrailer, pole trailer, or mobile  
11 home having an actual gross weight or registered gross weight of  
12 7,500 pounds or less;

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

16 (5) a former military vehicle, as defined by Section  
17 504.502;

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

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

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

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

27 SECTION 16. Section 551.302, Transportation Code, is

1 amended to read as follows:

2 Sec. 551.302. REGISTRATION NOT AUTHORIZED; LICENSE PLATES.

3 (a) The Texas Department of Motor Vehicles may not register a  
4 neighborhood electric vehicle for operation on a highway regardless  
5 of whether any alteration has been made to the vehicle.

6 (b) An operator may operate a neighborhood electric vehicle  
7 on a highway in a manner authorized by this subchapter only if the  
8 vehicle displays a license plate issued under this section.

9 (c) The Texas Department of Motor Vehicles:

10 (1) shall by rule establish a procedure to issue [~~may~~  
11 ~~adopt rules relating to the registration and issuance of~~] license  
12 plates for [~~to~~] neighborhood electric vehicles; and

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

16 (d) A neighborhood electric vehicle license plate does not  
17 expire. A person who becomes the owner of a neighborhood electric  
18 vehicle for which the previous owner obtained a license plate may  
19 not use the previous owner's license plate.

20 SECTION 17. Subchapter D, Chapter 551, Transportation Code,  
21 is amended by amending Section 551.303 and adding Sections 551.3031  
22 and 551.3032 to read as follows:

23 Sec. 551.303. OPERATION ON HIGHWAY AUTHORIZED BY  
24 MUNICIPALITY OR COUNTY [~~ROADWAYS~~]. (a) In addition to the  
25 operation authorized by Section 551.304, the governing body of a  
26 municipality may allow an operator to operate a neighborhood  
27 electric vehicle on all or part of a highway that:

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

3           (2) has a [~~A neighborhood electric vehicle may be~~  
4 ~~operated only on a street or highway for which the~~] posted speed  
5 limit of not more than 35 [~~is 45~~] miles per hour [~~or less~~].

6           (b) In addition to the operation authorized by Section  
7 551.304, the commissioners court of a county may allow an operator  
8 to operate a neighborhood electric vehicle on all or part of a  
9 highway that:

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

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

14           Sec. 551.3031. CROSSING INTERSECTIONS. A neighborhood  
15 electric vehicle may cross a highway [~~road or street~~] at an  
16 intersection, including an intersection with a highway that [~~where~~  
17 ~~the road or street~~] has a posted speed limit of more than 35 [~~45~~]  
18 miles per hour. [~~A neighborhood electric vehicle may not be~~  
19 ~~operated on a street or highway at a speed that exceeds the lesser~~  
20 ~~of:~~

21           ~~[(1) the posted speed limit, or~~

22           ~~[(2) 35 miles per hour.]~~

23           Sec. 551.3032. PROHIBITION OF OPERATION ON HIGHWAY IN  
24 CERTAIN AREAS BY MUNICIPALITY, COUNTY, OR DEPARTMENT. (a) [~~(b)~~] A  
25 county or municipality may prohibit the operation of a neighborhood  
26 electric vehicle on a [~~street or~~] highway under Section 551.304 if  
27 the governing body of the county or municipality determines that

1 the prohibition is necessary in the interest of safety.

2 (b) [~~(c)~~] The Texas Department of Transportation may  
3 prohibit the operation of a neighborhood electric vehicle on a  
4 highway under Section 551.304 if that department determines that  
5 the prohibition is necessary in the interest of safety.

6 SECTION 18. Section 551.304, Transportation Code, is  
7 amended to read as follows:

8 Sec. 551.304. [~~LIMITED~~] OPERATION AUTHORIZED IN CERTAIN  
9 AREAS. [~~(a)~~] An operator may operate a neighborhood electric  
10 vehicle:

11 (1) in a master planned community:

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

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

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

18 (3) on a [~~public~~] highway for which the posted speed  
19 limit is not more than 35 miles per hour, if the neighborhood  
20 electric vehicle is operated:

21 (A) during the daytime; and

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

25 [~~(b) A person is not required to register a neighborhood~~  
26 ~~electric vehicle operated in compliance with this section.~~]

27 SECTION 19. Section 551.401, Transportation Code, is

1 amended to read as follows:

2           Sec. 551.401. DEFINITION [~~DEFINITIONS~~].           In this  
3 subchapter, "golf cart" means a motor vehicle designed by the  
4 manufacturer primarily for use on a golf course[+]

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

7           SECTION 20. Section 551.402, Transportation Code, is  
8 amended to read as follows:

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

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

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

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

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

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

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

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

27           (d) A golf cart license plate does not expire. A person who

1 becomes the owner of a golf cart for which the previous owner  
2 obtained a license plate may not use the previous owner's license  
3 plate.

4 SECTION 21. Subchapter F, Chapter 551, Transportation Code,  
5 is amended by amending Section 551.403 and adding Section 551.4031  
6 to read as follows:

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

9 (1) in a master planned community:

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

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

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

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

19 (A) during the daytime; and

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

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

1 safety.

2 (b) The Texas Department of Transportation [~~or a county or~~  
3 ~~municipality~~] may prohibit the operation of a golf cart on a  
4 [~~public~~] highway under Section 551.404 if the department [~~or the~~  
5 ~~governing body of the county or municipality~~] determines that the  
6 prohibition is necessary in the interest of safety.

7 SECTION 22. Subchapter F, Chapter 551, Transportation Code,  
8 is amended by amending Section 551.404 and adding Section 551.4041  
9 to read as follows:

10 Sec. 551.404. OPERATION ON HIGHWAY AUTHORIZED BY  
11 MUNICIPALITY OR COUNTY [~~IN MUNICIPALITIES AND CERTAIN COUNTIES~~].

12 (a) In addition to the operation authorized by Section 551.403, the  
13 governing body of a municipality may allow an operator to operate a  
14 golf cart on all or part of a [~~public~~] highway that:

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

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

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

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

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

27 [~~(a-2) Subsection (a-1) applies only to a county that:~~



1           ~~[(1) borders or contains a portion of the Red River;~~  
2           ~~[(2) borders or contains a portion of the Guadalupe~~  
3 ~~River and contains a part of a barrier island that borders the Gulf~~  
4 ~~of Mexico; or~~  
5           ~~[(3) is adjacent to a county described by Subdivision~~  
6 ~~(2) and:~~  
7                     ~~[(A) has a population of less than 37,000; and~~  
8                     ~~[(B) contains a part of a barrier island or~~  
9 ~~peninsula that borders the Gulf of Mexico.]~~

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

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

17           SECTION 23. Section 551.405, Transportation Code, is  
18 amended to read as follows:

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

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

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

1           (4-a) "Off-highway vehicle" has the meaning assigned by  
2 Section 551A.001.

3           SECTION 25. Section 551.452(a), Transportation Code, is  
4 amended to read as follows:

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

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

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

19           SECTION 26. Section 551.457, Transportation Code, is  
20 amended to read as follows:

21           Sec. 551.457. CONFLICTS. In the case of a conflict between  
22 this subchapter and other law, including Chapters 502 and 551A  
23 ~~[663]~~, this subchapter controls.

24           SECTION 27. Subtitle C, Title 7, Transportation Code, is  
25 amended by adding Chapter 551A, and a heading is added to that  
26 chapter to read as follows:

27                         CHAPTER 551A. OFF-HIGHWAY VEHICLES

1 SECTION 28. Subchapters A and B, Chapter 663,  
2 Transportation Code, are transferred to Chapter 551A,  
3 Transportation Code, as added by this Act, redesignated as  
4 Subchapters A and B, Chapter 551A, Transportation Code, and amended  
5 to read as follows:

6 SUBCHAPTER A. GENERAL PROVISIONS

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

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

9 is:

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

11 (i) the rider; and

12 (ii) a passenger, if the motor vehicle is  
13 designed by the manufacturer to transport a passenger;

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

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

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

20 (E) not more than 50 inches wide.

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

24 (3) [~~(1-b)~~] "Off-highway vehicle" means[+  
25 [~~(A)~~] an all-terrain vehicle, [~~or~~] recreational  
26 off-highway vehicle, [~~as those terms are defined by Section~~  
27 502.001,] or

1                   ~~[(B) a]~~ utility vehicle.

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

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

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

10                               (i) the rider; and

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

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

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

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

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

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

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

27                   (C) designed by the manufacturer for off-highway

1 use only; and

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

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

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

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

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

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

26 Sec. 551A.013 [~~663.013~~]. OFF-HIGHWAY VEHICLE SAFETY  
27 COORDINATOR. (a) The designated division or state agency shall

1 employ an off-highway vehicle safety coordinator.

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

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

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

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

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

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

1 operation of an off-highway vehicle.

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

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

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

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

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

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

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

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

25           (1) Chapter 2001, Government Code; and

26           (2) Chapter 53, Occupations Code.

27       Sec. 551A.018 [~~663.018~~]. RULES. The designated division or

1 state agency may adopt rules to administer this chapter.

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

8 SECTION 29. The heading to Subchapter C, Chapter ~~663~~,  
9 Transportation Code, is transferred to Chapter 551A,  
10 Transportation Code, as added by this Act, redesignated as  
11 Subchapter C, Chapter 551A, Transportation Code, and amended to  
12 read as follows:

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

14 SECTION 30. Sections ~~663.031~~, ~~663.032~~, and ~~663.0371~~,  
15 Transportation Code, are transferred to Subchapter C, Chapter 551A,  
16 Transportation Code, as transferred and redesignated by this Act,  
17 redesignated as Sections 551A.031, 551A.032, and 551A.033,  
18 Transportation Code, and amended to read as follows:

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

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

25 (2) the operation is in compliance with:

26 (A) this chapter; and

27 (B) Chapter ~~29~~, Parks and Wildlife Code.



1           **(b)** A person may not operate an off-highway vehicle on  
2 public off-highway vehicle land [~~property~~] or a beach unless the  
3 person:

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

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

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

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

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

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

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

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

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

27           Sec. 551A.033 [~~663.0371~~]. OPERATION ON BEACH. (a) A person

1 may [~~not~~] operate an off-highway vehicle on a beach only [~~except~~] as  
2 provided by this section.

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

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

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

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

20 SECTION 31. Sections 663.037(b) and (c), Transportation  
21 Code, are transferred to Subchapter C, Chapter 551A, Transportation  
22 Code, as transferred and redesignated by this Act, redesignated as  
23 Section 551A.034, Transportation Code, and amended to read as  
24 follows:

25 Sec. 551A.034. CROSSING HIGHWAY AT POINT OTHER THAN  
26 INTERSECTION. (a) [~~(b)~~] The operator of an off-highway vehicle  
27 may drive the vehicle across a [~~public street, road, or~~] highway

1 that is not an interstate or limited-access highway at a point other  
2 than an intersection~~[r]~~ if the operator:

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

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

7 (3) makes the crossing:

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

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

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

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

19 SECTION 32. Chapter 551A, Transportation Code, as added by  
20 this Act, is amended by adding Subchapter D, and a heading is added  
21 to that subchapter to read as follows:

22 SUBCHAPTER D. OPERATION ON HIGHWAY

23 SECTION 33. Sections 663.037(a) and (f), Transportation  
24 Code, are transferred to Subchapter D, Chapter 551A, Transportation  
25 Code, as added by this Act, redesignated as Sections 551A.051(a)  
26 and (b), Transportation Code, and amended to read as follows:

27 Sec. 551A.051. APPLICABILITY. (a) A person may ~~[not]~~

1 operate an off-highway vehicle on a [~~public street, road, or~~]  
2 highway only [~~except~~] as provided by this chapter [~~section~~].

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

8 SECTION 34. Subchapter D, Chapter 551A, Transportation  
9 Code, as added by this Act, is amended by adding Sections 551A.052,  
10 551A.053, 551A.054, 551A.055, and 551A.056 to read as follows:

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

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

19 (c) The Texas Department of Motor Vehicles:

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

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

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

1 plate may not use the previous owner's license plate.

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

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

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

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

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

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

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

25 (b) The Texas Department of Transportation may prohibit the  
26 operation of an unregistered off-highway vehicle on a highway under  
27 Section 551A.055 if that department determines that the prohibition

1 is necessary in the interest of safety.

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

4 (1) in a master planned community:

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

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

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

12 (A) during the daytime; and

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

16 Sec. 551A.056. CROSSING INTERSECTIONS. An unregistered  
17 off-highway vehicle may cross a highway at an intersection,  
18 including an intersection with a highway that has a posted speed  
19 limit of more than 35 miles per hour.

20 SECTION 35. Sections 663.037(d) and (g), Transportation  
21 Code, as amended by Chapters 125 (H.B. 920) and 1052 (H.B. 1956),  
22 Acts of the 85th Legislature, Regular Session, 2017, are  
23 transferred to Subchapter D, Chapter 551A, Transportation Code, as  
24 added by this Act, redesignated as Sections 551A.057 and 551A.058,  
25 Transportation Code, and reenacted and amended to read as follows:

26 Sec. 551A.057. AGRICULTURAL OR UTILITY OPERATION ON  
27 HIGHWAY. (a) [~~d~~] The operator of an unregistered off-highway

1 vehicle may operate [~~drive~~] the vehicle on a [~~public street, road,~~  
2 ~~or~~] highway that is not an interstate or limited-access highway if:

3 (1) the transportation is in connection with:

4 (A) the production, cultivation, care,  
5 harvesting, preserving, drying, processing, canning, storing,  
6 handling, shipping, marketing, selling, or use of agricultural  
7 products, as defined by Section 52.002, Agriculture Code; or

8 (B) utility work performed by a utility;

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

11 (3) the vehicle's headlights and taillights are  
12 illuminated;

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

15 [~~5~~] the operation of the vehicle occurs in the  
16 daytime; and

17 (5) [~~6~~] the operation of the vehicle does not exceed  
18 a distance of 25 miles from the point of origin to the destination.

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

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

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

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

5 (3) the vehicle's headlights and taillights are  
6 illuminated; and

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

9 [~~5~~] the operation of the vehicle does not exceed a  
10 distance of 10 miles from the point of origin to the destination.

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

14 SECTION 36. Section 663.037(d-1), Transportation Code, is  
15 transferred to Section 551A.057, Transportation Code, as added by  
16 this Act, redesignated as Section 551A.057(c), Transportation  
17 Code, and amended to read as follows:

18 (c) [~~d-1~~] Provisions of this code regarding helmet and  
19 eye protection use, safety certification, and other vehicular  
20 restrictions do not apply to the operation of an off-highway  
21 vehicle under this section [~~Subsection (d)~~].

22 SECTION 37. Section 663.037(e), Transportation Code, is  
23 transferred to Subchapter D, Chapter 551A, Transportation Code, as  
24 added by this Act, redesignated as Section 551A.059, Transportation  
25 Code, and amended to read as follows:

26 Sec. 551A.059. FLAG STANDARDS. [~~e~~] The director of the  
27 Department of Public Safety shall adopt standards and



1 specifications that apply to the color, size, and mounting position  
2 of the flags [~~flag~~] required under Sections 551A.057 and 551A.058  
3 [~~Subsections (d)(2) and (g)(2)~~].

4 SECTION 38. Chapter 551A, Transportation Code, as added by  
5 this Act, is amended by adding Subchapter E, and a heading is added  
6 to that subchapter to read as follows:

7 SUBCHAPTER E. EQUIPMENT AND SAFETY REQUIREMENTS

8 SECTION 39. Sections 663.033, 663.034, 663.035, and  
9 663.036, Transportation Code, are transferred to Subchapter E,  
10 Chapter 551A, Transportation Code, as added by this Act,  
11 redesignated as Sections 551A.071, 551A.072, 551A.073, and  
12 551A.074, Transportation Code, and amended to read as follows:

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

17 (1) a brake system maintained in good operating  
18 condition;

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

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

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

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

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

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

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

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

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

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

18 (1) a safety helmet that complies with United States  
19 Department of Transportation standards; [~~and~~]

20 (2) eye protection; and

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

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

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

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

9        Sec. 551A.074 [~~663.036~~]. CARRYING PASSENGERS. A person may  
10 not carry a passenger on an off-highway vehicle operated on public  
11 off-highway vehicle land, [~~property or~~] a beach, or a highway  
12 unless the vehicle is designed by the manufacturer to transport a  
13 passenger.

14        SECTION 40. Chapter 551A, Transportation Code, as added by  
15 this Act, is amended by adding Subchapter F, and a heading is added  
16 to that subchapter to read as follows:

17                                SUBCHAPTER F. CERTAIN OFFENSES

18        SECTION 41. Section 663.038, Transportation Code, is  
19 transferred to Subchapter F, Chapter 551A, Transportation Code, as  
20 added by this Act, redesignated as Section 551A.091, Transportation  
21 Code, and amended to read as follows:

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

26        [~~(b) Except as otherwise provided by Title 6 or this title,~~  
27 ~~an~~] offense for a violation of [~~under~~] this chapter committed on

1 public off-highway vehicle land or a beach [~~section~~] is a Class C  
2 misdemeanor.

3 SECTION 42. Section 601.052(a), Transportation Code, is  
4 amended to read as follows:

5 (a) Section 601.051 does not apply to:

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

7 (A) is a former military vehicle or is at least 25  
8 years old;

9 (B) is used only for exhibitions, club  
10 activities, parades, and other functions of public interest and not  
11 for regular transportation; and

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

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

17 (2-a) [or] a golf cart that is operated only as  
18 authorized by Section [551.304 or] 551.403;

19 (2-b) an off-highway vehicle that is operated only as  
20 authorized by Subchapter C, Chapter 551A, or Section 551A.055 of  
21 this code or Chapter 29, Parks and Wildlife Code; or

22 (3) a volunteer fire department for the operation of a  
23 motor vehicle the title of which is held in the name of a volunteer  
24 fire department.

25 SECTION 43. The heading to Subtitle G, Title 7,  
26 Transportation Code, is amended to read as follows:

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

1 SECTION 44. The following provisions are repealed:

2 (1) Sections 63.002(4-a) and (4-b), Natural Resources  
3 Code;

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

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

7 (4) the heading to Chapter 663, Transportation Code.

8 SECTION 45. The change in law made by this Act applies only  
9 to an offense committed on or after the effective date of this Act.  
10 An offense committed before the effective date of this Act is  
11 governed by the law in effect on the date the offense was committed,  
12 and the former law is continued in effect for that purpose. For  
13 purposes of this section, an offense was committed before the  
14 effective date of this Act if any element of the offense occurred  
15 before that date.

16 SECTION 46. This Act takes effect September 1, 2019.