

1-1 By: Springer, Middleton H.B. No. 1548
 1-2 (Senate Sponsor - Kolthorst, Fallon)
 1-3 (In the Senate - Received from the House May 3, 2019;
 1-4 May 6, 2019, read first time and referred to Committee on
 1-5 Transportation; May 19, 2019, reported adversely, with favorable
 1-6 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-7 May 19, 2019, sent to printer.)

1-8 COMMITTEE VOTE

1-9		Yea	Nay	Absent	PNV
1-10	Nichols	X			
1-11	Hancock	X			
1-12	Alvarado	X			
1-13	Hinojosa	X			
1-14	Kolthorst	X			
1-15	Perry	X			
1-16	Rodríguez	X			
1-17	Schwertner			X	
1-18	West	X			

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 1548 By: Kolthorst

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the operation of golf carts, neighborhood electric
 1-23 vehicles, and off-highway vehicles; authorizing fees.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 57.002(7), Business & Commerce Code, is
 1-26 amended to read as follows:

1-27 (7) "Equipment":

1-28 (A) means machinery, equipment, or implements or
 1-29 attachments to the machinery, equipment, or implements used for, or
 1-30 in connection with, any of the following purposes:

1-31 (i) lawn, garden, golf course, landscaping,
 1-32 or grounds maintenance;

1-33 (ii) planting, cultivating, irrigating,
 1-34 harvesting, or producing agricultural or forestry products;

1-35 (iii) raising, feeding, or tending to
 1-36 livestock, ~~or~~ harvesting products from livestock, or any other
 1-37 activity in connection with those activities; or

1-38 (iv) industrial, construction,
 1-39 maintenance, mining, or utility activities or applications; and

1-40 (B) does not mean:

1-41 (i) trailers or self-propelled vehicles
 1-42 designed primarily for the transportation of persons or property on
 1-43 a street or highway; or

1-44 (ii) ~~[all-terrain vehicles, utility task~~
 1-45 ~~vehicles, or recreational]~~ off-highway vehicles.

1-46 SECTION 2. Section 75.001(3), Civil Practice and Remedies
 1-47 Code, is amended to read as follows:

1-48 (3) "Recreation" means an activity such as:

1-49 (A) hunting;

1-50 (B) fishing;

1-51 (C) swimming;

1-52 (D) boating;

1-53 (E) camping;

1-54 (F) picnicking;

1-55 (G) hiking;

1-56 (H) pleasure driving, including off-road
 1-57 motorcycling and off-road automobile driving and the use of
 1-58 ~~[all-terrain vehicles and recreational]~~ off-highway vehicles;

1-59 (I) nature study, including bird-watching;

1-60 (J) cave exploration;

- 2-1 (K) waterskiing and other water sports;
- 2-2 (L) any other activity associated with enjoying
- 2-3 nature or the outdoors;
- 2-4 (M) bicycling and mountain biking;
- 2-5 (N) disc golf;
- 2-6 (O) on-leash and off-leash walking of dogs; or
- 2-7 (P) radio control flying and related activities.

2-8 SECTION 3. Section 2158.001(2), Government Code, is amended
 2-9 to read as follows:

2-10 (2) "Golf cart" has the meaning assigned by Section
 2-11 551.401 [~~502.001~~], Transportation Code.

2-12 SECTION 4. Section 392.001(3), Health and Safety Code, is
 2-13 amended to read as follows:

2-14 (3) "Golf cart" has the meaning assigned by Section
 2-15 551.401 [~~502.001~~], Transportation Code.

2-16 SECTION 5. Section 61.011(d), Natural Resources Code, is
 2-17 amended to read as follows:

2-18 (d) The commissioner shall promulgate rules, consistent
 2-19 with the policies established in this section, on the following
 2-20 matters only:

2-21 (1) acquisition by local governments or other
 2-22 appropriate entities or public dedication of access ways sufficient
 2-23 to provide adequate public ingress and egress to and from the beach
 2-24 within the area described in Subdivision (6);

2-25 (2) protection of the public easement from erosion or
 2-26 reduction caused by development or other activities on adjacent
 2-27 land and beach cleanup and maintenance;

2-28 (3) local government prohibitions of vehicular
 2-29 traffic on public beaches, provision of off-beach parking, the use
 2-30 on a public beach of a golf cart, as defined by Section 551.401
 2-31 [~~502.001~~], Transportation Code, for the transportation of a person
 2-32 with a physical disability, and other minimum measures needed to
 2-33 mitigate for any adverse effect on public access and dune areas;

2-34 (4) imposition of beach access, user, or parking fees
 2-35 and reasonable exercises of the police power by local governments
 2-36 with respect to public beaches;

2-37 (5) contents and certification of beach access and use
 2-38 plans and standards for local government review of construction on
 2-39 land adjacent to and landward of public beaches, including
 2-40 procedures for expedited review of beach access and use plans under
 2-41 Section 61.015;

2-42 (6) construction on land adjacent to and landward of
 2-43 public beaches and lying in the area either up to the first public
 2-44 road generally parallel to the beach or to any closer public road
 2-45 not parallel to the beach, or to within 1,000 feet of mean high
 2-46 tide, whichever is greater, that affects or may affect public
 2-47 access to and use of public beaches;

2-48 (7) the temporary suspension under Section 61.0185 of
 2-49 enforcement of the prohibition against encroachments on and
 2-50 interferences with the public beach easement and the ability of a
 2-51 property owner to make repairs to a house while a suspension is in
 2-52 effect;

2-53 (8) the determination of the line of vegetation or
 2-54 natural line of vegetation;

2-55 (9) the factors to be considered in determining
 2-56 whether a structure, improvement, obstruction, barrier, or hazard
 2-57 on the public beach:

2-58 (A) constitutes an imminent hazard to safety,
 2-59 health, or public welfare; or

2-60 (B) substantially interferes with the free and
 2-61 unrestricted right of the public to enter or leave the public beach
 2-62 or traverse any part of the public beach;

2-63 (10) the procedures for determining whether a
 2-64 structure is not insurable property for purposes of Section
 2-65 2210.004, Insurance Code, because of the factors listed in
 2-66 Subsection (h) of that section;

2-67 (11) the closure of beaches for space flight
 2-68 activities; and

2-69 (12) the temporary suspension under Section 61.0171 of

3-1 the determination of the "line of vegetation" or the "natural line
3-2 of vegetation."

3-3 SECTION 6. Section 63.002(4), Natural Resources Code, is
3-4 amended to read as follows:

3-5 (4) "Recreational vehicle" means a dune buggy, marsh
3-6 buggy, minibike, trail bike, jeep, [~~all-terrain vehicle,~~
3-7 ~~recreational~~] off-highway vehicle, as defined by Section 551A.001,
3-8 Transportation Code, or any other mechanized vehicle that is being
3-9 used for recreational purposes, but does not include a vehicle that
3-10 is not being used for recreational purposes.

3-11 SECTION 7. Section 29.001, Parks and Wildlife Code, is
3-12 amended to read as follows:

3-13 Sec. 29.001. DEFINITION. In this chapter, "off-highway
3-14 vehicle" means:

3-15 (1) an off-highway vehicle, as defined by Section
3-16 551A.001 [~~all-terrain vehicle, as defined by Section 502.001~~],
3-17 Transportation Code;

3-18 (2) an off-highway motorcycle; or

3-19 (3) [~~a recreational off-highway vehicle, as defined by~~
3-20 ~~Section 502.001, Transportation Code, and~~

3-21 [~~4~~] any other motorized vehicle used for off-highway
3-22 recreation on:

3-23 (A) public land over which the department has
3-24 authority or on land purchased or leased by the department; or

3-25 (B) land acquired or developed under a grant made
3-26 under Section 29.008 or any other grant program operated or
3-27 administered by the department.

3-28 SECTION 8. Section 501.002(17), Transportation Code, is
3-29 amended to read as follows:

3-30 (17) "Motor vehicle" means:

3-31 (A) any motor driven or propelled vehicle
3-32 required to be registered under the laws of this state;

3-33 (B) a trailer or semitrailer, other than
3-34 manufactured housing, that has a gross vehicle weight that exceeds
3-35 4,000 pounds;

3-36 (C) a travel trailer;

3-37 (D) an off-highway vehicle, as defined by Section
3-38 551A.001 [~~all-terrain vehicle or a recreational off-highway~~
3-39 ~~vehicle, as those terms are defined by Section 502.001, designed by~~
3-40 ~~the manufacturer for off-highway use that is not required to be~~
3-41 ~~registered under the laws of this state]; or~~

3-42 (E) a motorcycle, motor-driven cycle, or moped
3-43 that is not required to be registered under the laws of this state.

3-44 SECTION 9. Section 502.140, Transportation Code, is amended
3-45 to read as follows:

3-46 Sec. 502.140. CERTAIN OFF-HIGHWAY VEHICLES. (a) In this
3-47 section, "off-highway vehicle" has the meaning assigned by Section
3-48 551A.001.

3-49 (b) Except as provided by Subsection (c) [~~(b)~~], the
3-50 department [~~a person~~] may not register an [~~all-terrain vehicle or a~~
3-51 ~~recreational~~] off-highway vehicle, with or without design
3-52 alterations, for operation on a public highway.

3-53 (c) [~~(b)~~] The department [~~state, a county, or a~~
3-54 ~~municipality~~] may register an [~~all-terrain vehicle or a~~
3-55 ~~recreational~~] off-highway vehicle that is owned by the state,
3-56 county, or municipality for operation on a public beach or highway
3-57 to maintain public safety and welfare.

3-58 (d) Section 504.401 does not apply to an [~~all-terrain~~
3-59 ~~vehicle or a recreational~~] off-highway vehicle.

3-60 (e) An [~~all-terrain vehicle or recreational~~] off-highway
3-61 vehicle that is registered under this section:

3-62 (1) is not subject to the requirements of Subchapter
3-63 D, Chapter 551A; and

3-64 (2) is subject to the requirements of Subchapter E,
3-65 Chapter 551A [~~owned by the state, a county, or a municipality and~~
3-66 ~~operated in compliance with Section 663.037 does not require~~
3-67 ~~registration under Subsection (b)].~~

3-68 SECTION 10. Section 504.002, Transportation Code, is
3-69 amended to read as follows:

4-1 Sec. 504.002. GENERAL PROVISIONS. (a) Unless expressly
4-2 provided by this chapter or by department rule:

4-3 (1) except for license plates specified as exempt, the
4-4 fee for issuance of a license plate, including replacement plates,
4-5 is in addition to each other fee that is paid for at the time of the
4-6 registration of the motor vehicle and shall be deposited to the
4-7 credit of the Texas Department of Motor Vehicles fund;

4-8 (2) if the registration period is greater than 12
4-9 months, the expiration date of a specialty license plate, symbol,
4-10 tab, or other device shall be aligned with the registration period,
4-11 and the specialty plate fee shall be adjusted pro rata, except that
4-12 if the statutory annual fee for a specialty license plate is \$5 or
4-13 less, it may not be prorated;

4-14 (3) the department is the exclusive owner of the
4-15 design of each license plate;

4-16 (4) if a license plate is lost, stolen, or mutilated,
4-17 an application for a replacement plate must be accompanied by the
4-18 fee prescribed by Section 502.060; and

4-19 (5) the department shall prepare the designs and
4-20 specifications of license plates.

4-21 (b) If necessary to cover the costs of issuing license
4-22 plates for golf carts under Section 551.402 or off-highway vehicles
4-23 under Section 551A.052, the department may charge an administrative
4-24 fee, in an amount established by the department by rule, for the
4-25 issuance of a golf cart or off-highway vehicle license plate.

4-26 SECTION 11. Section 547.001, Transportation Code, is
4-27 amended by amending Subdivision (2-a) and adding Subdivisions (11)
4-28 and (12) to read as follows:

4-29 (2-a) "Golf cart" has the meaning assigned by Section
4-30 551.401 [~~502.001~~].

4-31 (11) "Neighborhood electric vehicle" has the meaning
4-32 assigned by Section 551.301.

4-33 (12) "Off-highway vehicle" has the meaning assigned by
4-34 Section 551A.001.

4-35 SECTION 12. Section 547.002, Transportation Code, is
4-36 amended to read as follows:

4-37 Sec. 547.002. APPLICABILITY. Unless a provision is
4-38 specifically made applicable, this chapter and the rules of the
4-39 department adopted under this chapter do not apply to:

4-40 (1) an implement of husbandry;

4-41 (2) road machinery;

4-42 (3) a road roller;

4-43 (4) a farm tractor;

4-44 (5) a bicycle, a bicyclist, or bicycle equipment;

4-45 (6) an electric bicycle, an electric bicyclist, or
4-46 electric bicycle equipment; [~~or~~]

4-47 (7) a golf cart;

4-48 (8) a neighborhood electric vehicle; or

4-49 (9) an off-highway vehicle [~~that is operated only as~~
4-50 ~~authorized by Section 551.403~~].

4-51 SECTION 13. Section 547.703(d), Transportation Code, is
4-52 amended to read as follows:

4-53 (d) A golf cart, neighborhood electric vehicle, or
4-54 off-highway vehicle that is operated at a speed of not more than 25
4-55 miles per hour is required to display a slow-moving-vehicle emblem
4-56 when it is operated on a [public] highway [~~, as defined by Section~~
4-57 ~~502.001, under Section 551.403 or 551.404~~].

4-58 SECTION 14. Section 548.052, Transportation Code, is
4-59 amended to read as follows:

4-60 Sec. 548.052. VEHICLES NOT SUBJECT TO INSPECTION. This
4-61 chapter does not apply to:

4-62 (1) a trailer, semitrailer, pole trailer, or mobile
4-63 home moving under or bearing a current factory-delivery license
4-64 plate or current in-transit license plate;

4-65 (2) a vehicle moving under or bearing a paper dealer
4-66 in-transit tag, machinery license, disaster license, parade
4-67 license, prorated tab, one-trip permit, vehicle temporary transit
4-68 permit, antique license, custom vehicle license, street rod
4-69 license, temporary 24-hour permit, or permit license;

5-1 (3) a trailer, semitrailer, pole trailer, or mobile
 5-2 home having an actual gross weight or registered gross weight of
 5-3 7,500 pounds or less;

5-4 (4) farm machinery, road-building equipment, a farm
 5-5 trailer, or a vehicle required to display a slow-moving-vehicle
 5-6 emblem under Section 547.703;

5-7 (5) a former military vehicle, as defined by Section
 5-8 504.502;

5-9 (6) a vehicle qualified for a tax exemption under
 5-10 Section 152.092, Tax Code; or

5-11 (7) a vehicle for which a certificate of title has been
 5-12 issued but that is not required to be registered, including an
 5-13 off-highway vehicle registered under Section 502.140(c).

5-14 SECTION 15. The heading to Chapter 551, Transportation
 5-15 Code, is amended to read as follows:

5-16 CHAPTER 551. OPERATION OF BICYCLES AND ~~[7]~~ MOPEDS, GOLF CARTS, AND
 5-17 OTHER LOW-POWERED [PLAY] VEHICLES

5-18 SECTION 16. Section 551.401, Transportation Code, is
 5-19 amended to read as follows:

5-20 Sec. 551.401. DEFINITION [DEFINITIONS]. In this
 5-21 subchapter, "golf cart" means a motor vehicle designed by the
 5-22 manufacturer primarily for use on a golf course ~~[+]~~

5-23 ~~[(1) "Golf cart" and "public highway" have the~~
 5-24 ~~meanings assigned by Section 502.001].~~

5-25 SECTION 17. Section 551.402, Transportation Code, is
 5-26 amended to read as follows:

5-27 Sec. 551.402. REGISTRATION NOT AUTHORIZED; LICENSE PLATES.

5-28 (a) The Texas Department of Motor Vehicles may not register a golf
 5-29 cart for operation on a ~~[public]~~ highway regardless of whether any
 5-30 alteration has been made to the golf cart.

5-31 (b) A person may operate a golf cart on a highway in a manner
 5-32 authorized by this subchapter only if the vehicle displays a
 5-33 license plate issued under this section.

5-34 (c) ~~[(b)]~~ The Texas Department of Motor Vehicles:
 5-35 (1) shall by rule establish a procedure to [may] issue
 5-36 license plates for golf carts; and

5-37 (2) ~~[a golf cart as authorized by Subsection (c)].~~

5-38 ~~[(c) The Texas Department of Motor Vehicles shall by rule~~
 5-39 ~~establish a procedure to issue the license plates to be used for~~
 5-40 ~~operation in accordance with Sections 551.403 and 551.404.~~

5-41 ~~[(d) The Texas Department of Motor Vehicles]~~ may charge a
 5-42 fee not to exceed \$10 for the cost of the license plate, to be
 5-43 deposited to the credit of the Texas Department of Motor Vehicles
 5-44 fund.

5-45 (d) A golf cart license plate does not expire. A person who
 5-46 becomes the owner of a golf cart for which the previous owner
 5-47 obtained a license plate may not use the previous owner's license
 5-48 plate.

5-49 SECTION 18. Subchapter F, Chapter 551, Transportation Code,
 5-50 is amended by amending Section 551.403 and adding Section 551.4031
 5-51 to read as follows:

5-52 Sec. 551.403. [LIMITED] OPERATION AUTHORIZED IN CERTAIN
 5-53 AREAS. [(a)] An operator may operate a golf cart:

5-54 (1) in a master planned community:
 5-55 (A) that has in place a uniform set of
 5-56 restrictive covenants; and

5-57 (B) for which a county or municipality has
 5-58 approved a plat;

5-59 (2) on a public or private beach that is open to
 5-60 vehicular traffic; or

5-61 (3) on a ~~[public]~~ highway for which the posted speed
 5-62 limit is not more than 35 miles per hour, if the golf cart is
 5-63 operated:

5-64 (A) during the daytime; and

5-65 (B) not more than two miles from the location
 5-66 where the golf cart is usually parked and for transportation to or
 5-67 from a golf course.

5-68 Sec. 551.4031. PROHIBITION OF OPERATION ON HIGHWAY BY
 5-69 MUNICIPALITY, COUNTY, OR DEPARTMENT. (a) A county or municipality

6-1 may prohibit the operation of a golf cart on a highway under Section
6-2 551.404 if the governing body of the county or municipality
6-3 determines that the prohibition is necessary in the interest of
6-4 safety.

6-5 (b) The Texas Department of Transportation [~~or a county or~~
6-6 ~~municipality~~] may prohibit the operation of a golf cart on a
6-7 [~~public~~] highway under Section 551.404 if the department [~~or the~~
6-8 ~~governing body of the county or municipality~~] determines that the
6-9 prohibition is necessary in the interest of safety.

6-10 SECTION 19. Subchapter F, Chapter 551, Transportation Code,
6-11 is amended by amending Section 551.404 and adding Section 551.4041
6-12 to read as follows:

6-13 Sec. 551.404. OPERATION ON HIGHWAY AUTHORIZED BY
6-14 MUNICIPALITY OR [~~IN MUNICIPALITIES AND~~] CERTAIN COUNTIES. (a) In
6-15 addition to the operation authorized by Section 551.403, the
6-16 governing body of a municipality may allow an operator to operate a
6-17 golf cart on all or part of a [~~public~~] highway that:

6-18 (1) is in the corporate boundaries of the
6-19 municipality; and

6-20 (2) has a posted speed limit of not more than 35 miles
6-21 per hour.

6-22 (b) [~~(a-1)~~] In addition to the operation authorized by
6-23 Section 551.403, the commissioners court of a county described by
6-24 Subsection (c) [~~(a-2)~~] may allow an operator to operate a golf cart
6-25 on all or part of a [~~public~~] highway that:

6-26 (1) is located in the unincorporated area of the
6-27 county; and

6-28 (2) has a speed limit of not more than 35 miles per
6-29 hour.

6-30 (c) Subsection (b) [~~(a-2)~~ Subsection (a-1)] applies only to
6-31 a county that:

6-32 (1) borders or contains a portion of the Red River;

6-33 (2) borders or contains a portion of the Guadalupe
6-34 River and contains a part of a barrier island that borders the Gulf
6-35 of Mexico; or

6-36 (3) is adjacent to a county described by Subdivision
6-37 (2) and:

6-38 (A) has a population of less than 37,000; and

6-39 (B) contains a part of a barrier island or
6-40 peninsula that borders the Gulf of Mexico.

6-41 Sec. 551.4041. EQUIPMENT. [~~(b)~~] A golf cart operated under
6-42 Section 551.404 [~~this section~~] must have the following equipment:

6-43 (1) headlamps;

6-44 (2) taillamps;

6-45 (3) reflectors;

6-46 (4) parking brake; and

6-47 (5) mirrors.

6-48 SECTION 20. Section 551.405, Transportation Code, is
6-49 amended to read as follows:

6-50 Sec. 551.405. CROSSING INTERSECTIONS [~~CERTAIN ROADWAYS~~]. A
6-51 golf cart may cross a highway at an intersection [~~intersections~~],
6-52 including an intersection with a highway [~~road or street~~] that has a
6-53 posted speed limit of more than 35 miles per hour.

6-54 SECTION 21. Section 551.451, Transportation Code, is
6-55 amended by amending Subdivision (2) and adding Subdivision (4-a) to
6-56 read as follows:

6-57 (2) "Golf cart" has the meaning assigned by Section
6-58 551.401 [~~502.001~~].

6-59 (4-a) "Off-highway vehicle" has the meaning assigned by
6-60 Section 551A.001.

6-61 SECTION 22. Section 551.452(a), Transportation Code, is
6-62 amended to read as follows:

6-63 (a) The Texas Department of Motor Vehicles may issue
6-64 distinguishing license plates for a vehicle operated by a motor
6-65 carrier for the purpose of picking up and delivering mail, parcels,
6-66 and packages if the vehicle:

6-67 (1) is [+
6-68 [~~(A)~~ an all-terrain vehicle;
6-69 [~~(B)~~ a golf cart, [+

7-1 [~~(C)~~] a neighborhood electric vehicle, or an
7-2 off-highway vehicle [~~+~~

7-3 [~~(D) a recreational off-highway vehicle; or~~
7-4 [~~(E) a utility vehicle~~]; and

7-5 (2) is equipped with headlamps, taillamps,
7-6 reflectors, a parking brake, and mirrors, in addition to any other
7-7 equipment required by law.

7-8 SECTION 23. Section 551.457, Transportation Code, is
7-9 amended to read as follows:

7-10 Sec. 551.457. CONFLICTS. In the case of a conflict between
7-11 this subchapter and other law, including Chapters 502 and 551A
7-12 [~~663~~], this subchapter controls.

7-13 SECTION 24. Subtitle C, Title 7, Transportation Code, is
7-14 amended by adding Chapter 551A, and a heading is added to that
7-15 chapter to read as follows:

7-16 CHAPTER 551A. OFF-HIGHWAY VEHICLES

7-17 SECTION 25. Subchapters A and B, Chapter 663,
7-18 Transportation Code, are transferred to Chapter 551A,
7-19 Transportation Code, as added by this Act, redesignated as
7-20 Subchapters A and B, Chapter 551A, Transportation Code, and amended
7-21 to read as follows:

7-22 SUBCHAPTER A. GENERAL PROVISIONS

7-23 Sec. 551A.001 [~~663.001~~]. DEFINITIONS. In this chapter:

7-24 (1) "All-terrain vehicle" means a motor vehicle that
7-25 is:

7-26 (A) equipped with a seat or seats for the use of:

7-27 (i) the rider; and

7-28 (ii) a passenger, if the motor vehicle is
7-29 designed by the manufacturer to transport a passenger;

7-30 (B) designed to propel itself with three or more
7-31 tires in contact with the ground;

7-32 (C) designed by the manufacturer for off-highway
7-33 use;

7-34 (D) not designed by the manufacturer primarily
7-35 for farming or lawn care; and

7-36 (E) not more than 50 inches wide.

7-37 (2) [~~(1-a)~~] "Beach" means a beach area, publicly or
7-38 privately owned, that borders the seaward shore of the Gulf of
7-39 Mexico.

7-40 (3) [~~(1-b)~~] "Off-highway vehicle" means [~~+~~

7-41 [~~(A)~~] an all-terrain vehicle, [~~or~~] recreational
7-42 off-highway vehicle, [~~as those terms are defined by Section~~
7-43 502.001,] or

7-44 [~~(B) a~~] utility vehicle.

7-45 (4) [~~(2)~~] "Public off-highway vehicle land
7-46 [~~property~~]" means land on which off-highway recreation is
7-47 authorized under Chapter 29, Parks and Wildlife Code [~~property~~
7-48 owned or leased by the state or a political subdivision of the
7-49 state].

7-50 (5) "Recreational off-highway vehicle" means a motor
7-51 vehicle that is:

7-52 (A) equipped with a seat or seats for the use of:

7-53 (i) the rider; and

7-54 (ii) a passenger or passengers, if the
7-55 vehicle is designed by the manufacturer to transport a passenger or
7-56 passengers;

7-57 (B) designed to propel itself with four or more
7-58 tires in contact with the ground;

7-59 (C) designed by the manufacturer for off-highway
7-60 use by the operator only; and

7-61 (D) not designed by the manufacturer primarily
7-62 for farming or lawn care.

7-63 (6) [~~(4)~~] "Utility vehicle" means a motor vehicle that
7-64 is not a golf cart, as defined by Section 551.401 [~~502.001~~], or lawn
7-65 mower and is:

7-66 (A) equipped with side-by-side seating for the
7-67 use of the operator and a passenger;

7-68 (B) designed to propel itself with at least four
7-69 tires in contact with the ground;

8-1 (C) designed by the manufacturer for off-highway
8-2 use only; and
8-3 (D) designed by the manufacturer primarily for
8-4 utility work and not for recreational purposes.

8-5 Sec. 551A.002 [~~663.002~~]. NONAPPLICABILITY OF CERTAIN OTHER
8-6 LAWS. (a) [~~Except as provided by Sections 663.037 and 663.0371,~~
8-7 Chapter 521 does not apply to the operation or ownership of an
8-8 off-highway vehicle on public off-highway vehicle land [~~registered
8-9 for off-highway operation~~].

8-10 (b) Chapter 1001, Education Code, does not apply to
8-11 instruction in the operation of an off-highway vehicle provided
8-12 under the operator education and certification program established
8-13 by this chapter.

8-14 SUBCHAPTER B. OFF-HIGHWAY VEHICLE OPERATOR EDUCATION AND
8-15 CERTIFICATION FOR OPERATION ON PUBLIC LAND OR BEACH

8-16 Sec. 551A.011 [~~663.011~~]. DESIGNATED DIVISION OR STATE
8-17 AGENCY. The governor shall designate a division of the governor's
8-18 office or a state agency to establish and administer an off-highway
8-19 vehicle operator education and certification program.

8-20 Sec. 551A.012 [~~663.012~~]. PURPOSE OF PROGRAM. The purpose
8-21 of the off-highway vehicle operator education and certification
8-22 program is to make available courses in basic training and safety
8-23 skills relating to the operation of off-highway vehicles and to
8-24 issue safety certificates to operators who successfully complete
8-25 the educational program requirements or pass a test established
8-26 under the program.

8-27 Sec. 551A.013 [~~663.013~~]. OFF-HIGHWAY VEHICLE SAFETY
8-28 COORDINATOR. (a) The designated division or state agency shall
8-29 employ an off-highway vehicle safety coordinator.

8-30 (b) The coordinator shall supervise the off-highway vehicle
8-31 operator education and certification program and shall determine:

- 8-32 (1) locations at which courses will be offered;
- 8-33 (2) fees for the courses;
- 8-34 (3) qualifications of instructors;
- 8-35 (4) course curriculum; and
- 8-36 (5) standards for operator safety certification.

8-37 (c) In establishing standards for instructors, curriculum,
8-38 and operator certification, the coordinator shall consult and be
8-39 guided by standards established by recognized off-highway vehicle
8-40 safety organizations.

8-41 Sec. 551A.014 [~~663.014~~]. CONTRACTS. To administer the
8-42 education program and certify off-highway vehicle operators, the
8-43 designated division or state agency may contract with nonprofit
8-44 safety organizations, nonprofit educational organizations, or
8-45 agencies of local governments.

8-46 Sec. 551A.015 [~~663.015~~]. TEACHING AND TESTING METHODS. (a)
8-47 If the off-highway vehicle safety coordinator determines that
8-48 vehicle operation is not feasible in a program component or at a
8-49 particular program location, the operator education and
8-50 certification program for persons who are at least 14 years of age
8-51 may use teaching or testing methods that do not involve the actual
8-52 operation of an off-highway vehicle.

8-53 (b) An operator safety certificate may not be issued to a
8-54 person younger than 14 years of age unless the person has
8-55 successfully completed a training course that involves the actual
8-56 operation of an off-highway vehicle.

8-57 Sec. 551A.016 [~~663.016~~]. FEE FOR COURSE. A person may
8-58 charge, for a course under the off-highway vehicle operator
8-59 education and certification program, a fee that is reasonably
8-60 related to the costs of administering the course.

8-61 Sec. 551A.017 [~~663.017~~]. DENIAL, SUSPENSION, OR
8-62 CANCELLATION OF APPROVAL. (a) The designated division or state
8-63 agency may deny, suspend, or cancel its approval for a program
8-64 sponsor to conduct or for an instructor to teach a course offered
8-65 under this chapter if the applicant, sponsor, or instructor:

- 8-66 (1) does not satisfy the requirements established
8-67 under this chapter to receive or retain approval;
- 8-68 (2) permits fraud or engages in fraudulent practices
8-69 with reference to an application to the division or agency;

9-1 (3) induces or countenances fraud or fraudulent
 9-2 practices by a person applying for a driver's license or permit;
 9-3 (4) permits or engages in a fraudulent practice in an
 9-4 action between the applicant or license holder and the public; or
 9-5 (5) fails to comply with rules of the division or
 9-6 agency.

9-7 (b) Before the designated division or agency may deny,
 9-8 suspend, or cancel the approval of a program sponsor or an
 9-9 instructor, notice and opportunity for a hearing must be given as
 9-10 provided by:

- 9-11 (1) Chapter 2001, Government Code; and
- 9-12 (2) Chapter 53, Occupations Code.

9-13 Sec. 551A.018 [~~663.018~~]. RULES. The designated division or
 9-14 state agency may adopt rules to administer this chapter.

9-15 Sec. 551A.019 [~~663.019~~]. EXEMPTIONS. The designated
 9-16 division or state agency by rule may temporarily exempt the
 9-17 residents of any county from Section 551A.015 [~~663.015~~] or from
 9-18 Section 551A.031(b)(1) [~~663.031(a)(1)~~] until the appropriate
 9-19 education and certification program is established at a location
 9-20 that is reasonably accessible to the residents of that county.

9-21 SECTION 26. The heading to Subchapter C, Chapter 663,
 9-22 Transportation Code, is transferred to Chapter 551A,
 9-23 Transportation Code, as added by this Act, redesignated as
 9-24 Subchapter C, Chapter 551A, Transportation Code, and amended to
 9-25 read as follows:

9-26 SUBCHAPTER C. OFF-HIGHWAY OPERATION OF OFF-HIGHWAY VEHICLES

9-27 SECTION 27. Sections 663.031, 663.032, and 663.0371,
 9-28 Transportation Code, are transferred to Subchapter C, Chapter 551A,
 9-29 Transportation Code, as transferred and redesignated by this Act,
 9-30 redesignated as Sections 551A.031, 551A.032, and 551A.033,
 9-31 Transportation Code, and amended to read as follows:

9-32 Sec. 551A.031 [~~663.031~~]. OPERATION ON PUBLIC LAND OR BEACH;
 9-33 SAFETY CERTIFICATE REQUIRED. (a) A person may not operate an
 9-34 off-highway vehicle on land owned or leased by the state or a
 9-35 political subdivision of the state that is not open to vehicular
 9-36 traffic unless:

- 9-37 (1) the land is public off-highway vehicle land; and
- 9-38 (2) the operation is in compliance with:
 - 9-39 (A) this chapter; and
 - 9-40 (B) Chapter 29, Parks and Wildlife Code.

9-41 (b) A person may not operate an off-highway vehicle on
 9-42 public off-highway vehicle land [~~property~~] or a beach unless the
 9-43 person:

- 9-44 (1) holds a safety certificate issued under this
 9-45 chapter or under the authority of another state;
- 9-46 (2) is taking a safety training course under the
 9-47 direct supervision of a certified off-highway vehicle safety
 9-48 instructor; or
- 9-49 (3) is under the direct supervision of an adult who
 9-50 holds a safety certificate issued under this chapter or under the
 9-51 authority of another state.

9-52 (c) [~~(b)~~]. A person to whom a safety certificate required by
 9-53 Subsection (b) [~~(a)~~] has been issued shall:

- 9-54 (1) carry the certificate when the person operates an
 9-55 off-highway vehicle on public off-highway vehicle land [~~property~~]
 9-56 or a beach; and
- 9-57 (2) display the certificate at the request of any law
 9-58 enforcement officer.

9-59 Sec. 551A.032 [~~663.032~~]. OPERATION ON PUBLIC OFF-HIGHWAY
 9-60 VEHICLE LAND BY PERSON YOUNGER THAN 14. A person younger than 14
 9-61 years of age who is operating an off-highway vehicle on public
 9-62 off-highway vehicle land must be accompanied by and be under the
 9-63 direct supervision of:

- 9-64 (1) the person's parent or guardian; or
- 9-65 (2) an adult who is authorized by the person's parent
 9-66 or guardian.

9-67 Sec. 551A.033 [~~663.0371~~]. OPERATION ON BEACH. (a) A person
 9-68 may [~~not~~] operate an off-highway vehicle on a beach only [~~except~~]
 9-69 as provided by this section.

10-1 (b) A person operating an off-highway vehicle on a beach
 10-2 must hold and have in the person's possession a driver's license
 10-3 [~~issued under Chapter 521 or a commercial driver's license issued~~
 10-4 ~~under Chapter 522~~].

10-5 (c) Except as provided by Chapters 61 and 63, Natural
 10-6 Resources Code, an operator of an off-highway vehicle may drive the
 10-7 vehicle on a beach that is open to motor vehicle traffic.

10-8 (d) Except as provided by Chapters 61 and 63, Natural
 10-9 Resources Code, a person who is authorized to operate an
 10-10 off-highway vehicle that is owned by the state, a county, or a
 10-11 municipality may drive the vehicle on any beach if the vehicle is
 10-12 registered under Section 502.140(c) [~~502.140(b)~~].

10-13 (e) The Texas Department of Transportation or a county or
 10-14 municipality may prohibit the operation of an off-highway vehicle
 10-15 on a beach if the department or the governing body of the county or
 10-16 municipality determines that the prohibition is necessary in the
 10-17 interest of safety.

10-18 SECTION 28. Sections 663.037(b) and (c), Transportation
 10-19 Code, are transferred to Subchapter C, Chapter 551A, Transportation
 10-20 Code, as transferred and redesignated by this Act, redesignated as
 10-21 Section 551A.034, Transportation Code, and amended to read as
 10-22 follows:

10-23 Sec. 551A.034. CROSSING HIGHWAY AT POINT OTHER THAN
 10-24 INTERSECTION. (a) [~~(b)~~] The operator of an off-highway vehicle
 10-25 may drive the vehicle across a [~~public street, road, or~~] highway
 10-26 that is not an interstate or limited-access highway at a point other
 10-27 than an intersection[~~]~~ if the operator:

10-28 (1) brings the vehicle to a complete stop before
 10-29 crossing the shoulder or main traveled way of the roadway;

10-30 (2) yields the right-of-way to oncoming traffic that
 10-31 is an immediate hazard; and

10-32 (3) makes the crossing:
 10-33 (A) at an angle of approximately 90 degrees to
 10-34 the roadway;

10-35 (B) at a place where no obstruction prevents a
 10-36 quick and safe crossing; and

10-37 (C) with the vehicle's headlights and taillights
 10-38 lighted.

10-39 (b) Notwithstanding Subsection (a), the [~~(c) The~~] operator
 10-40 of an off-highway vehicle may drive the vehicle across a divided
 10-41 highway other than an interstate or limited access highway only at
 10-42 an intersection of the highway with another [~~public street, road,~~
 10-43 ~~or~~] highway.

10-44 SECTION 29. Chapter 551A, Transportation Code, as added by
 10-45 this Act, is amended by adding Subchapter D, and a heading is added
 10-46 to that subchapter to read as follows:

10-47 SUBCHAPTER D. OPERATION ON HIGHWAY

10-48 SECTION 30. Sections 663.037(a) and (f), Transportation
 10-49 Code, are transferred to Subchapter D, Chapter 551A, Transportation
 10-50 Code, as added by this Act, redesignated as Section 551A.051,
 10-51 Transportation Code, and amended to read as follows:

10-52 Sec. 551A.051. APPLICABILITY. (a) A person may [~~not~~]
 10-53 operate an off-highway vehicle on a [~~public street, road, or~~]
 10-54 highway only [~~except~~] as provided by this chapter [~~section~~].

10-55 (b) This subchapter [~~(f) Except as provided by Subsection~~
 10-56 ~~(g), this section~~] does not apply to the operation of an off-highway
 10-57 vehicle that is owned and registered as authorized by Section
 10-58 502.140(c) by the state, a county, or a municipality by a person who
 10-59 is an authorized operator of the vehicle.

10-60 SECTION 31. Subchapter D, Chapter 551A, Transportation
 10-61 Code, as added by this Act, is amended by adding Sections 551A.052,
 10-62 551A.053, 551A.054, 551A.055, and 551A.056 to read as follows:

10-63 Sec. 551A.052. REGISTRATION; LICENSE PLATES. (a) Except as
 10-64 provided by Section 502.140(c), the Texas Department of Motor
 10-65 Vehicles may not register an off-highway vehicle for operation on a
 10-66 highway regardless of whether any alteration has been made to the
 10-67 vehicle.

10-68 (b) An operator may operate an unregistered off-highway
 10-69 vehicle on a highway in a manner authorized by this subchapter only

11-1 if the vehicle displays a license plate issued under this section.

11-2 (c) The Texas Department of Motor Vehicles:

11-3 (1) shall by rule establish a procedure to issue
11-4 license plates for unregistered off-highway vehicles; and

11-5 (2) may charge a fee not to exceed \$10 for the cost of
11-6 the license plate, to be deposited to the credit of the Texas
11-7 Department of Motor Vehicles fund.

11-8 (d) An off-highway vehicle license plate issued under
11-9 Subsection (c) does not expire. A person who becomes the owner of an
11-10 off-highway vehicle for which the previous owner obtained a license
11-11 plate may not use the previous owner's license plate.

11-12 Sec. 551A.053. OPERATION ON HIGHWAY AUTHORIZED BY
11-13 MUNICIPALITY OR CERTAIN COUNTIES. (a) In addition to the operation
11-14 authorized by Section 551A.055, the governing body of a
11-15 municipality may allow an operator to operate an unregistered
11-16 off-highway vehicle on all or part of a highway that:

11-17 (1) is in the corporate boundaries of the
11-18 municipality; and

11-19 (2) has a posted speed limit of not more than 35 miles
11-20 per hour.

11-21 (b) In addition to the operation authorized by Section
11-22 551A.055, the commissioners court of a county described by
11-23 Subsection (c) may allow an operator to operate an unregistered
11-24 off-highway vehicle on all or part of a highway that:

11-25 (1) is located in the unincorporated area of the
11-26 county; and

11-27 (2) has a posted speed limit of not more than 35 miles
11-28 per hour.

11-29 (c) Subsection (b) applies only to a county that:

11-30 (1) borders or contains a portion of the Red River;

11-31 (2) borders or contains a portion of the Guadalupe
11-32 River and contains a part of a barrier island that borders the Gulf
11-33 of Mexico; or

11-34 (3) is adjacent to a county described by Subdivision
11-35 (2) and:

11-36 (A) has a population of less than 37,000; and

11-37 (B) contains a part of a barrier island or
11-38 peninsula that borders the Gulf of Mexico.

11-39 Sec. 551A.054. PROHIBITION OF OPERATION IN CERTAIN AREAS BY
11-40 MUNICIPALITY, COUNTY, OR DEPARTMENT. (a) A county or municipality
11-41 may prohibit the operation of an unregistered off-highway vehicle
11-42 on a highway under Section 551A.055 if the governing body of the
11-43 county or municipality determines that the prohibition is necessary
11-44 in the interest of safety.

11-45 (b) The Texas Department of Transportation may prohibit the
11-46 operation of an unregistered off-highway vehicle on a highway under
11-47 Section 551A.055 if that department determines that the prohibition
11-48 is necessary in the interest of safety.

11-49 Sec. 551A.055. OPERATION AUTHORIZED IN CERTAIN AREAS. An
11-50 operator may operate an unregistered off-highway vehicle:

11-51 (1) in a master planned community:

11-52 (A) that has in place a uniform set of
11-53 restrictive covenants; and

11-54 (B) for which a county or municipality has
11-55 approved a plat; or

11-56 (2) on a highway for which the posted speed limit is
11-57 not more than 35 miles per hour, if the off-highway vehicle is
11-58 operated:

11-59 (A) during the daytime; and

11-60 (B) not more than two miles from the location
11-61 where the off-highway vehicle is usually parked and for
11-62 transportation to or from a golf course.

11-63 Sec. 551A.056. CROSSING INTERSECTIONS. An unregistered
11-64 off-highway vehicle may cross a highway at an intersection,
11-65 including an intersection with a highway that has a posted speed
11-66 limit of more than 35 miles per hour.

11-67 SECTION 32. Sections 663.037(d) and (g), Transportation
11-68 Code, as amended by Chapters 125 (H.B. 920) and 1052 (H.B. 1956),
11-69 Acts of the 85th Legislature, Regular Session, 2017, are

12-1 transferred to Subchapter D, Chapter 551A, Transportation Code, as
 12-2 added by this Act, redesignated as Sections 551A.057 and 551A.058,
 12-3 Transportation Code, and reenacted and amended to read as follows:

12-4 Sec. 551A.057. AGRICULTURAL OR UTILITY OPERATION ON
 12-5 HIGHWAY. (a) [~~(d)~~] The operator of an unregistered off-highway
 12-6 vehicle may operate [~~drive~~] the vehicle on a [~~public street, road,~~
 12-7 ~~or~~] highway that is not an interstate or limited-access highway if:

12-8 (1) the transportation is in connection with:
 12-9 (A) the production, cultivation, care,
 12-10 harvesting, preserving, drying, processing, canning, storing,
 12-11 handling, shipping, marketing, selling, or use of agricultural
 12-12 products, as defined by Section 52.002, Agriculture Code; or

12-13 (B) utility work performed by a utility;
 12-14 (2) the operator attaches to the back of the vehicle a
 12-15 triangular orange flag that is at least six feet above ground level;

12-16 (3) the vehicle's headlights and taillights are
 12-17 illuminated;

12-18 (4) [~~the operator holds a driver's license, as defined~~
 12-19 ~~by Section 521.001,~~

12-20 [~~(5)~~] the operation of the vehicle occurs in the
 12-21 daytime; and

12-22 (5) [~~(6)~~] the operation of the vehicle does not exceed
 12-23 a distance of 25 miles from the point of origin to the destination.

12-24 (b) Notwithstanding Section 551A.052, an off-highway
 12-25 vehicle operated under this section is not required to display a
 12-26 license plate.

12-27 Sec. 551A.058. LAW ENFORCEMENT OPERATION. (a) [~~(g)~~] A
 12-28 peace officer or other person who provides law enforcement,
 12-29 firefighting, ambulance, medical, or other emergency services,
 12-30 including a volunteer firefighter, may operate an unregistered
 12-31 off-highway vehicle on a [~~public street, road, or~~] highway that is
 12-32 not an interstate or limited-access highway [~~only~~] if:

12-33 (1) the transportation is in connection with the
 12-34 performance of the operator's official duty;

12-35 (2) the operator attaches to the back of the vehicle a
 12-36 triangular orange flag that is at least six feet above ground level;

12-37 (3) the vehicle's headlights and taillights are
 12-38 illuminated; and

12-39 (4) [~~the operator holds a driver's license, as defined~~
 12-40 ~~by Section 521.001, and~~

12-41 [~~(5)~~] the operation of the vehicle does not exceed a
 12-42 distance of 10 miles from the point of origin to the destination.

12-43 (b) Notwithstanding Section 551A.052, an off-highway
 12-44 vehicle operated under this section is not required to display a
 12-45 license plate.

12-46 SECTION 33. Section 663.037(d-1), Transportation Code, is
 12-47 transferred to Section 551A.057, Transportation Code, as added by
 12-48 this Act, redesignated as Section 551A.057(c), Transportation
 12-49 Code, and amended to read as follows:

12-50 (c) [~~(d-1)~~] Provisions of this code regarding helmet and
 12-51 eye protection use, safety certification, and other vehicular
 12-52 restrictions do not apply to the operation of an off-highway
 12-53 vehicle under this section [~~Subsection (d)~~].

12-54 SECTION 34. Section 663.037(e), Transportation Code, is
 12-55 transferred to Subchapter D, Chapter 551A, Transportation Code, as
 12-56 added by this Act, redesignated as Section 551A.059, Transportation
 12-57 Code, and amended to read as follows:

12-58 Sec. 551A.059. FLAG STANDARDS. [~~(e)~~] The director of the
 12-59 Department of Public Safety shall adopt standards and
 12-60 specifications that apply to the color, size, and mounting position
 12-61 of the flags [~~flag~~] required under Sections 551A.057 and 551A.058
 12-62 [~~Subsections (d)(2) and (g)(2)~~].

12-63 SECTION 35. Chapter 551A, Transportation Code, as added by
 12-64 this Act, is amended by adding Subchapter E, and a heading is added
 12-65 to that subchapter to read as follows:

12-66 SUBCHAPTER E. EQUIPMENT AND SAFETY REQUIREMENTS

12-67 SECTION 36. Sections 663.033, 663.034, 663.035, and
 12-68 663.036, Transportation Code, are transferred to Subchapter E,
 12-69 Chapter 551A, Transportation Code, as added by this Act,

13-1 redesignated as Sections 551A.071, 551A.072, 551A.073, and
 13-2 551A.074, Transportation Code, and amended to read as follows:

13-3 Sec. 551A.071 [~~663.033~~]. REQUIRED EQUIPMENT; DISPLAY OF
 13-4 LIGHTS. (a) An off-highway vehicle that is operated on public
 13-5 off-highway vehicle land, [~~property or~~] a beach, or a highway must
 13-6 be equipped with:

13-7 (1) a brake system maintained in good operating
 13-8 condition;

13-9 (2) an adequate muffler system in good working
 13-10 condition; and

13-11 (3) a United States Forest Service qualified spark
 13-12 arrester.

13-13 (b) An off-highway vehicle that is operated on public
 13-14 off-highway vehicle land, [~~property or~~] a beach, or a highway must
 13-15 display a lighted headlight and taillight:

13-16 (1) during the period from one-half hour after sunset
 13-17 to one-half hour before sunrise; and

13-18 (2) at any time when visibility is reduced because of
 13-19 insufficient light or atmospheric conditions.

13-20 (c) A person may not operate an off-highway vehicle on
 13-21 public off-highway vehicle land, [~~property or~~] a beach, or a
 13-22 highway if:

13-23 (1) the vehicle has an exhaust system that has been
 13-24 modified with a cutout, bypass, or similar device; or

13-25 (2) the spark arrester has been removed or modified,
 13-26 unless the vehicle is being operated in a closed-course competition
 13-27 event.

13-28 (d) The coordinator may exempt off-highway vehicles that
 13-29 are participating in certain competitive events from the
 13-30 requirements of this section.

13-31 Sec. 551A.072 [~~663.034~~]. SAFETY APPAREL REQUIRED. (a) A
 13-32 person may not operate, ride, or be carried on an off-highway
 13-33 vehicle on public off-highway vehicle land, [~~property or~~] a beach,
 13-34 or a highway unless the person wears:

13-35 (1) a safety helmet that complies with United States
 13-36 Department of Transportation standards; [~~and~~]

13-37 (2) eye protection; and

13-38 (3) seat belts, if the vehicle is equipped with seat
 13-39 belts.

13-40 (b) Subsections (a)(1) and (2) do not apply to a motor
 13-41 vehicle that has four wheels, is equipped with bench or bucket seats
 13-42 and seat belts, and includes a roll bar or roll cage construction to
 13-43 reduce the risk of injury to an occupant of the vehicle in case of
 13-44 vehicle rollover.

13-45 (c) This section does not apply to a motor vehicle that is in
 13-46 the process of being loaded into or unloaded from a trailer or
 13-47 another vehicle used to transport the vehicle.

13-48 Sec. 551A.073 [~~663.035~~]. RECKLESS OR CARELESS OPERATION
 13-49 PROHIBITED. A person may not operate an off-highway vehicle on
 13-50 public off-highway vehicle land [~~property~~] or a beach in a careless
 13-51 or reckless manner that endangers, injures, or damages any person
 13-52 or property.

13-53 Sec. 551A.074 [~~663.036~~]. CARRYING PASSENGERS. A person may
 13-54 not carry a passenger on an off-highway vehicle operated on public
 13-55 off-highway vehicle land, [~~property or~~] a beach, or a highway
 13-56 unless the vehicle is designed by the manufacturer to transport a
 13-57 passenger.

13-58 SECTION 37. Chapter 551A, Transportation Code, as added by
 13-59 this Act, is amended by adding Subchapter F, and a heading is added
 13-60 to that subchapter to read as follows:

13-61 SUBCHAPTER F. CERTAIN OFFENSES

13-62 SECTION 38. Section 663.038, Transportation Code, is
 13-63 transferred to Subchapter F, Chapter 551A, Transportation Code, as
 13-64 added by this Act, redesignated as Section 551A.091, Transportation
 13-65 Code, and amended to read as follows:

13-66 Sec. 551A.091 [~~663.038~~]. VIOLATION OF CHAPTER ON PUBLIC
 13-67 OFF-HIGHWAY VEHICLE LAND OR BEACH [~~, OFFENSE~~]. An [~~(a) A person~~
 13-68 ~~commits an offense if the person violates a provision of this~~
 13-69 ~~chapter.~~

14-1 ~~[(b) Except as otherwise provided by Title 6 or this title,~~
14-2 ~~an] offense for a violation of [under] this chapter committed on~~
14-3 ~~public off-highway vehicle land or a beach [section] is a Class C~~
14-4 ~~misdemeanor.~~

14-5 SECTION 39. Section 601.052(a), Transportation Code, is
14-6 amended to read as follows:

14-7 (a) Section 601.051 does not apply to:

14-8 (1) the operation of a motor vehicle that:

14-9 (A) is a former military vehicle or is at least 25
14-10 years old;

14-11 (B) is used only for exhibitions, club
14-12 activities, parades, and other functions of public interest and not
14-13 for regular transportation; and

14-14 (C) for which the owner files with the department
14-15 an affidavit, signed by the owner, stating that the vehicle is a
14-16 collector's item and used only as described by Paragraph (B);

14-17 (2) ~~[the operation of]~~ a neighborhood electric vehicle
14-18 that is operated only as authorized by Section 551.304;

14-19 (2-a) ~~[or]~~ a golf cart that is operated only as
14-20 authorized by Section ~~[551.304 or] 551.403;~~

14-21 (2-b) an off-highway vehicle that is operated only as
14-22 authorized by Subchapter C, Chapter 551A, or Section 551A.055 of
14-23 this code or Chapter 29, Parks and Wildlife Code; or

14-24 (3) a volunteer fire department for the operation of a
14-25 motor vehicle the title of which is held in the name of a volunteer
14-26 fire department.

14-27 SECTION 40. The heading to Subtitle G, Title 7,
14-28 Transportation Code, is amended to read as follows:

14-29 SUBTITLE G. MOTORCYCLES ~~[AND OFF-HIGHWAY VEHICLES]~~

14-30 SECTION 41. The following provisions are repealed:

14-31 (1) Sections 63.002(4-a) and (4-b), Natural Resources
14-32 Code;

14-33 (2) Section 29.011, Parks and Wildlife Code;

14-34 (3) Sections 502.001(1), (18), and (37), and
14-35 551.451(1), (6), and (7), Transportation Code;

14-36 (4) the heading to Section 663.037, Transportation
14-37 Code; and

14-38 (5) the heading to Chapter 663, Transportation Code.

14-39 SECTION 42. The change in law made by this Act applies only
14-40 to an offense committed on or after the effective date of this Act.
14-41 An offense committed before the effective date of this Act is
14-42 governed by the law in effect on the date the offense was committed,
14-43 and the former law is continued in effect for that purpose. For
14-44 purposes of this section, an offense was committed before the
14-45 effective date of this Act if any element of the offense occurred
14-46 before that date.

14-47 SECTION 43. This Act takes effect immediately if it
14-48 receives a vote of two-thirds of all the members elected to each
14-49 house, as provided by Section 39, Article III, Texas Constitution.
14-50 If this Act does not receive the vote necessary for immediate
14-51 effect, this Act takes effect September 1, 2019.

14-52 * * * * *