

House Bill 1548
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

(A) hunting;

(B) fishing;

(C) swimming;

(D) boating;

(E) camping;

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SECTION 1. Same as House version.

SECTION 2. Same as House version.

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- (F) picnicking;
- (G) hiking;
- (H) pleasure driving, including off-road motorcycling and off-road automobile driving and the use of [~~all-terrain vehicles and recreational~~] off-highway vehicles;
- (I) nature study, including bird-watching;
- (J) cave exploration;
- (K) waterskiing and other water sports;
- (L) any other activity associated with enjoying nature or the outdoors;
- (M) bicycling and mountain biking;
- (N) disc golf;
- (O) on-leash and off-leash walking of dogs; or
- (P) radio control flying and related activities.

SECTION 3. Section 2158.001(2), Government Code, is amended to read as follows:
(2) "Golf cart" has the meaning assigned by Section 551.401 [~~502.004~~], Transportation Code.

SECTION 3. Same as House version.

SECTION 4. Section 392.001(3), Health and Safety Code, is amended to read as follows:
(3) "Golf cart" has the meaning assigned by Section 551.401 [~~502.004~~], Transportation Code.

SECTION 4. Same as House version.

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

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

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

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

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

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

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

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

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- (7) the temporary suspension under Section 61.0185 of enforcement of the prohibition against encroachments on and interferences with the public beach easement and the ability of a property owner to make repairs to a house while a suspension is in effect;
- (8) the determination of the line of vegetation or natural line of vegetation;
- (9) the factors to be considered in determining whether a structure, improvement, obstruction, barrier, or hazard on the public beach:
 - (A) constitutes an imminent hazard to safety, health, or public welfare; or
 - (B) substantially interferes with the free and unrestricted right of the public to enter or leave the public beach or traverse any part of the public beach;
- (10) the procedures for determining whether a structure is not insurable property for purposes of Section 2210.004, Insurance Code, because of the factors listed in Subsection (h) of that section;
- (11) the closure of beaches for space flight activities; and
- (12) the temporary suspension under Section 61.0171 of the determination of the "line of vegetation" or the "natural line of vegetation."

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

(4) "Recreational vehicle" means a dune buggy, marsh buggy, minibike, trail bike, jeep, ~~[all-terrain vehicle, recreational]~~ off-highway vehicle, as defined by Section 551A.001, Transportation Code, or any other mechanized vehicle that is being used for recreational purposes, but does

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not include a vehicle that is not being used for recreational purposes.

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

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

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

(2) an off-highway motorcycle; or

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

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

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

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

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

(17) "Motor vehicle" means:

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

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

(C) a travel trailer;

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SECTION 7. Same as House version.

SECTION 8. Same as House version.

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

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

Sec. 502.140. CERTAIN OFF-HIGHWAY VEHICLES.

(a) In this section, "off-highway vehicle" has the meaning assigned by Section 551A.001.

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

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

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

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

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

(2) is subject to the requirements of Subchapter E, Chapter 551A [~~owned by the state, a county, or a municipality and~~

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SECTION 9. Same as House version.

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~~operated in compliance with Section 663.037 does not require registration under Subsection (b)].~~

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

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

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

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

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

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

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

(b) If necessary to cover the costs of issuing license plates for neighborhood electric vehicles under Section 551.302, golf carts under Section 551.402, or off-highway vehicles under Section 551A.052, the department may charge an administrative fee, in an amount established by the department by rule, for the issuance of a neighborhood

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

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

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

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

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

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

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

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

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electric vehicle, golf cart, or off-highway vehicle license plate.

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

(2-a) "Golf cart" has the meaning assigned by Section 551.401 ~~[502.004]~~.

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

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

SECTION 11. Same as House version.

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

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

(1) an implement of husbandry;

(2) road machinery;

(3) a road roller;

(4) a farm tractor;

(5) a bicycle, a bicyclist, or bicycle equipment;

(6) an electric bicycle, an electric bicyclist, or electric bicycle equipment; ~~[or]~~

(7) a golf cart;

(8) a neighborhood electric vehicle; or

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

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

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

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

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

- (1) a trailer, semitrailer, pole trailer, or mobile home moving under or bearing a current factory-delivery license plate or current in-transit license plate;
- (2) a vehicle moving under or bearing a paper dealer in-transit tag, machinery license, disaster license, parade license, prorate tab, one-trip permit, vehicle temporary transit permit, antique license, custom vehicle license, street rod license, temporary 24-hour permit, or permit license;
- (3) a trailer, semitrailer, pole trailer, or mobile home having an actual gross weight or registered gross weight of 7,500 pounds or less;
- (4) farm machinery, road-building equipment, a farm trailer, or a vehicle required to display a slow-moving-vehicle emblem under Section 547.703;
- (5) a former military vehicle, as defined by Section 504.502;
- (6) a vehicle qualified for a tax exemption under Section 152.092, Tax Code; or

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SECTION 14. Same as House version.

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

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

CHAPTER 551. OPERATION OF BICYCLES AND[;] MOPEDS, GOLF CARTS, AND OTHER LOW-POWERED [PLAY] VEHICLES

SECTION 16. Section 551.302, Transportation Code, is amended to read as follows:

Sec. 551.302. REGISTRATION NOT AUTHORIZED; LICENSE PLATES. (a) The Texas Department of Motor Vehicles may not register a neighborhood electric vehicle for operation on a highway regardless of whether any alteration has been made to the vehicle.

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

(c) The Texas Department of Motor Vehicles;

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

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

(d) A neighborhood electric vehicle license plate does not expire. A person who becomes the owner of a neighborhood

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SECTION 15. Same as House version.

No equivalent provision.

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electric vehicle for which the previous owner obtained a license plate may not use the previous owner's license plate.

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

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

(1) is in the corporate boundaries of the municipality; and
(2) has a ~~[A neighborhood electric vehicle may be operated only on a street or highway for which the]~~ posted speed limit of not more than 35 ~~[is 45]~~ miles per hour ~~[or less]~~.

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

(1) is located in the unincorporated area of the county; and
(2) has a posted speed limit of not more than 35 miles per hour.

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

~~[(1) the posted speed limit; or~~

No equivalent provision.

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

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

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

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

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

- (1) in a master planned community:
 - (A) that has in place a uniform set of restrictive covenants; and
 - (B) for which a county or municipality has approved a plat;
- (2) on a public or private beach that is open to vehicular traffic; or
- (3) on a ~~[public]~~ highway for which the posted speed limit is not more than 35 miles per hour, if the neighborhood electric vehicle is operated:
 - (A) during the daytime; and

No equivalent provision.

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

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

SECTION 19. Section 551.401, Transportation Code, is amended to read as follows:

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

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

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

Sec. 551.402. REGISTRATION NOT AUTHORIZED; LICENSE PLATES. (a) The Texas Department of Motor Vehicles may not register a golf cart for operation on a ~~[public]~~ highway regardless of whether any alteration has been made to the golf cart.

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

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

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

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SECTION 17. Same as House version.

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

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

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

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

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

- (1) in a master planned community:
 - (A) that has in place a uniform set of restrictive covenants; and
 - (B) for which a county or municipality has approved a plat;
- (2) on a public or private beach that is open to vehicular traffic; or
- (3) on a ~~[public]~~ highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:
 - (A) during the daytime; and
 - (B) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.

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

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

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

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

- (1) is in the corporate boundaries of the municipality; and
- (2) has a posted speed limit of not more than 35 miles per hour.

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

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

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

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

- (1) is in the corporate boundaries of the municipality; and
- (2) has a posted speed limit of not more than 35 miles per hour.

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

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

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(2) has a speed limit of not more than 35 miles per hour.
~~[(a-2) Subsection (a-1) applies only to a county that:~~

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

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

~~[(3) is adjacent to a county described by Subdivision (2) and:~~

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

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

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

- (1) headlamps;
- (2) taillamps;
- (3) reflectors;
- (4) parking brake; and
- (5) mirrors.

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

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

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

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

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

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

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

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

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

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

- (1) headlamps;
- (2) taillamps;
- (3) reflectors;
- (4) parking brake; and
- (5) mirrors.

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

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

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

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

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

(1) is[;:

~~[(A) an all-terrain vehicle;~~

~~[(B) a golf cart;~~

~~[(C) a neighborhood electric vehicle, or an off-highway vehicle;~~

~~[(D) a recreational off-highway vehicle; or~~

~~[(E) a utility vehicle];~~ and

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

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

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

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SECTION 21. Same as House version.

SECTION 22. Same as House version.

SECTION 23. Same as House version.

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

CHAPTER 551A. OFF-HIGHWAY VEHICLES

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

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 551A.001 [~~663.004~~]. DEFINITIONS. In this chapter:

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

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

(i) the rider; and

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

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

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

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

(E) not more than 50 inches wide.

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

(3) [(1-b)] "Off-highway vehicle" means[:

[(A)] an all-terrain vehicle, [or] recreational off-highway vehicle, [as those terms are defined by Section 502.001;] or

[(B)-a] utility vehicle.

SECTION 24. Same as House version.

SECTION 25. Same as House version.

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

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

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

(i) the rider; and

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

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

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

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

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

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

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

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

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

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

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~~public off-highway vehicle land [registered for off-highway operation].~~

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

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

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

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

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

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

- (1) locations at which courses will be offered;
- (2) fees for the courses;
- (3) qualifications of instructors;
- (4) course curriculum; and

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(5) standards for operator safety certification.

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

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

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

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

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

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

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- (1) does not satisfy the requirements established under this chapter to receive or retain approval;
- (2) permits fraud or engages in fraudulent practices with reference to an application to the division or agency;
- (3) induces or countenances fraud or fraudulent practices by a person applying for a driver's license or permit;
- (4) permits or engages in a fraudulent practice in an action between the applicant or license holder and the public; or
- (5) fails to comply with rules of the division or agency.

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

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

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

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

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

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

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

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

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

(2) the operation is in compliance with:

(A) this chapter; and

(B) Chapter 29, Parks and Wildlife Code.

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

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

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

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

SECTION 27. Same as House version.

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

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

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

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

Sec. 551A.033 ~~[663.037]~~. OPERATION ON BEACH. (a) A person may ~~not~~ operate an off-highway vehicle on a beach only ~~except~~ as provided by this section.

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

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

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

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

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

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

- (1) brings the vehicle to a complete stop before crossing the shoulder or main traveled way of the roadway;
- (2) yields the right-of-way to oncoming traffic that is an immediate hazard; and
- (3) makes the crossing:
 - (A) at an angle of approximately 90 degrees to the roadway;
 - (B) at a place where no obstruction prevents a quick and safe crossing; and
 - (C) with the vehicle's headlights and taillights lighted.

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

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SECTION 28. Same as House version.

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

SUBCHAPTER D. OPERATION ON HIGHWAY

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

Sec. 551A.051. APPLICABILITY. (a) A person may ~~not~~ operate an off-highway vehicle on a ~~[public street, road, or]~~ highway only ~~[except]~~ as provided by this chapter ~~[section]~~.
(b) ~~This subchapter [(f) Except as provided by Subsection (g), this section]~~ does not apply to the operation of an off-highway vehicle that is owned and registered as authorized by Section 502.140(c) by the state, a county, or a municipality by a person who is an authorized operator of the vehicle.

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

Sec. 551A.052. REGISTRATION; LICENSE PLATES. (a) Except as provided by Section 502.140(c), the Texas Department of Motor Vehicles may not register an off-

SECTION 29. Same as House version.

SECTION 30. Same as House version.

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

Sec. 551A.052. REGISTRATION; LICENSE PLATES. (a) Except as provided by Section 502.140(c), the Texas Department of Motor Vehicles may not register an off-

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highway vehicle for operation on a highway regardless of whether any alteration has been made to the vehicle.

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

(c) The Texas Department of Motor Vehicles:

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

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

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

Sec. 551A.053. OPERATION ON HIGHWAY AUTHORIZED BY MUNICIPALITY OR COUNTY.

(a) In addition to the operation authorized by Section 551A.055, the governing body of a municipality may allow an operator to operate an unregistered off-highway vehicle on all or part of a highway that:

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

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

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

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

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highway vehicle for operation on a highway regardless of whether any alteration has been made to the vehicle.

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

(c) The Texas Department of Motor Vehicles:

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

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

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

Sec. 551A.053. OPERATION ON HIGHWAY AUTHORIZED BY MUNICIPALITY OR CERTAIN

COUNTIES. (a) In addition to the operation authorized by Section 551A.055, the governing body of a municipality may allow an operator to operate an unregistered off-highway vehicle on all or part of a highway that:

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

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

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

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

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

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

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

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

(1) in a master planned community:

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

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

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

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

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

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

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

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

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

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

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

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

(1) in a master planned community:

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

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

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

(A) during the daytime; and

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

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

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

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

(1) the transportation is in connection with:

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

(B) utility work performed by a utility;

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

(A) during the daytime; and

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

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

SECTION 32. Same as House version.

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

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

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

~~(5)~~ the operation of the vehicle occurs in the daytime; and

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

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

Sec. 551A.058. LAW ENFORCEMENT OPERATION. (a)

~~(g)~~ A peace officer or other person who provides law enforcement, firefighting, ambulance, medical, or other emergency services, including a volunteer firefighter, may operate an unregistered off-highway vehicle on a ~~public street, road, or~~ highway that is not an interstate or limited-access highway ~~only~~ if:

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

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

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

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

~~(5)~~ the operation of the vehicle does not exceed a distance of 10 miles from the point of origin to the destination.

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

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

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

SECTION 33. Same as House version.

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

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

SECTION 34. Same as House version.

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

SUBCHAPTER E. EQUIPMENT AND SAFETY REQUIREMENTS

SECTION 35. Same as House version.

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

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

(1) a brake system maintained in good operating condition;
(2) an adequate muffler system in good working condition;
and

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

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

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

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

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

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

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

SECTION 36. Same as House version.

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

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

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

(2) eye protection; and

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

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

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

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

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

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

SUBCHAPTER F. CERTAIN OFFENSES

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

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

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

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

(a) Section 601.051 does not apply to:

(1) the operation of a motor vehicle that:

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

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

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

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SECTION 37. Same as House version.

SECTION 38. Same as House version.

SECTION 39. Same as House version.

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

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

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

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

SECTION 43. The heading to Subtitle G, Title 7, Transportation Code, is amended to read as follows:
SUBTITLE G. MOTORCYCLES ~~[AND OFF-HIGHWAY VEHICLES]~~

SECTION 44. The following provisions are repealed:

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

(2) Section 29.011, Parks and Wildlife Code;

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

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

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

SECTION 45. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of

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SECTION 40. Same as House version.

SECTION 41. Same as House version.

SECTION 42. Same as House version.

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HOUSE VERSION

this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 46. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

SENATE VERSION (CS)

SECTION 43. Same as House version.

CONFERENCE