

BILL ANALYSIS

Senate Research Center
89R9827 GP-F

S.B. 2439
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Transportation
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Licensing and Regulation (TDLR) is required to administer an all-terrain vehicle (ATV) and off-highway vehicle safety certificate program, with additional requirements to certify the courses and instructors. Current law prohibits persons from operating an ATV or off-highway vehicle on a beach, unless they hold a safety certificate issued by TDLR-certified instructors. This requirement is not widely known by the public, and in 2024 there were only 13 TDLR-approved instructors statewide.

What's more, TDLR may temporarily exempt residents of counties that do not have reasonable access to instructors. TDLR has not exercised this authority, but the limited number of available instructors calls into question the need for the program.

Accordingly, S.B. 2439 would abolish the TDLR ATV and off-highway vehicle training program and remove the requirement for persons to hold a safety certificate to operate an ATV on a beach.

This bill would reduce unnecessary regulation, enhance availability of recreational activities, and promote personal freedom.

As proposed, S.B. 2439 amends current law relating to the operation of off-highway vehicles.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is rescinded in SECTION 3 (Sections 551A.018 and 551A.019, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 551A.031, Transportation Code, to read as follows:

Sec. 551A.031. OPERATION ON PUBLIC LAND OR BEACH.

SECTION 2. Amends Section 551A.031(a), Transportation Code, to prohibit a person from operating 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 certain criteria are met, including that the land is public off-highway vehicle land or a beach.

SECTION 3. Repealers: Sections 551A.001(1-b) (relating to defining "commission") and 551A.001(1-c) (relating to defining "department"), Transportation Code.

Repealer: Section 551A.002(b) (relating to providing that certain driver and traffic safety education requirements do not apply to instruction in the operation of a certain off-highway vehicle), Transportation Code.

Repealer: Subchapter B (Off-Highway Vehicle Operator Education and Certification for Operation on Public Land or Beach), Chapter 551A (Off-Highway Vehicles), Transportation Code.

Repealers: Sections 551A.031(b) (relating to prohibiting a person from operating an off-highway vehicle on public off-highway vehicle land or beach unless certain conditions are met) and 551A.031(c) (relating to requiring a person who is issued a certain safety certificate to take certain actions), Transportation Code.

Repealer: Section 551A.059 (Flag Standards), Transportation Code.

Repealer: Section 551A.071(d) (relating to authorizing certain entities to exempt off-highway vehicles that are participating in certain competitive events from certain equipment requirements), Transportation Code.

SECTION 4. Effective date: September 1, 2025.