

BILL ANALYSIS

C.S.H.B. 2553
By: Hilderbran
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The U.S. Congress enacted the Consumer Product Safety Improvement Act of 2008 that sets forth a mandatory consumer product safety standard for all-terrain vehicles. After the standard takes effect, it shall be unlawful for any manufacturer or distributor to import or distribute in commerce in the United States any new assembled or unassembled all-terrain vehicle unless such standards are met.

In addition, many of the references to off-highway vehicles in Texas statute are outmoded and outdated. In recent years, consumer demand has prompted off-highway vehicles manufacturers to develop innovative machines that have both recreational and utility purposes, as well as standard accessories that increase versatility and safety. The new factory-added features and accessories are calculated in vehicles' legal weight and dimensions, resulting in new production models that do not conform to statutory definitions in several states.

C.S.H.B. 2553 defines "recreational off-highway vehicle" and amends provisions of the Parks & Wildlife Code and the Transportation Code to reflect that addition.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2553 amends the Transportation Code to define, under provisions regarding the registration of vehicles, "recreational off-highway vehicle" as a motor vehicle that is: equipped with a non-straddle seat for the use of the rider and a passenger, if the vehicle is designed by the manufacturer to transport a passenger; designed to propel itself with four or more tires in contact with the ground; designed by the manufacturer for off-highway use by the operator only; and not designed by the manufacturer primarily for farming or lawn care. The bill removes from the definition of "all-terrain vehicle" a motor vehicle that is equipped with a bench or bucket seats for the use of the rider and a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger. The bill adds a recreational off-highway vehicle, as defined under provisions regarding the registration of vehicles, to the definition of "motor vehicle" under the Certificate of Title Act. The bill prohibits a person from registering a recreational off-highway vehicle, in addition to an all-terrain vehicle, for operation on a public highway, and authorizes the state, a county, or a municipality to register a recreational off-highway vehicle for operation on a public beach or highway to maintain public safety and welfare. The bill exempts a recreational off-highway vehicle, in addition to an all-terrain vehicle, from the optional county fee for roads and bridges. The bill adds the term "recreational off-highway vehicle," as defined above, to provisions regarding certain off-highway, rather than all-terrain, vehicles, and establishes that those provisions apply to the operator and operation of a recreational off-highway vehicle in the same manner as if the recreational off-highway vehicle were an all-terrain vehicle.

C.S.H.B. 2553 amends the Parks and Wildlife Code to add to the definition of "off-highway vehicle" a recreational off-highway vehicle, as defined under provisions regarding the registration of vehicles.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2553 differs from the original by defining "recreational off-highway vehicle" in the Transportation Code and defining such term in the Parks and Wildlife Code by reference, rather than defining the term in the Parks and Wildlife Code. The substitute adds a provision not in the original to amend the definition of "motor vehicle" to include a recreational off-highway vehicle. The substitute adds provisions not in the original to prohibit, with the exception of the state, a county, or a municipality, a person from registering a recreational off-highway vehicle for operation on a public highway. The substitute adds provisions not in the original to make provisions applicable only to all-terrain vehicles apply to recreational off-highway vehicles in the same manner, and to define "recreational off-highway vehicle" under those provisions.