

By: Hilderbran

H.B. No. 2553

Substitute the following for H.B. No. 2553:

By: King of Zavala

C.S.H.B. No. 2553

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the registration and operation of certain off-highway  
3 vehicles.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 29.001, Parks and Wildlife Code, is  
6 amended to read as follows:

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

9 (1) an all-terrain vehicle, as defined by Section  
10 663.001, Transportation Code;

11 (2) an off-highway motorcycle; ~~and~~

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

14 (4) any other motorized vehicle used for off-highway  
15 recreation on:

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

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

21 SECTION 2. Section 501.002(14), Transportation Code, is  
22 amended to read as follows:

23 (14) "Motor vehicle" means:

24 (A) any motor driven or propelled vehicle

1 required to be registered under the laws of this state;

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

5 (C) a house trailer;

6 (D) an all-terrain vehicle or a recreational  
7 off-highway vehicle, as those terms are defined by Section 502.001,  
8 designed by the manufacturer for off-highway use that is not  
9 required to be registered under the laws of this state; or

10 (E) a motorcycle, motor-driven cycle, or moped  
11 that is not required to be registered under the laws of this state,  
12 other than a motorcycle, motor-driven cycle, or moped designed for  
13 and used exclusively on a golf course.

14 SECTION 3. Section 502.001, Transportation Code, is amended  
15 by amending Subdivision (1) and adding Subdivision (19-a) to read  
16 as follows:

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

19 (A) equipped with a saddle[~~, bench, or bucket~~  
20 ~~seats~~] for the use of:

21 (i) the rider; and

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

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

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

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

3 (19-a) "Recreational off-highway vehicle" means a motor  
4 vehicle that is:

5 (A) equipped with a non-straddle seat for the use  
6 of:

7 (i) the rider; and

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

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

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

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

16 SECTION 4. Section 502.006, Transportation Code, is amended  
17 to read as follows:

18 Sec. 502.006. CERTAIN OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLES.

19 (a) Except as provided by Subsection (b), a person may not register  
20 an all-terrain vehicle or a recreational off-highway vehicle, with  
21 or without design alterations, for operation on a public highway.

22 (b) The state, a county, or a municipality may register an  
23 all-terrain vehicle or a recreational off-highway vehicle for  
24 operation on a public beach or highway to maintain public safety and  
25 welfare.

26 (c) [(e)] Section 502.172 does not apply to an all-terrain  
27 vehicle or a recreational off-highway vehicle.

1 SECTION 5. The heading to Subtitle G, Title 7,  
2 Transportation Code, is amended to read as follows:

3 SUBTITLE G. MOTORCYCLES AND OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLES

4 SECTION 6. The heading to Chapter 663, Transportation Code,  
5 is amended to read as follows:

6 CHAPTER 663. CERTAIN OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLES

7 SECTION 7. Section 663.001, Transportation Code, is amended  
8 by adding Subdivision (3) to read as follows:

9 (3) "Recreational off-highway vehicle" has the  
10 meaning assigned by Section 502.001.

11 SECTION 8. Subchapter A, Chapter 663, Transportation Code,  
12 is amended by adding Section 663.003 to read as follows:

13 Sec. 663.003. RECREATIONAL OFF-HIGHWAY VEHICLES. This  
14 chapter applies to the operator and operation of a recreational  
15 off-highway vehicle in the same manner as if the recreational  
16 off-highway vehicle were an all-terrain vehicle.

17 SECTION 9. This Act takes effect September 1, 2009.