

1-1 By: Springer (Senate Sponsor - Nichols) H.B. No. 1956
 1-2 (In the Senate - Received from the House May 1, 2017;
 1-3 May 5, 2017, read first time and referred to Committee on
 1-4 Transportation; May 22, 2017, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 22, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the operation of certain off-highway vehicles.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. The heading to Subchapter F, Chapter 551,
 1-22 Transportation Code, is amended to read as follows:
 1-23 SUBCHAPTER F. GOLF CARTS [~~AND UTILITY VEHICLES~~]
 1-24 SECTION 2. Sections 551.404(a-1) and (b), Transportation
 1-25 Code, are amended to read as follows:
 1-26 (a-1) In addition to the operation authorized by Section
 1-27 551.403, the commissioners court of a county described by
 1-28 Subsection (a-2) may allow an operator to operate a golf cart [~~or~~
 1-29 ~~utility vehicle~~] on all or part of a public highway that:
 1-30 (1) is located in the unincorporated area of the
 1-31 county; and
 1-32 (2) has a speed limit of not more than 35 miles per
 1-33 hour.
 1-34 (b) A golf cart [~~or utility vehicle~~] operated under this
 1-35 section must have the following equipment:
 1-36 (1) headlamps;
 1-37 (2) taillamps;
 1-38 (3) reflectors;
 1-39 (4) parking brake; and
 1-40 (5) mirrors.
 1-41 SECTION 3. Section 663.001(3), Transportation Code, is
 1-42 redesignated as Section 663.001(1-b), Transportation Code, and
 1-43 amended to read as follows:
 1-44 (1-b) [~~(3)~~] "Off-highway [~~Recreational off-highway~~]
 1-45 vehicle" means:
 1-46 (A) an all-terrain vehicle or recreational
 1-47 off-highway vehicle, as those terms are defined [~~has the meaning~~
 1-48 ~~assigned~~] by Section 502.001; or
 1-49 (B) a utility vehicle.
 1-50 SECTION 4. Section 663.001, Transportation Code, is amended
 1-51 by adding Subdivision (4) to read as follows:
 1-52 (4) "Utility vehicle" means a motor vehicle that is
 1-53 not a golf cart, as defined by Section 502.001, or lawn mower and
 1-54 is:
 1-55 (A) equipped with side-by-side seating for the
 1-56 use of the operator and a passenger;
 1-57 (B) designed to propel itself with at least four
 1-58 tires in contact with the ground;
 1-59 (C) designed by the manufacturer for off-highway
 1-60 use only; and
 1-61 (D) designed by the manufacturer primarily for

2-1 utility work and not for recreational purposes.

2-2 SECTION 5. Section 663.002, Transportation Code, is amended
2-3 to read as follows:

2-4 Sec. 663.002. NONAPPLICABILITY OF CERTAIN OTHER LAWS. (a)
2-5 Except as provided by Sections 663.037 and 663.0371, Chapter 521
2-6 does not apply to the operation or ownership of an off-highway
2-7 [~~all-terrain~~] vehicle registered for off-highway operation.

2-8 (b) Chapter 1001, Education Code [~~332, Acts of the 60th~~
2-9 ~~Legislature, Regular Session, 1967 (Article 4413(29c), Vernon's~~
2-10 ~~Texas Civil Statutes)~~], does not apply to instruction in the
2-11 operation of an off-highway [~~all-terrain~~] vehicle provided under
2-12 the operator education and certification program established by
2-13 this chapter.

2-14 SECTION 6. The heading to Subchapter B, Chapter 663,
2-15 Transportation Code, is amended to read as follows:

2-16 SUBCHAPTER B. OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLE OPERATOR
2-17 EDUCATION AND CERTIFICATION

2-18 SECTION 7. Section 663.011, Transportation Code, is amended
2-19 to read as follows:

2-20 Sec. 663.011. DESIGNATED DIVISION OR STATE AGENCY. The
2-21 governor shall designate a division of the governor's office or a
2-22 state agency to establish and administer an off-highway
2-23 [~~all-terrain~~] vehicle operator education and certification
2-24 program.

2-25 SECTION 8. Section 663.012, Transportation Code, is amended
2-26 to read as follows:

2-27 Sec. 663.012. PURPOSE OF PROGRAM. The purpose of the
2-28 off-highway [~~all-terrain~~] vehicle operator education and
2-29 certification program is to make available courses in basic
2-30 training and safety skills relating to the operation of off-highway
2-31 [~~all-terrain~~] vehicles and to issue safety certificates to
2-32 operators who successfully complete the educational program
2-33 requirements or pass a test established under the program.

2-34 SECTION 9. Section 663.013, Transportation Code, is amended
2-35 to read as follows:

2-36 Sec. 663.013. OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLE SAFETY
2-37 COORDINATOR. (a) The designated division or state agency shall
2-38 employ an off-highway [~~all-terrain~~] vehicle safety coordinator.

2-39 (b) The coordinator shall supervise the off-highway
2-40 [~~all-terrain~~] vehicle operator education and certification program
2-41 and shall determine:

- 2-42 (1) locations at which courses will be offered;
- 2-43 (2) fees for the courses;
- 2-44 (3) qualifications of instructors;
- 2-45 (4) course curriculum; and
- 2-46 (5) standards for operator safety certification.

2-47 (c) In establishing standards for instructors, curriculum,
2-48 and operator certification, the coordinator shall consult and be
2-49 guided by standards established by recognized off-highway
2-50 [~~all-terrain~~] vehicle safety organizations.

2-51 SECTION 10. Section 663.014, Transportation Code, is
2-52 amended to read as follows:

2-53 Sec. 663.014. CONTRACTS. To administer the education
2-54 program and certify off-highway [~~all-terrain~~] vehicle operators,
2-55 the designated division or state agency may contract with nonprofit
2-56 safety organizations, nonprofit educational organizations, or
2-57 agencies of local governments.

2-58 SECTION 11. Section 663.015, Transportation Code, is
2-59 amended to read as follows:

2-60 Sec. 663.015. TEACHING AND TESTING METHODS. (a) If the
2-61 off-highway [~~all-terrain~~] vehicle safety coordinator determines
2-62 that vehicle operation is not feasible in a program component or at
2-63 a particular program location, the operator education and
2-64 certification program for persons who are at least 14 years of age
2-65 may use teaching or testing methods that do not involve the actual
2-66 operation of an off-highway [~~all-terrain~~] vehicle.

2-67 (b) An operator safety certificate may not be issued to a
2-68 person younger than 14 years of age unless the person has
2-69 successfully completed a training course that involves the actual

3-1 operation of an off-highway [~~all-terrain~~] vehicle.

3-2 SECTION 12. Section 663.016, Transportation Code, is
3-3 amended to read as follows:

3-4 Sec. 663.016. FEE FOR COURSE. A person may charge, for a
3-5 course under the off-highway [~~all-terrain~~] vehicle operator
3-6 education and certification program, a fee that is reasonably
3-7 related to the costs of administering the course.

3-8 SECTION 13. The heading to Subchapter C, Chapter 663,
3-9 Transportation Code, is amended to read as follows:

3-10 SUBCHAPTER C. OPERATION OF OFF-HIGHWAY [~~ALL-TERRAIN~~] VEHICLES

3-11 SECTION 14. Section 663.031, Transportation Code, is
3-12 amended to read as follows:

3-13 Sec. 663.031. SAFETY CERTIFICATE REQUIRED. (a) A person
3-14 may not operate an off-highway [~~all-terrain~~] vehicle on public
3-15 property or a beach unless the person:

3-16 (1) holds a safety certificate issued under this
3-17 chapter or under the authority of another state;

3-18 (2) is taking a safety training course under the
3-19 direct supervision of a certified off-highway [~~all-terrain~~]
3-20 vehicle safety instructor; or

3-21 (3) is under the direct supervision of an adult who
3-22 holds a safety certificate issued under this chapter or under the
3-23 authority of another state.

3-24 (b) A person to whom a safety certificate required by
3-25 Subsection (a) has been issued shall:

3-26 (1) carry the certificate when the person operates an
3-27 off-highway [~~all-terrain~~] vehicle on public property or a beach;
3-28 and

3-29 (2) display the certificate at the request of any law
3-30 enforcement officer.

3-31 SECTION 15. Section 663.032, Transportation Code, is
3-32 amended to read as follows:

3-33 Sec. 663.032. OPERATION BY PERSON YOUNGER THAN 14. A person
3-34 younger than 14 years of age who is operating an off-highway
3-35 [~~all-terrain~~] vehicle must be accompanied by and be under the
3-36 direct supervision of:

3-37 (1) the person's parent or guardian; or

3-38 (2) an adult who is authorized by the person's parent
3-39 or guardian.

3-40 SECTION 16. Section 663.033, Transportation Code, is
3-41 amended to read as follows:

3-42 Sec. 663.033. REQUIRED EQUIPMENT; DISPLAY OF LIGHTS. (a)
3-43 An off-highway [~~all-terrain~~] vehicle that is operated on public
3-44 property or a beach must be equipped with:

3-45 (1) a brake system maintained in good operating
3-46 condition;

3-47 (2) an adequate muffler system in good working
3-48 condition; and

3-49 (3) a United States Forest Service qualified spark
3-50 arrester.

3-51 (b) An off-highway [~~all-terrain~~] vehicle that is operated
3-52 on public property or a beach must display a lighted headlight and
3-53 taillight:

3-54 (1) during the period from one-half hour after sunset
3-55 to one-half hour before sunrise; and

3-56 (2) at any time when visibility is reduced because of
3-57 insufficient light or atmospheric conditions.

3-58 (c) A person may not operate an off-highway [~~all-terrain~~]
3-59 vehicle on public property or a beach if:

3-60 (1) the vehicle has an exhaust system that has been
3-61 modified with a cutout, bypass, or similar device; or

3-62 (2) the spark arrester has been removed or modified,
3-63 unless the vehicle is being operated in a closed-course competition
3-64 event.

3-65 (d) The coordinator may exempt off-highway [~~all-terrain~~]
3-66 vehicles that are participating in certain competitive events from
3-67 the requirements of this section.

3-68 SECTION 17. Section 663.034, Transportation Code, is
3-69 amended to read as follows:

4-1 Sec. 663.034. SAFETY APPAREL REQUIRED. A person may not
4-2 operate, ride, or be carried on an off-highway [~~all-terrain~~]
4-3 vehicle on public property or a beach unless the person wears:

4-4 (1) a safety helmet that complies with United States
4-5 Department of Transportation standards; and

4-6 (2) eye protection.

4-7 SECTION 18. Section 663.035, Transportation Code, is
4-8 amended to read as follows:

4-9 Sec. 663.035. RECKLESS OR CARELESS OPERATION PROHIBITED. A
4-10 person may not operate an off-highway [~~all-terrain~~] vehicle on
4-11 public property or a beach in a careless or reckless manner that
4-12 endangers, injures, or damages any person or property.

4-13 SECTION 19. Section 663.036, Transportation Code, is
4-14 amended to read as follows:

4-15 Sec. 663.036. CARRYING PASSENGERS. A person may not carry a
4-16 passenger on an off-highway [~~all-terrain~~] vehicle operated on
4-17 public property or a beach unless the [~~all-terrain~~] vehicle is
4-18 designed by the manufacturer to transport a passenger.

4-19 SECTION 20. Sections 663.037(a), (b), (c), (d), (f), and
4-20 (g), Transportation Code, are amended to read as follows:

4-21 (a) A person may not operate an off-highway [~~all-terrain~~]
4-22 vehicle on a public street, road, or highway except as provided by
4-23 this section.

4-24 (b) The operator of an off-highway [~~all-terrain~~] vehicle
4-25 may drive the vehicle across a public street, road, or highway that
4-26 is not an interstate or limited-access highway, if the operator:

4-27 (1) brings the vehicle to a complete stop before
4-28 crossing the shoulder or main traveled way of the roadway;

4-29 (2) yields the right-of-way to oncoming traffic that
4-30 is an immediate hazard; and

4-31 (3) makes the crossing:

4-32 (A) at an angle of approximately 90 degrees to
4-33 the roadway;

4-34 (B) at a place where no obstruction prevents a
4-35 quick and safe crossing; and

4-36 (C) with the vehicle's headlights and taillights
4-37 lighted.

4-38 (c) The operator of an off-highway [~~all-terrain~~] vehicle
4-39 may drive the vehicle across a divided highway other than an
4-40 interstate or limited access highway only at an intersection of the
4-41 highway with another public street, road, or highway.

4-42 (d) The operator of an off-highway [~~all-terrain~~] vehicle
4-43 may drive the vehicle on a public street, road, or highway that is
4-44 not an interstate or limited-access highway if:

4-45 (1) the transportation is in connection with:

4-46 (A) the production, cultivation, care,
4-47 harvesting, preserving, drying, processing, canning, storing,
4-48 handling, shipping, marketing, selling, or use of agricultural
4-49 products, as defined by Section 52.002, Agriculture Code; or

4-50 (B) utility work performed by a utility;

4-51 (2) the operator attaches to the back of the vehicle on
4-52 top of an eight-foot-long pole a triangular orange flag;

4-53 (3) the vehicle's headlights and taillights are
4-54 illuminated;

4-55 (4) the operator holds a driver's license, as defined
4-56 by Section 521.001;

4-57 (5) the operation of the [~~all-terrain~~] vehicle occurs
4-58 in the daytime; and

4-59 (6) the operation of the [~~all-terrain~~] vehicle does
4-60 not exceed a distance of 25 miles from the point of origin to the
4-61 destination.

4-62 (f) Except as provided by Subsection (g), this section does
4-63 not apply to the operation of an off-highway [~~all-terrain~~] vehicle
4-64 that is owned by the state, a county, or a municipality by a person
4-65 who is an authorized operator of the vehicle.

4-66 (g) A peace officer may operate an off-highway
4-67 [~~all-terrain~~] vehicle on a public street, road, or highway that is
4-68 not an interstate or limited-access highway only if:

4-69 (1) the transportation is in connection with the

5-1 performance of the officer's official duty;

5-2 (2) the officer attaches to the back of the vehicle on
5-3 top of an eight-foot-long pole a triangular orange flag;

5-4 (3) the vehicle's headlights and taillights are
5-5 illuminated;

5-6 (4) the officer holds a driver's license, as defined by
5-7 Section 521.001; and

5-8 (5) the operation of the [~~all-terrain~~] vehicle does
5-9 not exceed a distance of 25 miles from the point of origin to the
5-10 destination.

5-11 SECTION 21. Section 663.0371, Transportation Code, is
5-12 amended to read as follows:

5-13 Sec. 663.0371. OPERATION ON BEACH. (a) A person may not
5-14 operate an off-highway [~~all-terrain~~] vehicle on a beach except as
5-15 provided by this section.

5-16 (b) A person operating an off-highway [~~all-terrain~~] vehicle
5-17 on a beach must hold and have in the person's possession a driver's
5-18 license issued under Chapter 521 or a commercial driver's license
5-19 issued under Chapter 522.

5-20 (c) Except as provided by Chapters 61 and 63, Natural
5-21 Resources Code, an operator of an off-highway [~~all-terrain~~] vehicle
5-22 may drive the vehicle on a beach that is open to motor vehicle
5-23 traffic.

5-24 (d) Except as provided by Chapters 61 and 63, Natural
5-25 Resources Code, a person who is authorized to operate an
5-26 off-highway [~~all-terrain~~] vehicle that is owned by the state, a
5-27 county, or a municipality may drive the [~~all-terrain~~] vehicle on
5-28 any beach if the vehicle is registered under Section 502.140(b).

5-29 (e) The Texas Department of Transportation or a county or
5-30 municipality may prohibit the operation of an off-highway
5-31 [~~all-terrain~~] vehicle on a beach if the department or the governing
5-32 body of the county or municipality determines that the prohibition
5-33 is necessary in the interest of safety.

5-34 SECTION 22. The following provisions of the Transportation
5-35 Code are repealed:

5-36 (1) Section 551.401(2);

5-37 (2) Section 663.001(1), as amended by Chapters 131
5-38 (S.B. 487) and 895 (H.B. 1044), Acts of the 83rd Legislature,
5-39 Regular Session, 2013; and

5-40 (3) Section 663.003.

5-41 SECTION 23. This Act takes effect September 1, 2017.

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