

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3849
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Transportation & Homeland Security
5/17/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, both the Texas Department of Transportation (TxDOT) and the Texas Parks and Wildlife Department issue decals for all-terrain vehicles. The voluntary nature of TxDOT's registration program, as well as the costs of safety education and training delivery without state funding, has led to a potentially unsustainable situation.

C.S.H.B. 3849 repeals certain statutes that authorize TxDOT to issue an all-terrain vehicle registration certificate and decal. This bill redefines "all-terrain vehicle."

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 502.001(1), Transportation Code, to redefine "all-terrain vehicle."

SECTION 2. Amends Section 29.001, Parks and Wildlife Code, to redefine "off-highway vehicle."

SECTION 3. Amends Section 29.003(a), Parks and Wildlife Code, to prohibit a person, except as provided by Section 29.004, from operating an off-highway vehicle on public land over which the Parks and Wildlife Department (TPW) has authority, on land purchased or leased by TPW, or on land purchased or developed under a grant made under Section 29.008 or any other grant program operated or administered by TPW on which off-highway vehicle recreation is legal without having obtained and properly mounted an off-highway vehicle decal. Deletes existing text specifying the type of area addressed by this subsection.

SECTION 4. Amends Section 29.004, Parks and Wildlife Code, as follows:

Sec. 29.004. EXEMPTIONS. Provides that Section 29.003 does not apply to a person that is a nonresident and the off-highway vehicle is registered under the laws of the owner's home state. Makes conforming changes.

SECTION 5. Amends Section 29.005(a), Parks and Wildlife Code, to require the Parks and Wildlife Department to issue an off-highway vehicle decal on the payment of the fee under Section 29.003(b), and to delete existing text requiring the issuance of the decal to any person whose off-highway vehicle is registered under Section 502.006, Transportation Code.

SECTION 6. Amends Chapter 29, Parks and Wildlife Code, by adding Section 29.011, as follows:

Sec. 29.011. SAFETY APPAREL REQUIRED. Prohibits a person from operating, riding, or being carried on an off-highway vehicle on public property unless the person wears certain apparel.

SECTION 7. Repealer: Section 502.006(c) and (d) (relating to the registration of off-highway vehicles), Transportation Code.

Repealer: Section 502.169 (Fee: All-Terrain Vehicle), Transportation Code.

Repealer: Section 502.205 (All-Terrain Vehicles), Transportation Code.

Repealer: Section 502.406 (Operation of All-Terrain Vehicle Without Sticker),
Transportation Code.

SECTION 8. Effective date: upon passage or September 1, 2007.