

## **BILL ANALYSIS**

Senate Research Center  
81R18235 MTB-F

H.B. 2553  
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Transportation & Homeland Security  
5/21/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The U.S. Congress enacted the Consumer Product Safety Improvement Act of 2008, which 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.

Many of the references to off-highway vehicles in Texas statute are outmoded and outdated.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.

In addition, the Texas Department of Transportation (TxDOT) registers 21 million vehicles and processes six million vehicle titles annually. There are more than 1,600 fees associated with this process, which is confusing for consumers and inefficient. The process should be streamlined to clarify the system for consumers and increase its efficiency.

H.B. 2553 defines "recreational off-highway vehicle" and amends provisions of the Parks & Wildlife Code and the Transportation Code to reflect that addition, and amends current law relating to motor vehicle registration fees.

### **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 29.001, Parks and Wildlife Code, to redefine "off-highway vehicle."

SECTION 2. Amends Section 501.002(14), Transportation Code, to redefine "motor vehicle."

SECTION 3. Amends Section 502.001, Transportation Code, by amending Subdivision (1) and adding Subdivision (19-a), to redefine "all-terrain vehicle," and define "recreational off-highway vehicle."

(19) Defines "recreational off-highway vehicle."

SECTION 4. Amends Section 502.006, Transportation Code, as follows:

Sec. 502.006. New heading: CERTAIN OFF-HIGHWAY VEHICLES. (a) Prohibits a person, except as provided by Subsection (b), from registering an all-terrain vehicle or a recreational off-highway vehicle, with or without design alterations, for operation on a public highway.

(b) Authorizes the state, a county, or a municipality to register an all-terrain vehicle or a recreational off-highway vehicle for operation on a public beach or highway to maintain public safety and welfare.

(c) Provides that Section 502.172 (Optional County Fee for Road and Bridge Fund) does not apply to an all-terrain vehicle or a recreational off-highway vehicle. Makes a nonsubstantive change.

SECTION 5. Amends the heading to Subtitle G, Title 7, Transportation Code, to read as follows:

**SUBTITLE G. MOTORCYCLES AND OFF-HIGHWAY VEHICLES**

SECTION 6. Amends the heading to Chapter 663, Transportation Code, to read as follows:

**CHAPTER 663. CERTAIN OFF-HIGHWAY VEHICLES**

SECTION 7. Amends Section 663.001, Transportation Code, by adding Subdivision (3), to define "recreational off-highway vehicle."

SECTION 8. Amends Subchapter A, Chapter 663, Transportation Code, by adding Section 663.003, as follows:

Sec. 663.003. **RECREATIONAL OFF-HIGHWAY VEHICLES.** Provides that this chapter applies 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.

SECTION 9. Effective date: September 1, 2009.